



# 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*

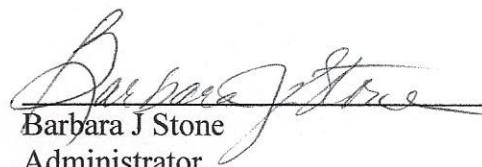
## *OF BOARD OF APPEALS*

RE: Case No. V-88-21 Carolyn McKay

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: August 25, 2021.

## **CERTIFICATE OF SERVICE**

This is to certify that on November 10, 2021 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*

Petitioner Carolyn McKay

Appeal No.: V-88-21

Subject Property: Lot 11, Block B, New Bridge Subdivision, being 11308 Indian Wells Lane, Bowie,  
Prince George's County, Maryland

Witnesses: Reginald Copeland, Spouse

Sheila Smith-Hyppolite, Medallion Security Door and Windows

Heard and Decided: August 25, 2021

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

Albert C. Scott, Vice Chairman

Board Member Absent: Anastasia 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 "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have 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. Section 27-120.01(c) prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate existing conditions (rear yard depth/width, net lot coverage and a waiver of the parking area) to obtain a building permit for the construction of a screened room. Variances 11 feet rear yard depth/width, 11.4% net lot coverage and a waiver of the parking area location requirement<sup>1</sup> are requested.

**Evidence Presented**

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

1. The property was subdivided in 1978 contains 10,849 square feet, is zoned R-R zone (Rural-Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. The subject property is a corner lot, is oddly shaped and located within a cul-de-sac. The front of the dwelling is facing the legal front yard (Indian Wells Lane). Exhs. 2 and 4.
3. Petitioner proposes to validate existing conditions (rear yard depth/width and net lot coverage) to obtain a building permit for the construction of a screened room. As the rear yard demonstrates only 19 feet building setback from the dwelling to the property line and the proposed deck and screened room will be 10 feet in setback depth, a variance of 11 feet, is required. Due to the existing development on the property and the addition of the screen room, there is lot coverage for which a variance of 11.4% net lot coverage is required. Exhs. 2, 3 (a) thru (i) and 5 (A) thru (F).

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<sup>1</sup> The waiver of the parking area location requirement is not needed as the dwelling has an associated garage. Exh. 5 (D).

4. Sheila Smith-Hyppolite testified that the Petitioner is requesting the variances in order to secure a permit to rebuild the 20-year-old deck that is need of repair. The existing footprint of the old deck will not be increased with the proposed rebuilt deck. The new deck will be half open deck and half as a screened in room. The deck/screened room will not have steps to grade. Exhs. 2, 3 (a) thru (i) and 5 (A) thru (F).

5. Petitioner Carolyn McKay explained that the screened room is necessary because of health concerns related to both Petitioner and her husband and to allow outdoor enjoyment without being subject to disease carrying insects. Exhs. 2 and 3 (a) thru (i).

6. Newbridge Community Association, Inc. has approved the requested improvements. Exh. 6.

#### 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

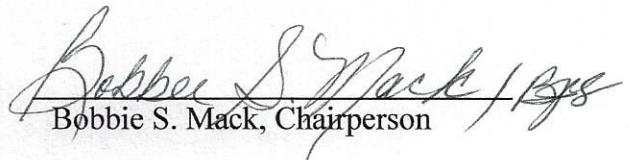
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the lot is odd-shaped, the need to repair the existing 20-year-old deck, the need to provide an outside area for Petitioner and her husband free from disease carrying insects 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, by majority vote, Ms. Anastasia T. Johnson absent, that variances of 11feet yard depth/width, and 11.4% net lot coverage in order to validate existing conditions (rear yard depth/width and net lot coverage) to obtain a building permit for the construction of a deck/screened room on the property located at 11308 Indian Wells Lane, Bowie, 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 (i).

#### BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson

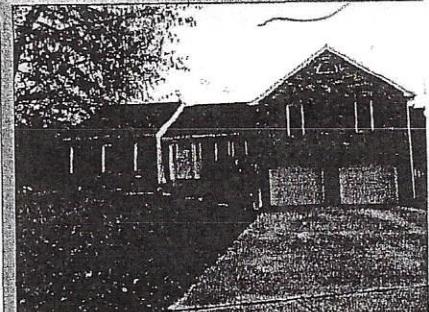
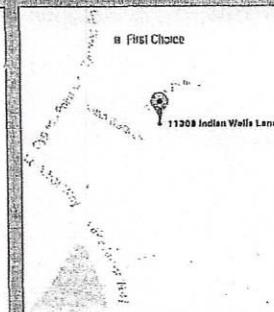
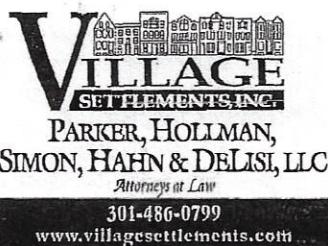
NOTICE

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.

