



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

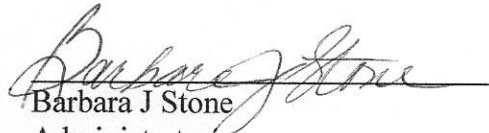
OF BOARD OF APPEALS

RE: Case No. V-38-21 Raju and Shraddha Pawar

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: May 26, 2021.

CERTIFICATE OF SERVICE

This is to certify that on 9/21/21, 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: Raju and Shraddha Pawar

Appeal No.: V-38-21

Subject Property: Lot 19, Block A, Cross Creek Club, being 13010 Bay Hill Drive, Beltsville,
Prince George's County, Maryland

Witness: Thomas Bailey, Contractor, Green Future Construction

Heard and Decided: May 26, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, 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 variances 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(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 15,000 square feet. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 100 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width and a rear yard at least 20 feet in depth/width. Section 27-442(c)(Table II) prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Variances of 6,750 square feet net lot area, 25 feet front building line width, 1-foot side yard width, 6 feet rear yard depth/width and 12.2% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 2002, contains 8,250 square feet, is zoned R-R (Rural Residential), and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. Petitioner would like to validate existing conditions (net lot area, front building line width, side yard width, rear yard depth/width and lot coverage) and obtain a building permit for the construction of a deck with steps. Development is pursuant to Sec. 27-444 Recreational Community Development. Development of this site which was approved under Detailed Site plan (SP-00048) which must conform to the site plan which was approved by the Prince George's County Planning Board on February 1, 2000. Regulations of this site are determined under Prince George's County Planning Board - PGCPB Resolution No. 01-154 (#6). This is to include the net lot area, front building line width, side yard setbacks and net lot coverage¹. However, because the deck was not included in the Detailed Site Plan and is encroaching the rear yard setback, a 6-foot rear yard variance is required. Exhs. 2 and 4 and 14.

¹Because development of this site was discovered by the Board to have been approved under Detailed Site Plan (SP-00048) which included the net lot area, front building line width, side yard setbacks and lot coverage, variances for these existing conditions are not required.

3. Petitioner Raju Pauer testified that the property was purchased 17 years ago. He stated that they would like now to obtain a building permit for the construction of a deck that will have steps to the yard and extend 6 feet from the home. He stated that there has been no other construction to the property.

4. He stated that the deck will provide an additional emergency exit from the home. He noted that without the deck the any possible rear house exit would be approximately 5-6 feet above grade from the yard landing. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (F).

5. He further stated that the deck will provide a place of enjoyment for the family in the rear yard.

6. Cross Creek Club Homeowners Association through "The Management Group Associates, Inc." approved the homeowners' request to install a deck on the subject property. Exh. 15.

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.

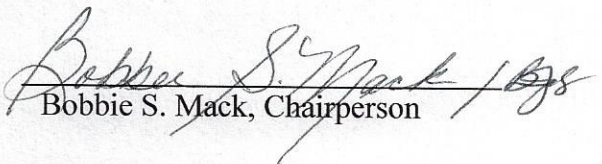
Findings of the Board

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 rear door exit exist being 5-6 feet above grade, the Petitioner cannot currently utilize the rear exit to the home as a practical emergency exit from the home, the desire to be able to enjoy the rear yard, 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, unanimously, that a variance of 6 feet rear yard depth/width to obtain a building permit for the construction of a deck with steps on the property located at 13010 Bay Hill Drive, Beltsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (c).

