



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774  
TELEPHONE (301) 952-3220

## ***NOTICE OF FINAL DECISION***

### ***OF BOARD OF APPEALS***

RE: Case No. V-82-23 Vancella and Van Broadus

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: March 27, 2024

## **CERTIFICATE OF SERVICE**

This is to certify that on May 30, 2024 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature of Barbara J. Stone is shown above a horizontal line.

Barbara J Stone  
Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting

***BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND***  
***Sitting as the Board of Zoning Appeals***

Petitioners: Vancella & Van Broadus

Appeal No.: V-82-23

Subject Property: Lot 2, Chelten Woods Subdivision, being 11338 Cross Road Trail, Brandywine, Prince George's County, Maryland

Heard and Decided: January 24, 2024; Decision: March 27, 2024

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Carl Isler, Vice Chairman  
Renee Alston, Member  
Teia Hill, Member

**RESOLUTION**

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4201(c)(2) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 5 acres, a minimum width of 300 feet measured along the front building line (lot width) and 240 feet measured along the front street line (lot frontage), a maximum lot coverage of 5%. Section 27-11002(a) prescribes that no parking space, parking area, or parking surface other than a driveway no wider than its associate garage, carport, or other parking structure may be built in the front yard of a dwelling, except a "dwelling, in the area between the front street line and the sides of the dwelling. Petitioners propose to validate existing conditions (net lot area, lot width, and lot frontage) and obtain a building permit for the construction of a two-story single-family dwelling with a basement and a circular driveway. Variances of 3 acres net lot area, 98.97 feet lot width, 46.96 feet lot frontage, 3.4% lot coverage, and a waiver of the parking area location requirement are requested.

**Evidence Presented**

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1945 prior to the adoption of the Prince George's County Zoning Ordinance, contains 2.0084 acres, is zoned AG (Agriculture and Preservation), and improved with foundation only. Exhibits (Exhs.) 2, 4, 7, 8, and 9 (A) thru (F).
2. The subject property has a unique rectangular shape as compared with surrounding parcels and has an angled rear yard. Exhs. 2, and 4.
3. Petitioners propose to validate existing conditions (net lot area, lot width, and lot frontage) and obtain a building permit for the construction of a two-story single-family dwelling with a basement and a circular driveway. Variances of 3 acres net lot area, 98.97 feet lot width, 46.96 feet lot frontage, 3.4% lot coverage, and a waiver of the parking area location requirement. Exhs. 2, 4, 7, 8, and 9 (A) thru (F).
4. Petitioner Vancella Broadus testified that 11338 Cross Road Trail was approved 23 years ago. Plans were approved, and the foundation was poured. However, the project was not completed. At this point, they are requesting that it be completed. She has two sisters, one of whom is wheelchair-bound and fully handicapped and will reside with the Petitioners. Her other sister will also reside in the residence. The Petitioner will provide health care for both of her sisters. The plans were revised after discovering she would

need to provide assistance to her sisters. The only entrance for the wheelchair is on the side of the house, through the basement. An elevator will be installed to bring the wheelchair to the 1st floor. Her older sister is 82 and will reside downstairs, so she will not be coming back and forth upstairs. When the house was designed back in 2000, there was a three-car side-load garage. She further noted that at the time, the plans were approved as the homes on both sides of the property were the same. They will be using the same plans although the County required a few upgrades. The garage must have 3 extra feet; structural plans were upgraded in regard to the lumber. The permit number is 40823-2004/04. It has been renewed twice. 15038-2010. One sister is paralyzed and is bedridden and with a wheelchair; the other sister is there to assist. Exhs. 2, 3, 5 (A) thru (F).

5. Chair Mack noted that this subject lot is a bit narrow in comparison to the surrounding lots. All three lots are different in shape. Exhs. 2 and 4.

6. Administrator Stone confirmed for Board Member Isler that the requested variances are variances of 3 acres net lot area, 98.97 feet lot width, 46.96 feet lot frontage, 3.4% lot coverage, and a waiver of the parking area location requirement. Exh. 11.

7. Ms. Broadus noted that there is an absolutely necessary space coming from the circle, as the front of the house has three steps. When coming into the driveway with the handicapped van with her sister, it has a ramp that comes out on the right side. She cannot go into the garage due to the steps. The driveway to the right is the accessible access ramp. The entrance will not have a ramp. The circle was part of the original plans. Exhs. 2, 3, 5 (A) thru (F).