ORDERED BY:



PROPERTY ADDRESS: 11308 INDIAN WELLS LANE BOWIE, MARYLAND 20721

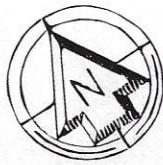
SURVEY NUMBER: MD1610.3646

FIELD WORK DATE: 10/31/2016

REVISION HISTORY: (REV.1 10/31/2016)

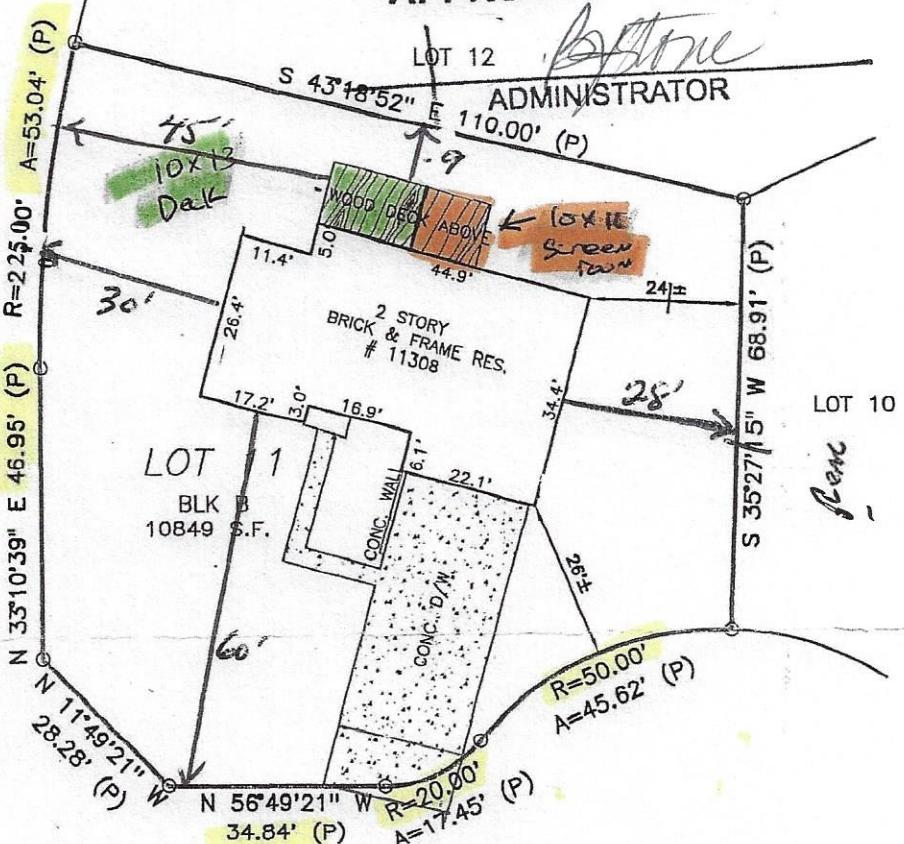
## BOARD OF APPEALS

16103646  
LOCATION DRAWING  
LOT 11, BLOCK B  
NEWBRIDGE,  
PRINCE GEORGE'S COUNTY, MARYLAND  
10-31-2016 SCALE 1"=30'



INDIAN WELLS COURT  
(50' R/W)

APPROVED AUG 25 2021



INDIAN WELLS LANE  
(50' R/W)

