



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

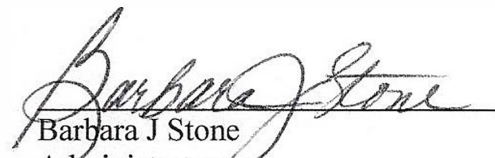
OF BOARD OF APPEALS

RE: Case No. V-48-22 Antoine Vo and Ngoc-Thao Ngo

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: July 20, 2022.

CERTIFICATE OF SERVICE

This is to certify that on September 8, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


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: Antoine Vo and Ngothao Ngo

Appeal No.: V-48-22

Subject Property: Lot 4, Block G, Walter Hill Subdivision, being 15807 Kerr Road, Laurel, Prince George's County, Maryland

Witnesses: Parful Patel, Engineer, Arengo, LLC.

Kenneth Harrison, Inspector, Department of Permitting, Inspections and Enforcement (DPIE)

Heard: July 6, 2022; Decided: July 20, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Anastasia T. Johnson, Member

Board Member Absent: Albert Scott, Vice Chair

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 27-229 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioners propose to obtain a building permit for the proposed addition of a covered front porch. A variance of 2 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1964, contains 13,605 square feet, is zoned RR (Rural-Residential) and is improved with a single-family dwelling, driveway, carport/garage, patio with retaining wall, shed and covered front porch. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (B).
2. The subject property is not located within the municipality of the City of Laurel.
3. The property has steep slope and increases from front to back. Exhs. 2, 4, 8, 9 and 10 (A) thru (B).
4. Petitioner purchased the property 7 years ago. Exh. 8.
5. Petitioners propose to obtain a building permit for the proposed addition of covered front porch. A variance of 2 feet front yard depth is needed because of the front porch is encroaching in the front yard setback. The Zoning Ordinance regulations states that the front setback should be 25-feet and the front porch setback is now only 23-feet. Exhs. 2, 4, 8, 9 and 10 (A) thru (B).
6. Parful Patel testified that the front covered porch has already been constructed. Exhs. 2, 4, 8, 9 and 10 (A) thru (B).
7. Other covered front porches exist in the neighborhood. Exhs. 10 (A) thru (H) and 11(A) thru (C).
8. Inspector Kenneth Harrison (DPIE) issued a correction order from the Inspection Division for the construction of the patio and driveway and retaining wall without a permit. Petitioners have now applied for permits for the patio, carport enclosure, the driveway expansion, and for the already constructed front porch. He stated that the permit office advised the need for a variance for the front yard setback associated with the porch. Exh 6, and 7.

9. Petitioner Antoine Vo stated that he is aware that his neighbor had stated that the patio was too close to his fence to which the Petitioner had advised that the patio is a little over a foot from the neighbor's fence. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (H)

10. The Board requested that a revised site plan be submitted to demonstrate, inter alia, the steps leading to the front porch. At the July 20th hearing the Board reviewed the revised site and elevation plans from the Petitioners and found that the requested information had been included on the plans. Exhs. 19 (a) thru (b).

Applicable Code Section And Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board


After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the topography being extremely steep rising up from the front property line, the desire to have a front yard porch that is covered 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.

BE IT THEREFORE RESOLVED, by majority vote, Mr. Albert Scott absent, that a variance of 2 feet front yard depth in order to obtain a building permit for the proposed addition of covered front porch on the property located at 15807 Kerr Road, Laurel, Prince George's County, Maryland, be and is hereby Approved. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exh. 20 and approved revised elevation plans, Exhs. 19 (a) thru (b).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

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 27-233(a) 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 JUL 20 2022

[Signature]
 ADMINISTRATOR

FRONT ELEVATION

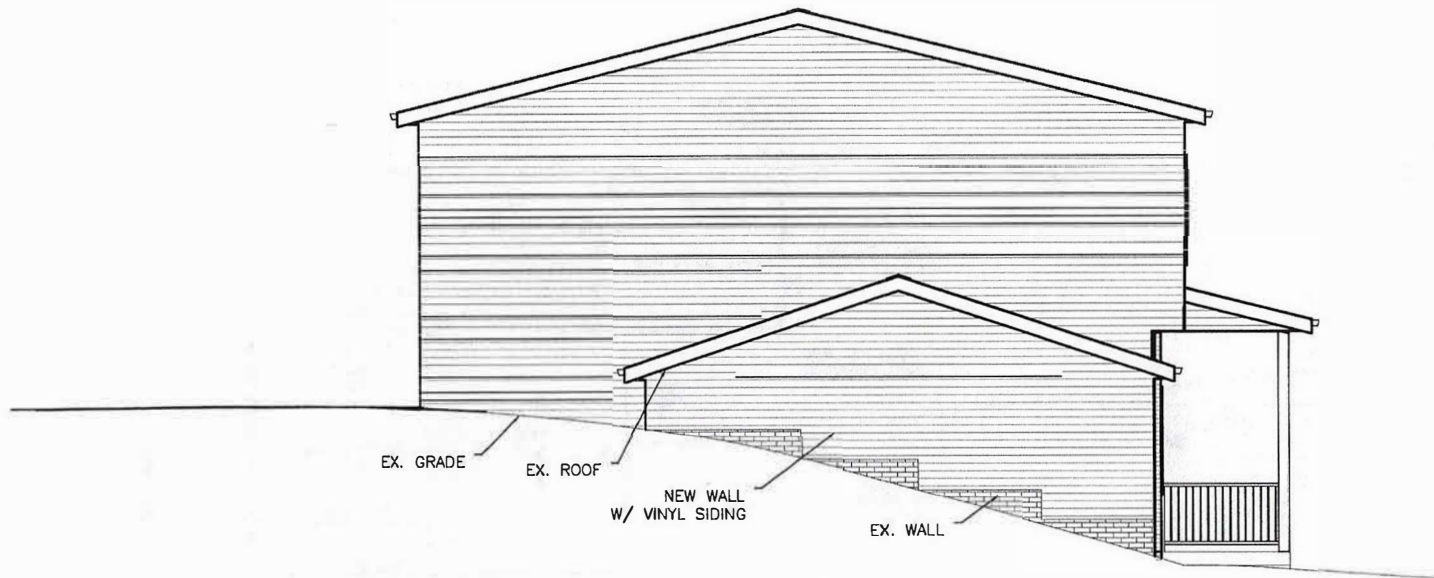
SCALE: 3/16" = 1'-0"

19(a)

EXH. # 19(a-b)
 V-48-22

PROFESSIONAL CERTIFICATION.
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 23081 EXPIRATION DATE: 04/24/2023

15807 KERR RD LAUREL, MD 20707		C1
ELEVATION 1		
ARENCO, LLC ARCHITECTURAL ENGINEERING CONSULTANTS 12430 HILL CREST FULTON, MD 20759		
SCALE 1" = 20'	WORK NUMBER 21-342	SHEET 1 OF 1
		DRAWING NO. 21-342-01



BOARD OF APPEALS

APPROVED JUL 20 2022

[Signature]
ADMINISTRATOR

LEFT ELEVATION

SCALE: 3/16" = 1'-0"

19 (b)

PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 23081 EXPIRATION DATE: 04/24/2023

15807 KERR RD LAUREL, MD 20707		C1
ELEVATION2		
ARENCO, LLC ARCHITECTURAL ENGINEERING CONSULTANTS 17430 HILL CREST FULTON, MD 20759		
SCALE 1" = 20'	WORK REQUEST # 21-342	SHEET 1 OF 1
		DRAWING NO. 21-342-01