8. Administrator Stone advised the Petitioner that the approved site road stamped approved plans must be submitted.

Chair Mack made a motion to hold the record for the approved site road plans. A second was made by Board Member Alston. Motion carried 4/0. (Mack, Isler, Alston, and Hill)

On February 7, 2024, the record was heard as a Discussion/Decision item. The requested plans have not been submitted. A motion was made by Chair Mack to hold the record open. A second was made by Vice Chair Isler. Motion carried 4/0. (Mack, Isler, Alston, and Hill)

On February 21, 2024, the record was heard as a Discussion/Decision item. The requested plans have not been submitted. A motion was made by Vice Chair Isler to hold the record open. A second was made by Board Member Alston. Motion carried 3/0. (Isler, Alston, and Hill)

The record was heard as a Discussion/Decision item on March 27, 2024. The petitioner has submitted the approved stamped site road plans. Exh. 16.

#### Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);

- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

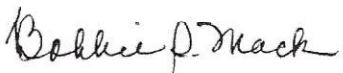
#### Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-3613(d), more specifically:

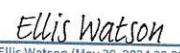
Due to the irregular shape of the lot in comparison to the surrounding lots, the need for accessible access for handicapped elderly family members, the existence of an existing foundation and an approved building permit that expired, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose, and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property. Furthermore, this variance is the minimum reasonably necessary to overcome the exceptional physical condition of the angled rear yard. Additionally, there is no evidence in the record that the variance would substantially impair the use and enjoyment of adjacent properties. Lastly, the house is not currently built so the practical difficulty for Petitioner's need for a variance was not self-inflicted.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Hill absent, and Ms. Mack read the record, that a variances of 3 acres net lot area, 98.97 feet lot width, 46.96 feet lot frontage, 3.4% lot coverage, and a waiver of the parking area location requirement in order to validate existing conditions (net lot area, lot width, and lot frontage) and obtain a building permit for the construction of a two-story single-family dwelling with a basement and a circular driveway. on the property located at 11338 Cross Road Trail, Brandywine, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 16, and approved elevation plans, Exhibits 3 (A) thru (D).

#### BOARD OF ZONING APPEALS

By:   
\_\_\_\_\_  
Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By:   
\_\_\_\_\_  
Ellis Watson (May 30, 2024 08:33 EDT)  
Ellis Watson, Esq.

**NOTICE**

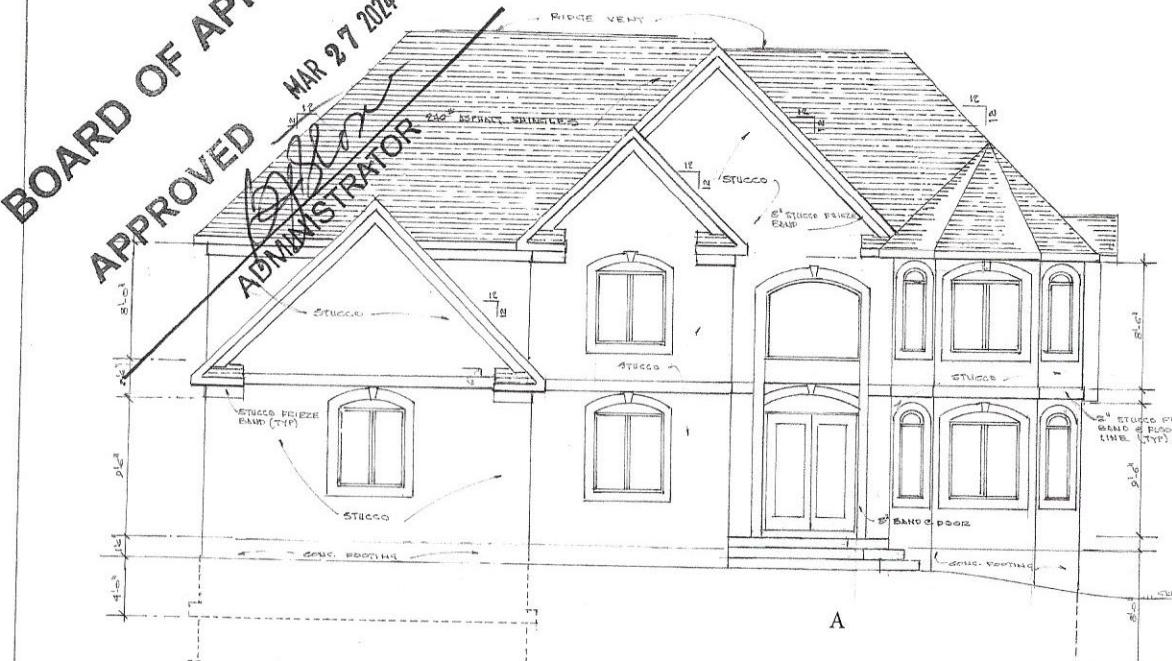
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-3313(c)(10)(B) of the Prince George's County Code states:

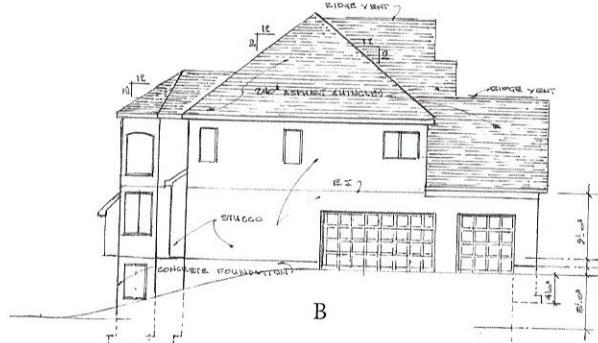
A decision of the Board permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.