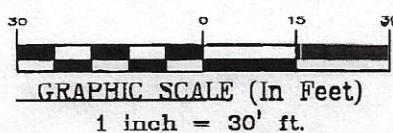
Lot = 10,849 SF

House = 2595 SF  
Deck = 110 SF

Screen Room = 130 SF

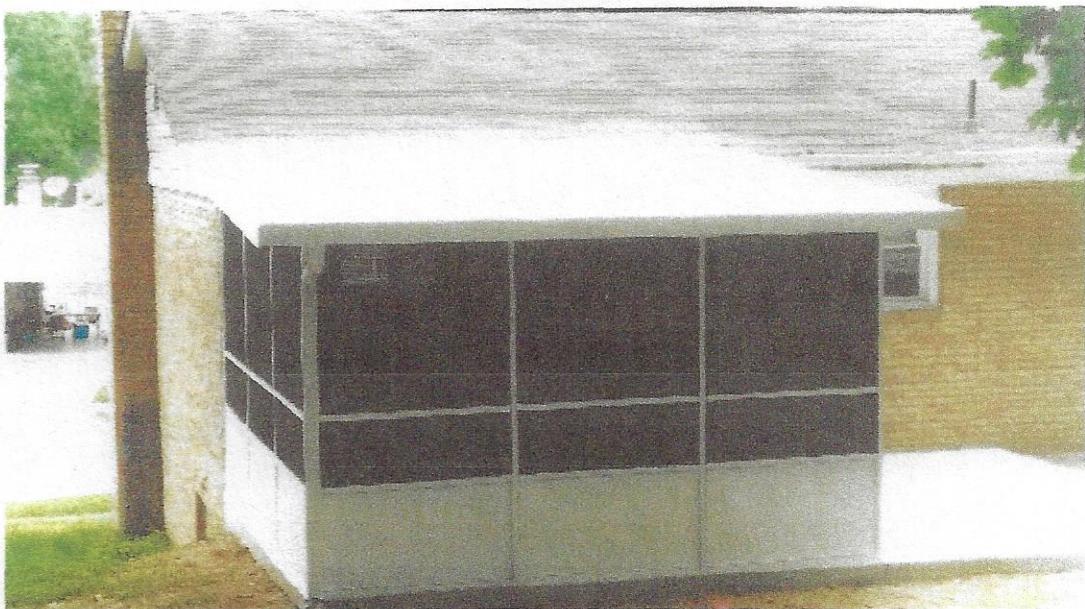
Driveway = 1,123.2 SF

Lot coverage = 36.48%



ACCURACY=3±

EXH. # 2  
V-88-21



Screen Room

Screen room and deck will be side by side. See executed drawing for details.

**BOARD OF APPEALS**

**APPROVED** AUG 25 2021

*Byline 3(a)-(i)*  
ADMINISTRATOR

EXH. # **3(a-i)**  
**V-88-21**

**(a)**



Deck with white vinyl rails

Screen room and deck will be side by side. See executed drawing for details.

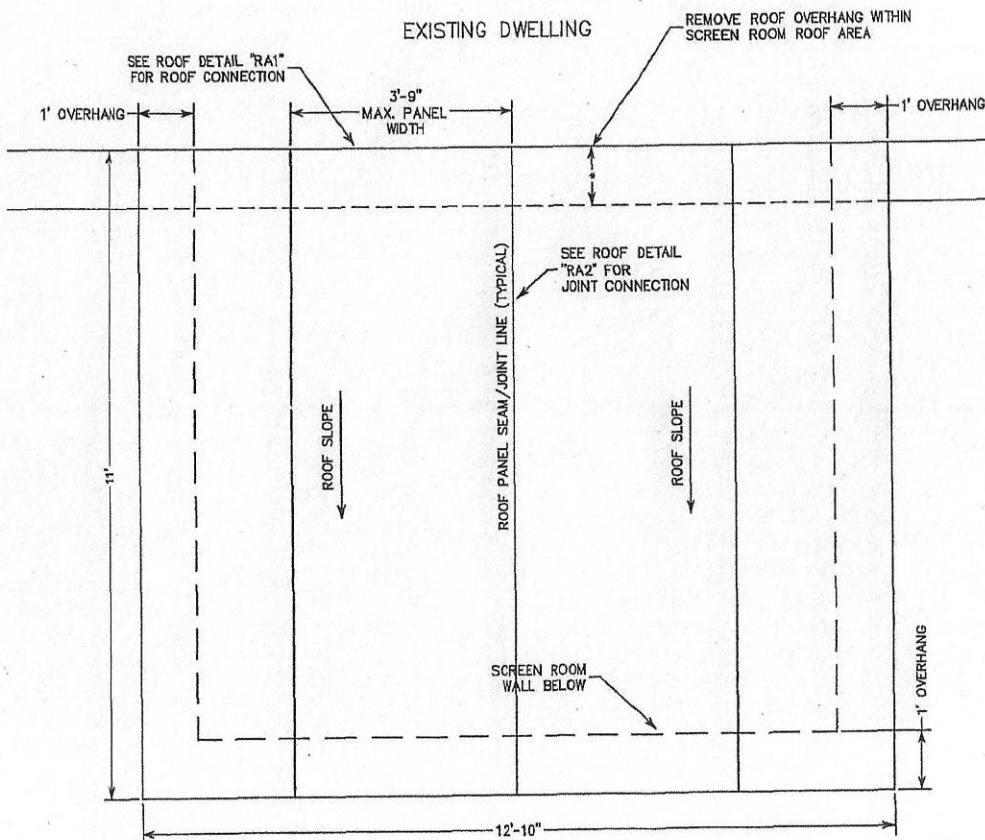
**(b)**



Island Mist Color, PVC Material Decking Boards

(c)