BOARD OF ZONING APPEALS

By: 
Bobbie S. Mack, Chairperson

NOTICE

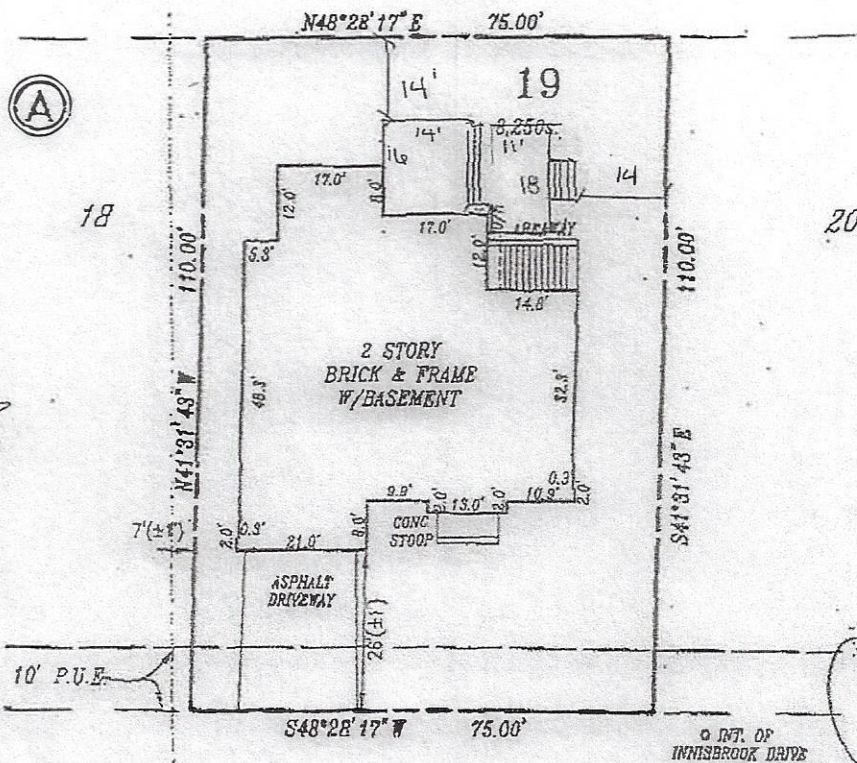
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

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.

LOCATION DRAWING
13010 BAY HILL DRIVE
LOT 19 BLOCK A
CROSS CREEK CLUB
VANSVILLE (1st) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

PARCEL 3



SCALE 1"=30'
MAYLAND STATE PLANE
DATE 06/03/91

BOARD OF APPEALS

APPROVED MAY 26 2021

ADMINISTRATOR



BAY HILL DRIVE
(PRIVATE STREET 60' WIDE)

EXH. # 2
V-38-21

BRL'S
FRONT: 25'
SIDE: 5'
REAR: 20'
ZONE: R-80

" THE SUBJECT DWELLING DOES NOT LIE WITHIN A
FLOOD HAZARD ZONE AS SHOWN ON HUD FLOOD
INSURANCE STUDIES "

FINAL SURVEY: 07/15/04
FOUNDATION SURVEY: 04/20/04

NOTE: THIS SURVEY IS NOT VALID UNLESS
IT CONTAINS A BLUE SURVEYORS SEAL.

PERMIT NUMBER: 41484-03

SURVEYORS CERTIFICATE

I hereby certify that the position of the existing improvements shown hereon have been carefully established by accepted land surveying practices and that, unless shown, there are no visible encroachments either way across the property lines. The plan is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. This drawing was prepared w/o the benefit of a title report.