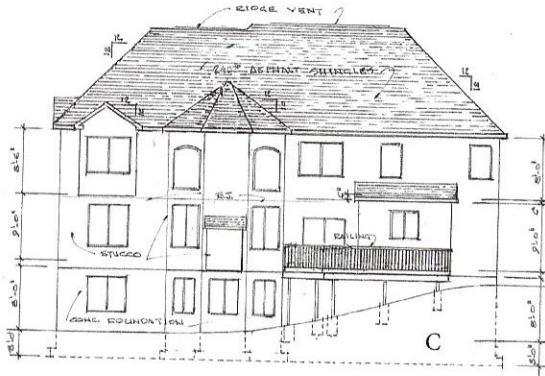
BOARD OF APPEALS  
APPROVED  
MAR 27 2024  
ADMINISTRATOR



FRONT ELEVATION  
1/4" = 1'-0"



LEFT SIDE ELEVATION  
1/4" = 1'-0"



REAR ELEVATION  
1/4" = 1'-0"

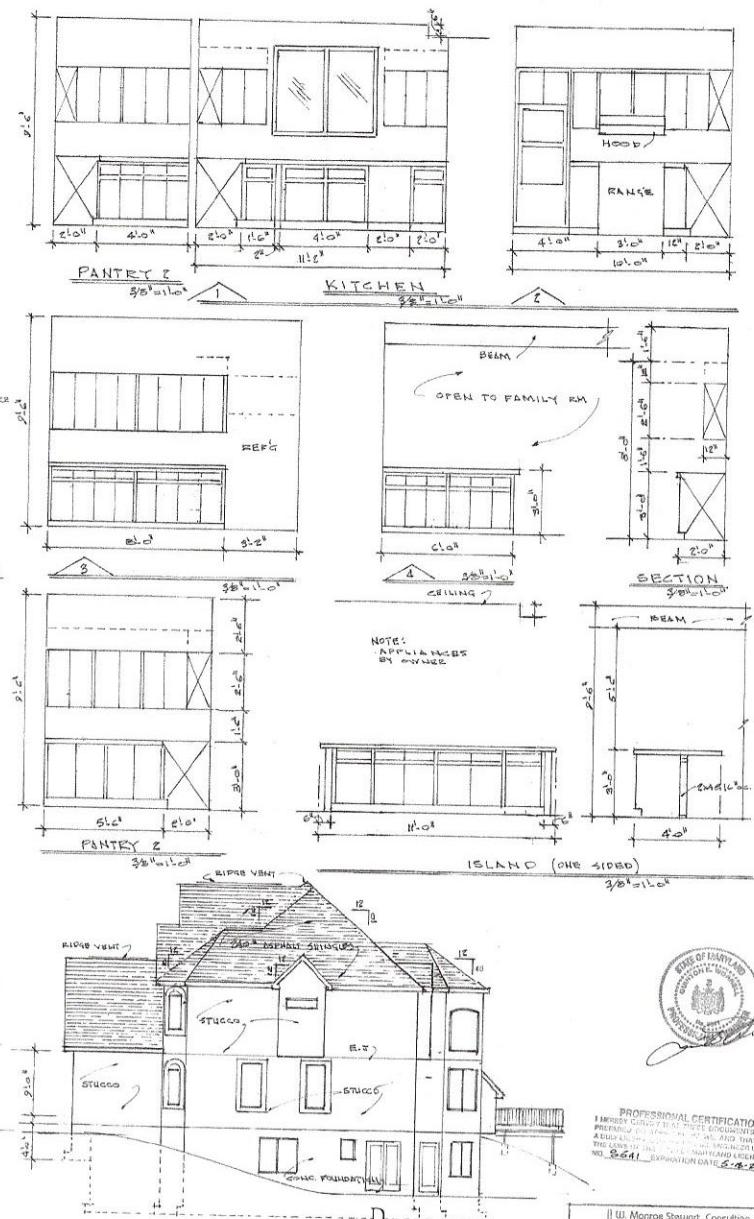


EXHIBIT  
3 (A-D)  
V-82-23

RIGHT SIDE ELEVATION  
1/4" = 1'-0"