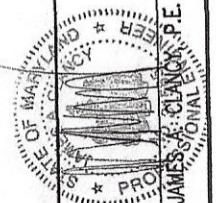
ROOF PLAN



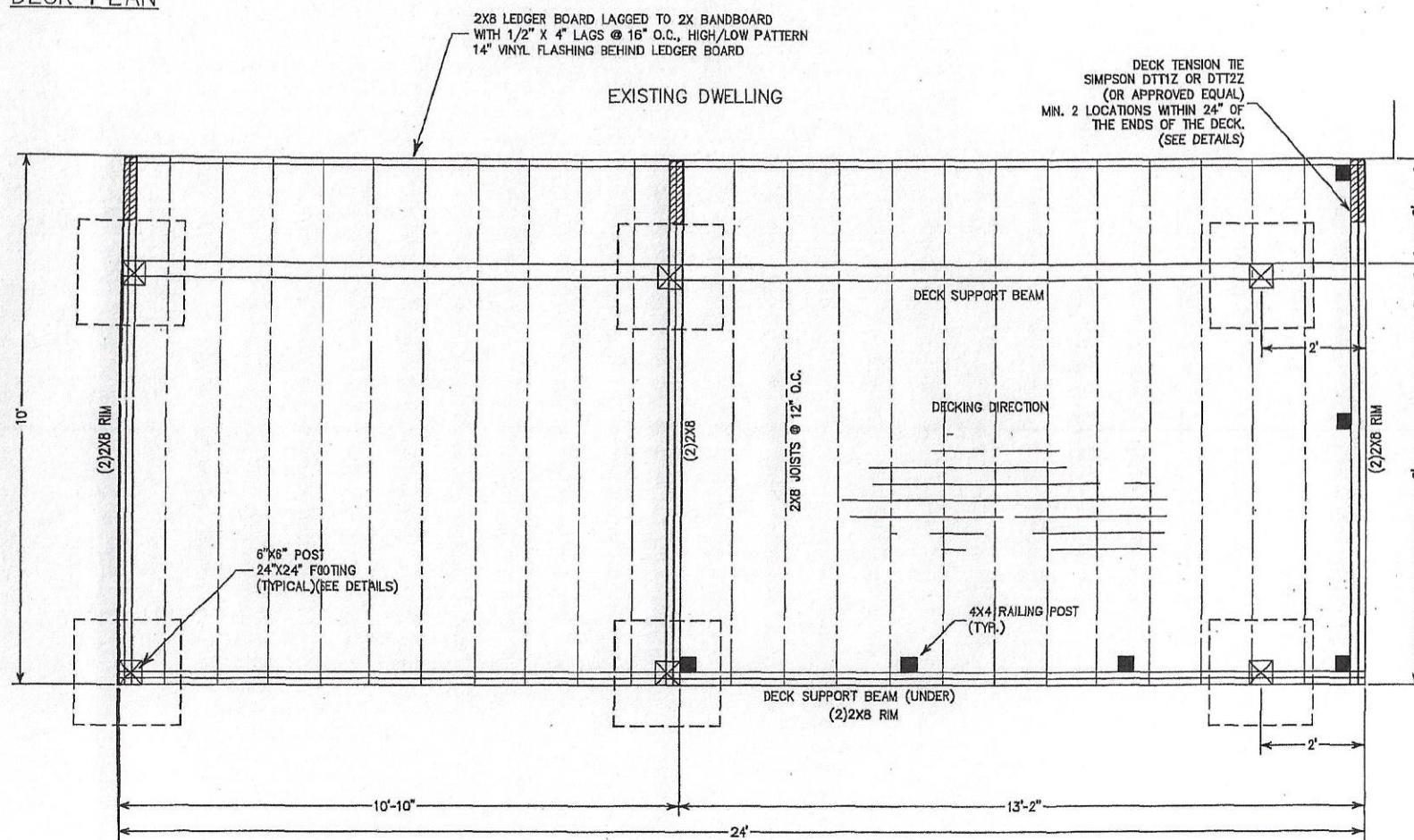
(d)

SHEET  
A2

|  |   |   |
|--|---|---|
| DATE: 3/1/21                                       | H. C. E. & S. LLC<br>CONSULTING ENGINEERS<br>601 Asbury Avenue<br>National Park, NJ 08063<br>Phone: (609) 853-7206<br>Fax: (866) 853-7381<br>www.cahneyandassociates.com<br>cahneyandassociates@comcast.net | PROFESSIONAL<br>JAMES A. CLANCY, P.E.<br>3/2/21<br>DATE PRINTED,<br>SIGNED & SEALED |
| MEDALLION, 2849 Koverton Rd, Forestville, MD 20747 | MCAY RESIDENCE<br>11308 INDIAN WELLS LN<br>BOWIE, MD, 20721   |   |
| DRAWN BY: RAS                                      | SCALE: NONE   |   |