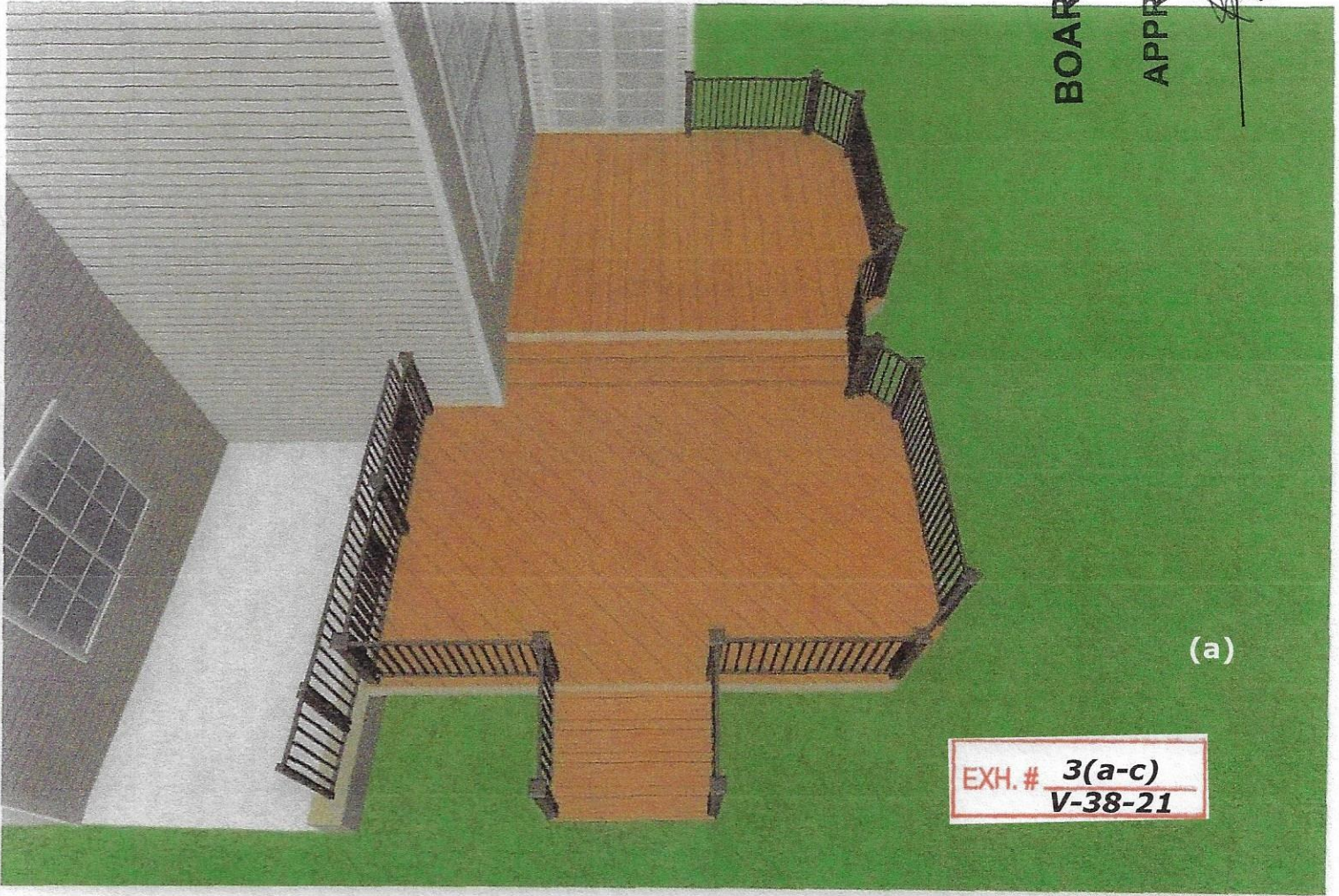
4-20-2004

RONALD L. COLLIER
PROFESSIONAL LAND SURVEYOR
MD. No. 20014



Charles P. Johnson & Associates, Inc.
PLANNERS - ENGINEERS - LANDSCAPE ARCHITECTS - SURVEYORS
751 ELTON ROAD SUITE 300 SILVER SPRING, MARYLAND 20903
Phone: (301) 594-7000 Fax: (301) 594-5394
FREDERICK, MD FAIRFAX, VA

REFERENCE	Drawn by	Checked by	Record No.
Plot Book REP 194	IEI	REB	RLC
Plot No. 27	Date 04/21/04	Scale 1"=30'	31-214-00



