



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

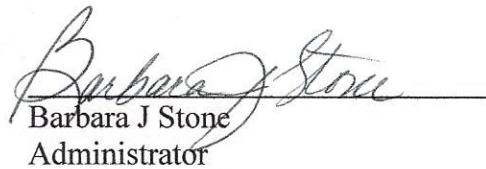
OF BOARD OF APPEALS

RE: Case No. V-64-21 Dan Ryan Builders Mid-Atlantic, LLC

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 28, 2021.

CERTIFICATE OF SERVICE

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



The signature is handwritten in black ink and appears to read "Barbara J. Stone". Below the signature, the name "Barbara J. Stone" is printed in a standard black font. Underneath that, the title "Administrator" is also printed.

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

Petitioner: Dan Ryan Builders Mid-Atlantic, LLC

Appeal No.: V-64-21

Subject Property: Lot 5, Block A, Tantallon Forest Subdivision, being 11802 Asbury Drive, Fort Washington, Prince George's County, Maryland

Counsel for Petitioner: Norman Rivera, Esq.

Witnesses: Keith Tunell, Dan Ryan Builders Mid Atlantic, LLC

Meredith Byer, Dewberry Engineers

Heard and Decided: July 28, 2021

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

Albert C. Scott, Vice Chairman - Present

Anastasia T. Johnson, Member – Present

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, Petitioner requests 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. Petitioner proposes to validate an existing condition (front yard depth) and obtain a building permit for the proposed construction of a single-family dwelling and a two-car garage. A variance of 7 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 2008, contains 10,818 square feet, is zoned R-80 (One-Single Family Detached Residential) and is unimproved. Exhibits (Exhs.) 3, 4, 6, 8, 9 and 10 (A) thru (F).

2. The subject lot is located in a cul-de-sac and is irregular in shape with the rear lot line consisting of a variety of angles and creating a very narrow rear yard. This lot configuration is unique to the subject lot. Exhs. 3, 4, 6, 8, 9 and 10 (A) thru (F).

3. Petitioner proposes to obtain a building permit for the construction of a single-family dwelling with garage. A variance of 7 feet front yard setback will be required as the front yard setback requirement is for a 25-foot setback and the proposed garage will be encroaching the front yard setback by 6.6 feet. Exhs. 3, 4, 6, 8, 9 and 10 (A) thru (F).

4. Counsel Norman Rivera stated that the Petitioner is asking for a variance of 7-foot front yard setback because the house will be sited 18.4 feet from the front property line. He stated that the property is not only odd-shaped but is abutting a 100-year floodplain. He explained that because the odd shape of the lot was influenced by the rear yard floodplain easement, the proposed dwelling (with the garage) can only be situated suitably more in front of the lot where it will infringe upon the 25-feet front yard setback.¹ As such, the 7-foot variance is requested. Exh. 2.

5. He stated that no other homes in the cul-de-sac are similarly affected by the front yard setback requirement due to the shape of the subject lot. Exh. 2, 3, 4, 5 (a) thru (e) and 7 (1) thru (6).

¹ The garage is the portion of the house that actually will be disturbing the front yard setback. Exh. 2.

6. He stated that if the proposed garage was eliminated, a smaller house would be constructed which would not be in character with the size of houses with garages in the cul-de-sac. Exhs. 2, 3, 4, 5 (a) thru (e) and 7 (1) thru (6).

7. He opined that if the proposed house was moved to the rear of the lot, the dwelling would encroach on the buffer of the floodplain, to which he believed the County would oppose. Exh. 2.

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

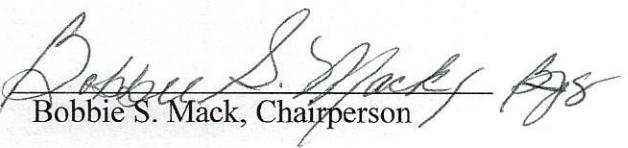
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the odd shape of Lot 5 with a narrow rear yard, the presence of a 100-year floodplain in the rear adjoining area, the only suitable area for the proposed construction is towards the front of the lot, the proposed house (with garage) will be compatible with the construction and lot locations of existing homes with garages in the cul-de-sac 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 7 feet front yard depth in order to validate an existing condition (front yard depth) and obtain a building permit for the proposed construction of a dwelling with a two-car garage on the property located at 11802 Asbury Drive, Fort Washington, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3, and approved elevation plans, Exhibits 5, (a) thru (e).