DECK PLAN

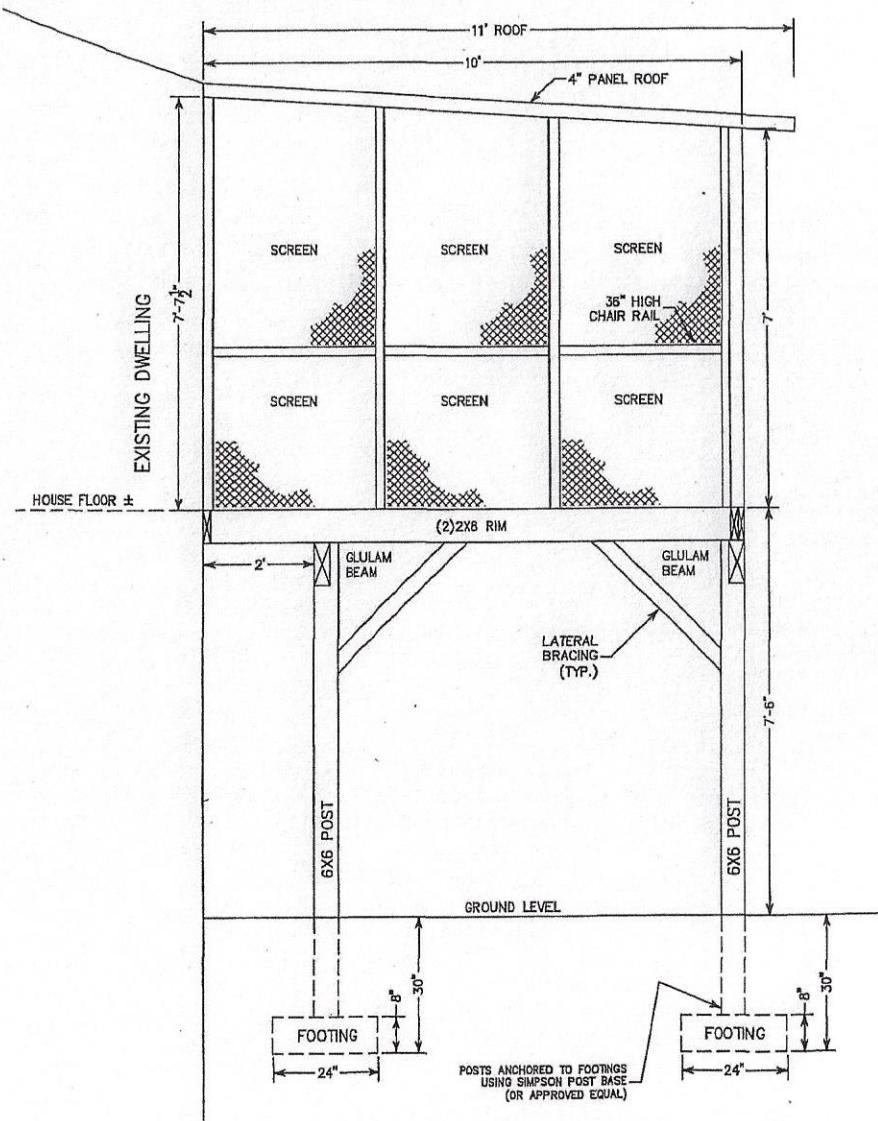


(e)