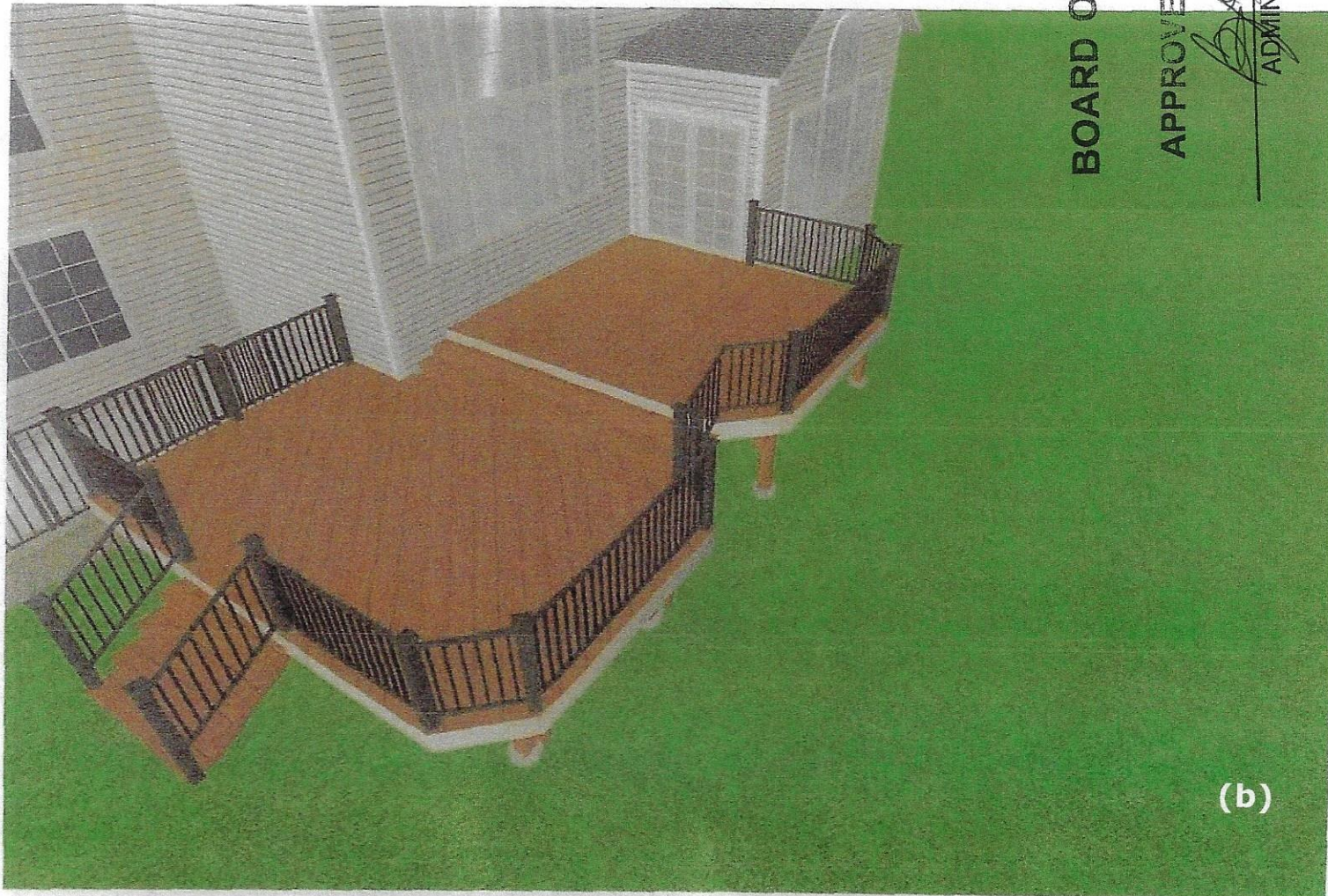
(a)