BOARD OF ZONING APPEALS

By:

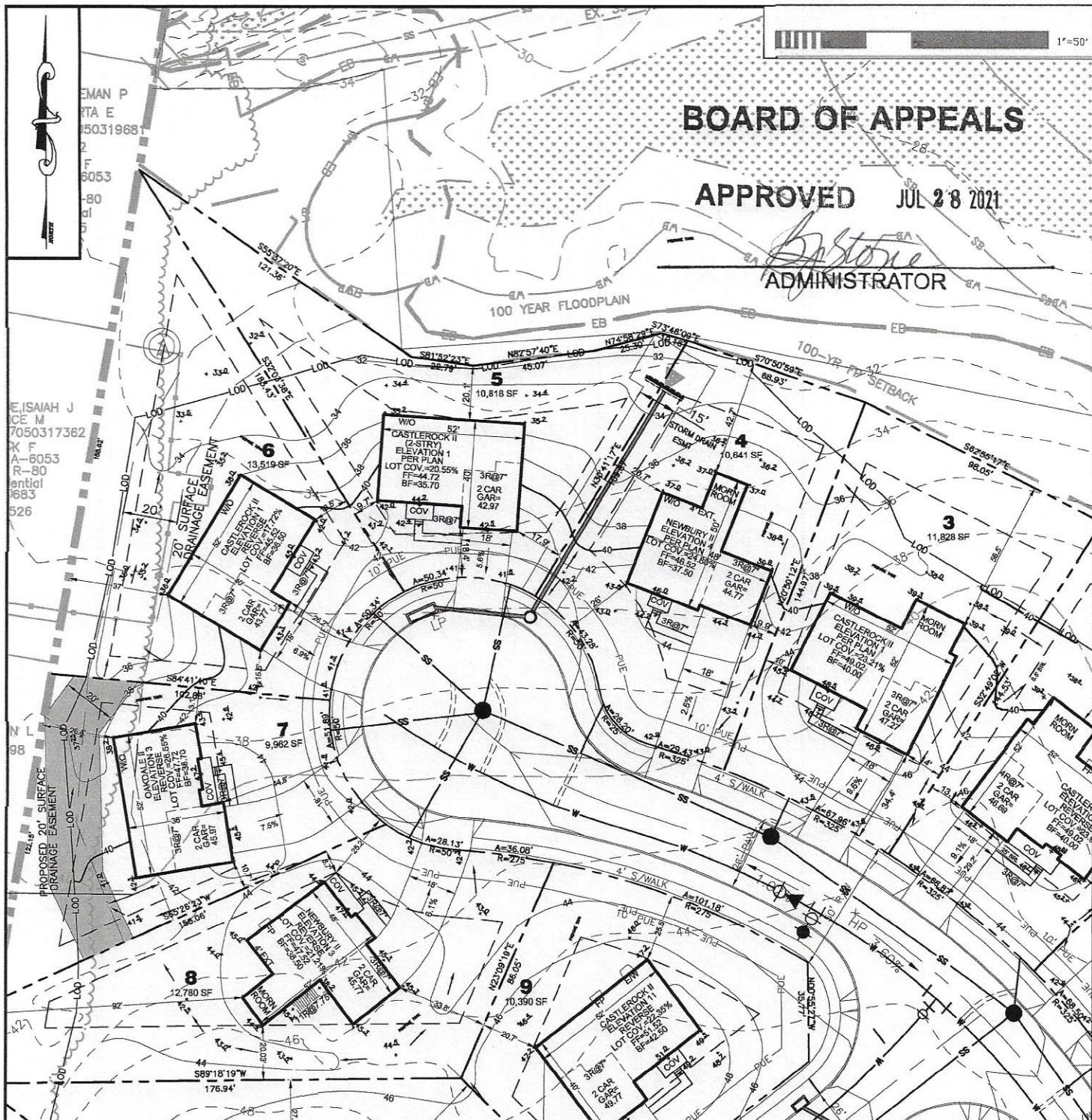

Bobbie S. Mack, Chairperson

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.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM
DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND, LICENSE NO.
18095, EXPIRATION DATE:
DECEMBER 21, 2022.

EXH. # 3
V-64-21

TANTALLON FOREST- LOT 5 SITE PLAN FOR VARIANCE REQUEST
LOT 5, BLOCK A
PISCATAWAY 5TH ELEC. DISTRICT, PRINCE GEORGE'S COUNTY, MD

23 APRIL 2021

SCALE 1"=50'

The logo for Dewberry, featuring a stylized purple heart shape to the left of the word "Dewberry" in a bold, black, sans-serif font. A registered trademark symbol (®) is positioned at the top right of the word "berry".



BOARD OF APPEALS ELEVATION 1

APPROVED JUL 28 2021


Stone
ADMINISTRATOR