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A3

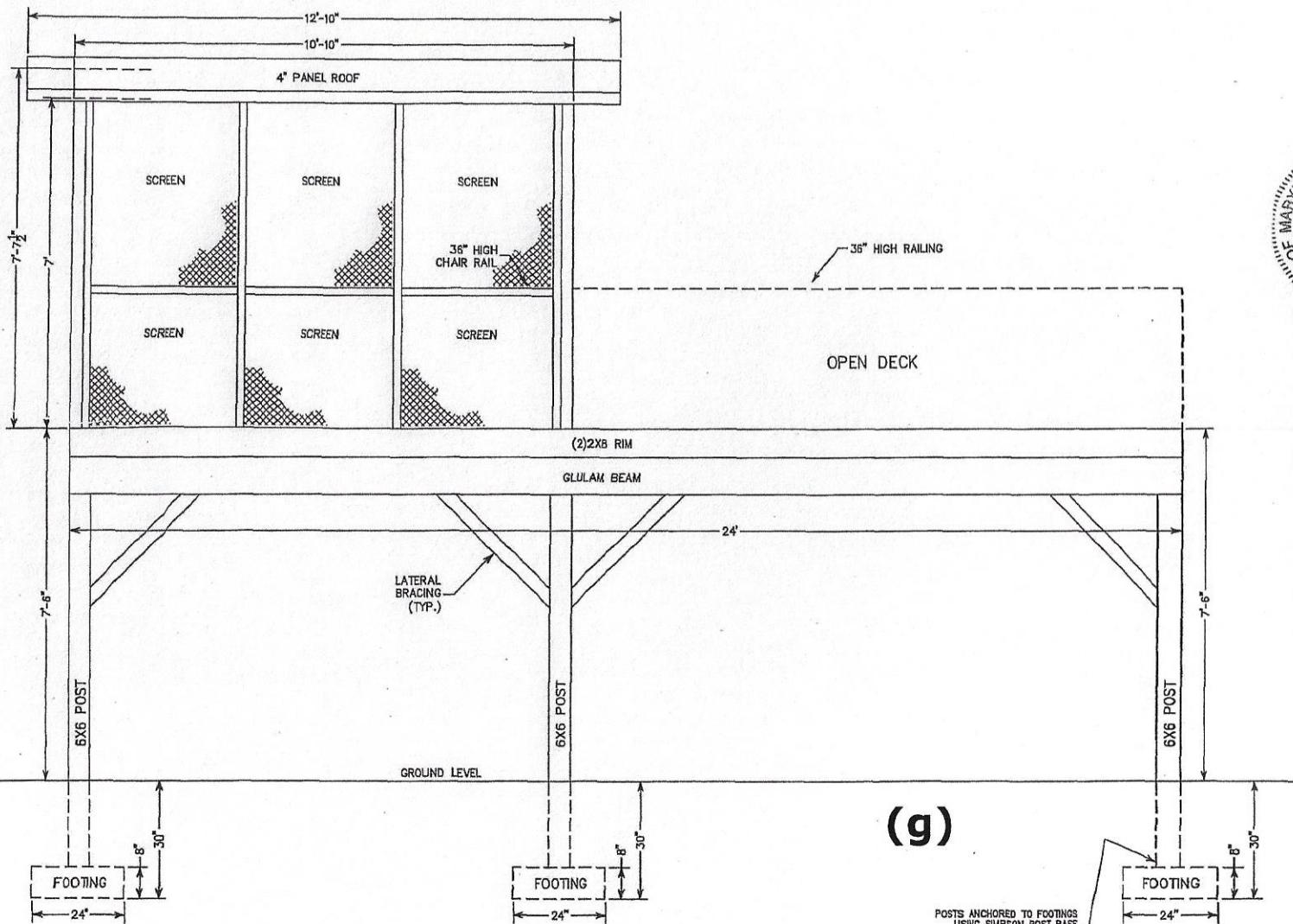
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| DATE PRINTED,<br>SIGNED & SEALED                              |             |
| * STANISLAW C. CLAWSON, P.E.                                  |             |
| PROHAMES J. BIANCHI, P.E.                                     |             |
| CHARLES J. BIANCHI, P.E.                                      |             |
| www.clawsonassociates.com<br>clawsonassociates.com            |             |
| DATE: 3/1/21  |             |
| MEDALLION, 2849 Koverton Rd, Forestville, MD 20747            |             |
| MURKAY RESIDENCE<br>11308 INDIAN WELLS LN<br>BOWIE, MD, 20721 |             |
| DRAWN BY: RAS   | SCALE: NONE |