EXH. # 3(a-c)
V-38-21

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ADMINISTRATOR

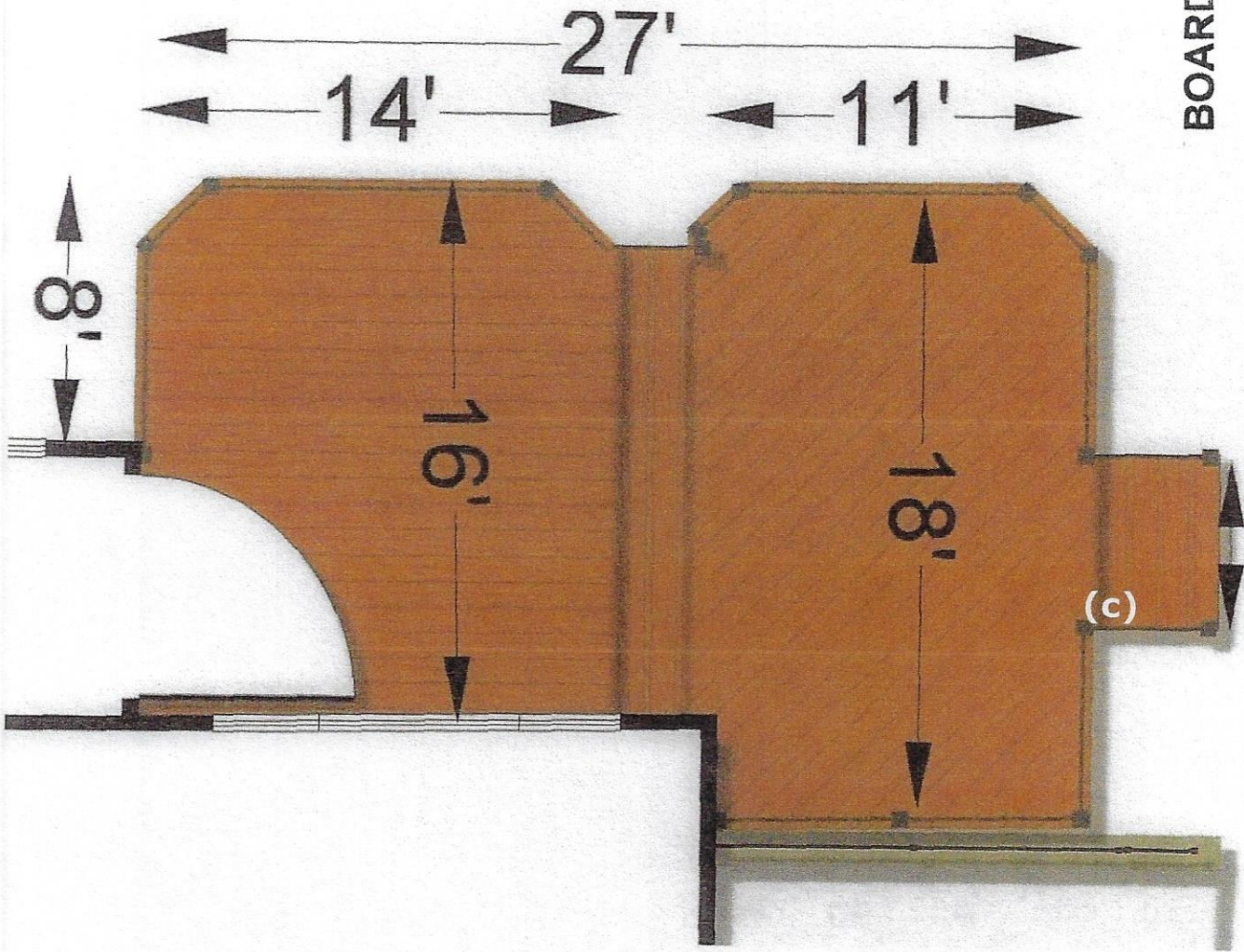


(b)

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ADMINISTRATOR



BOARD OF APPEALS

APPROVED MAY 26 2021

[Signature]
ADMINISTRATOR