ELEVATION



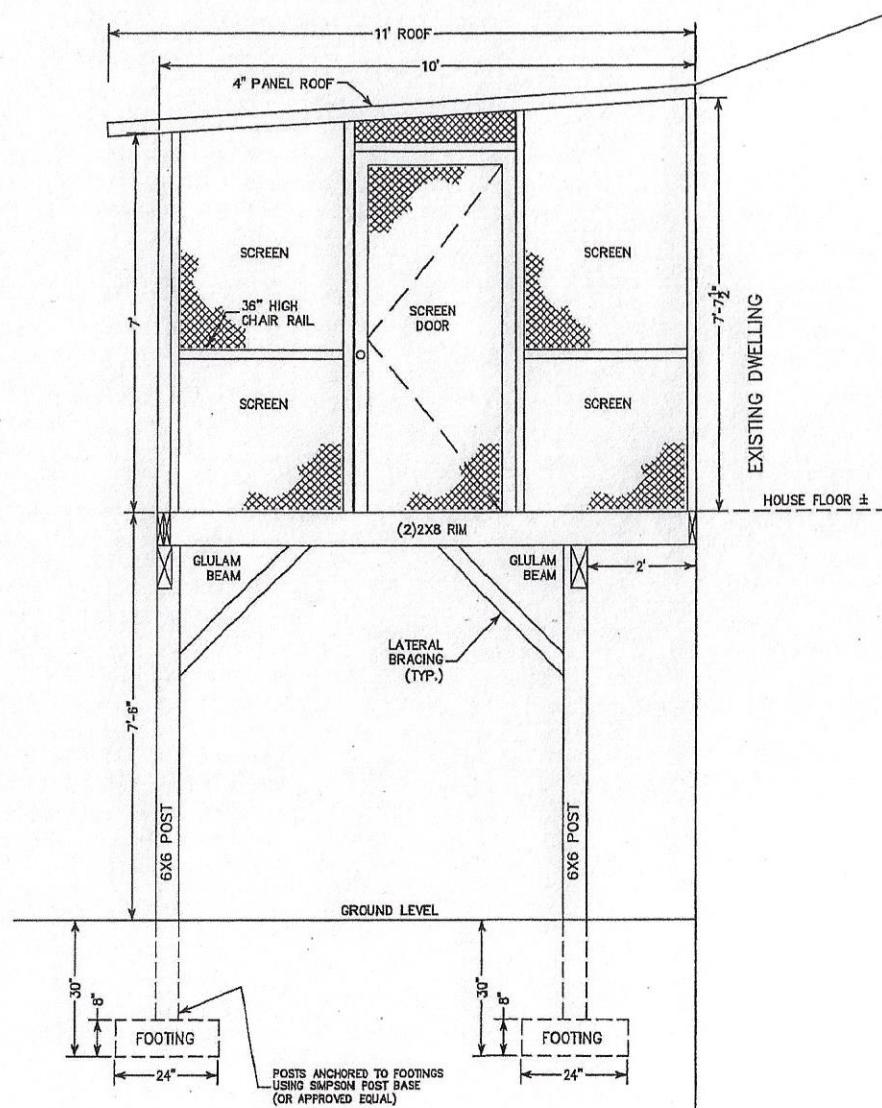
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| MEDALLION, 2849 Koverton Rd, Forestville, MD 20747  |  | DATE: 3/1/21 |
| MICKY RESIDENCE<br>11308 INDIAN WELLS LN<br>BOWIE, MD, 20721  |  | 20747        |
| DRAWN BY: RAS   |  | SCALE: NONE  |
| <p>3   2   2  </p> <p>STATE OF MARYLAND<br/>*<br/>CLAY &amp; SONS INC.<br/>GENERAL CONTRACTORS<br/>301-295-7305<br/>FAX: (301) 835-7381<br/>www.clayandsonsinc.com<br/>clayandsonsinc@comcast.net</p> |  |              |
| <p>SHEET<br/>A4</p>   |  |              |

ELEVATION



|  |             |
|--|-------------|
| 3/2/21   |             |
| DATE PRINTED<br>SIGNED & SEALED  |             |
| <br>STATE OF MARYLAND<br>* * * * *<br>PROFESSIONAL ENGINEERS<br>JAMES E. CLARK, P.E.<br>BOWIE, MD, 20721<br>www.drawinganddatasolutions.com<br>bowiejase@comcast.net |             |
| DATE: 3/1/21   | 3/1/21      |
| H. C. E. & S., LLC   |             |
| CONSULTING ENGINEERS   |             |
| 601 Ashbury Avenue   |             |
| National Park, MD 20886  |             |
| Phone: (301) 655-7305  |             |
| Fax: (301) 653-7381  |             |
| www.drawinganddatasolutions.com  |             |
| bowiejase@comcast.net  |             |
| MEKAY RESIDENCE  | SCALE: NONE |
| MEDALLION, 2849 Koverton Rd, Forestville, MD 20747   |             |
| 11308 INDIAN WELLS LN  |             |
| BOWIE, MD, 20721   |             |
| DRAWN BY: RAS  |             |
| SHEET A5   |             |

ELEVATION



(h)

|  |  |               |
|--|--|---------------|
| MEDALLION, 2849 Koverton Rd, Forestville, MD 20747           |  | DATE: 3/1/21  |
| McKAY RESIDENCE<br>11308 INDIAN WELLS LN<br>BOWIE, MD, 20721 |  | 20747         |
|  |  | SCALE: NONE   |
|  |  | DRAWN BY: RAS |
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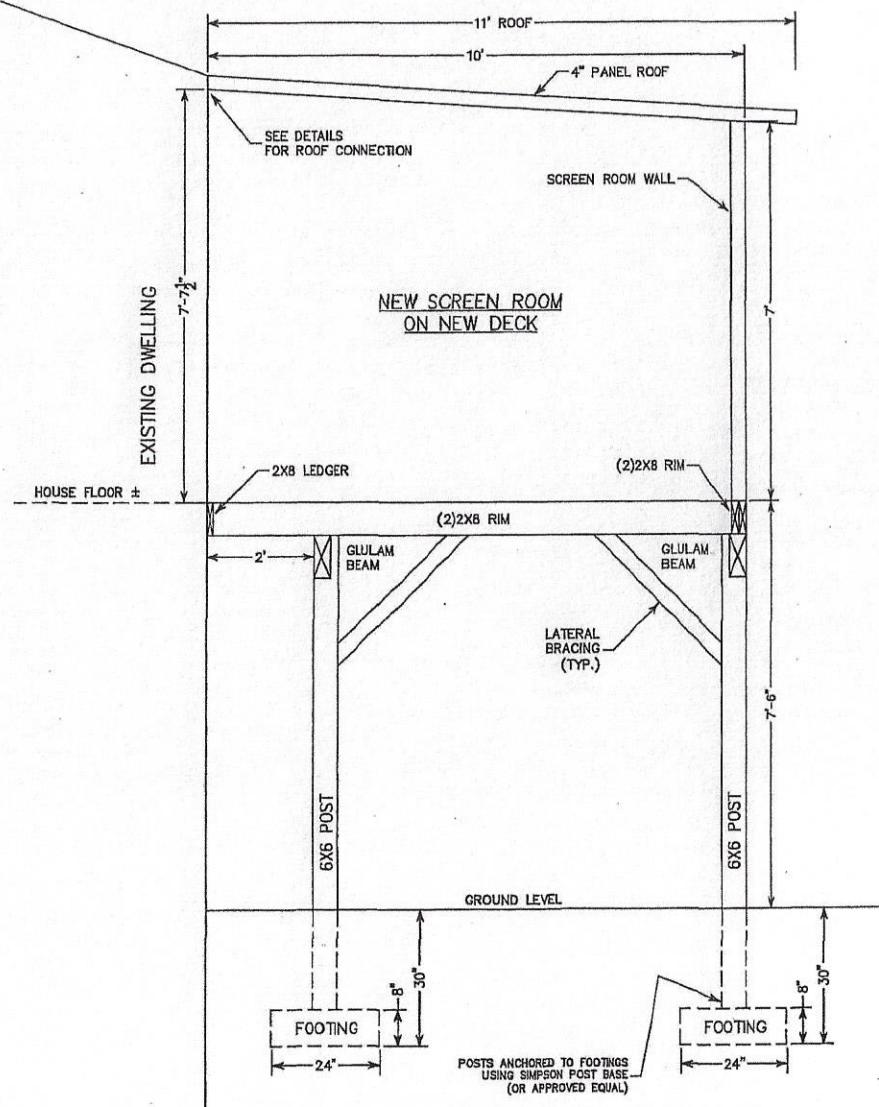
3/2/21

DATE PRINTED, SIGNED & SEALED

H. C. E. & S. LLC  
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claudianosassociates@gmail.com

CLAUDE A. CLAUDIO, P.E.  
3/15/2021

SECTION



|  |              |
|--|--------------|
| MARYLAND   |              |
| OF MARYLAND  |              |
| RECEIVED   |              |
| 3/2/21   |              |
| JAMES MCGARRY                                      |              |
| CONSULTING ENGINEERS                               |              |
| 601 Asbury Avenue                                  |              |
| National Park, NJ 07043                            |              |
| Phone: (609) 853-7356                              |              |
| Fax: (609) 853-7351                                |              |
| www.dreamcondosinc.com                             |              |
| info@dreamcondosinc.com                            |              |
| DATE PRINTED,<br>SIGNED & SEALED.                  | 3/2/21       |
| H. C. E. & S., LLC                                 |              |
| CONSULTING ENGINEERS                               |              |
| 601 Asbury Avenue                                  |              |
| National Park, NJ 07043                            |              |
| Phone: (609) 853-7356                              |              |
| Fax: (609) 853-7351                                |              |
| www.dreamcondosinc.com                             |              |
| info@dreamcondosinc.com                            |              |
| DATE: 3/1/21                                       | DATE: 3/1/21 |
| MEDALLION, 2849 Koverton Rd, Forestville, MD 20747 |              |
| MCKAY RESIDENCE                                    |              |
| 11308 INDIAN WELLS LN                              |              |
| BOWIE, MD, 20721                                   |              |
| SCALE: NONE  | SCALE: NONE  |
| DRAINED BY: RAS                                    |              |
| SHEET A7   |              |