



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-123-21 Derrick Stoutamire

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: November 17, 2021.

CERTIFICATE OF SERVICE

This is to certify that on April 14, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

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: Derrick Stoutamire

Appeal No.: V-123-21

Subject Property: Lot 32, Block B, Westphalia Woods Subdivision, being 2718 Matapeake Drive, Upper Marlboro, Prince George's County, Maryland

Witnesses: James Reid, Civil Engineer, Civitech Designs

Heard and Decided: November 17, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

Board Member Absent: 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, Petitioner requests that the Board approve variances from Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side or rear lot line, shall not exceed 15 feet in height and generally be located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces the side street. Petitioner proposes to obtain a building permit for the construction of a two-car garage. A variance of 34 feet front street line setback and a waiver of the rear yard location requirement for an accessory building (a two-car garage) are requested.

Evidence Presented

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

1. The property was subdivided in 1982, contains 48,204.33 square feet, is zoned R-E (Residential-Estate) and is improved with a single-family dwelling, driveway, wooden deck, freestanding segmental fence and retaining walls. Exhibits (Exhs.) 2, 5, 8, 9, and 10 (A) thru (G).

2. The subject property is irregular in shape, being a lengthy rectangle. The total frontage of the lot is approximately 400+ feet. The topography demonstrates slope. The property contains retaining walls at the driveway entrance which will be removed from the public right of way. Exhs. 2, 5, 8, 9, and 10 (A) thru (G).

3. Petitioner proposes to obtain a building permit for the construction of a two-car garage. A variance of 34 feet front street line setback is required as the garage is setback only 26 feet from the front property line. In addition, a waiver of the rear yard location requirement for an accessory building (the two-car garage) is required as the garage is located in the side yard. Exhs. 2, 5, 8, 9, and 10 (A) thru (G).

4. In his Justification Statement, Petitioner stated his property is part of the Melwood/Westphalia Sector Plan and more specifically Planning Area 78 known as Westphalia and Vicinity. It is part of the Darcey Neighborhood. The Westphalia Sector Plan encourages the development of new single-family homes and the improvement of existing homes. It recommends that residential developments be done in

such a way that it produces positive interaction with the non-residential developments by utilizing buffering and sound landscaping design. Due to the fact that the proposed garage will be constructed next to an existing tree conservation area, adequate buffering will be achieved. Thus, he contended that the proposed garage will not impair the intent, purpose or integrity of the General Plan or Master Plan.

5. He further stated that the property is also located in the Residential-Estate (R-E) Zone where the purpose is (A) To provide for and encourage variation in the size, shape, and width of one family detached residential subdivision lots, in order to better utilize the natural terrain; (B) To facilitate the planning of one-family residential developments with large lots and dwellings of various sizes and styles; (C) To encourage the preservation of trees and open spaces in order to create an estate-like atmosphere; and (D) To prevent soil erosion and stream valley flooding. He contended that the proposed garage and its location are in complete compliance with the expressed purposes of the R-E Zone and will not adversely impact the lot and/or the subdivision.

6. James Reid explained that the site plan shows that Matapeake Drive is on the west side of the property and the existing two-story house does not front on Matapeake Drive. Exh. 2.

7. He stated that the proposed two-car detached garage will be on the south side of the existing driveway, the driveway goes up a rather steep slope at the maximum grade (12%) allowed by code, and the proposed garage will be a side load.

8. Mr. Reid stated that due to the slopes (on the north side), the south side of the house where the wooden deck is located is encumbered by a Tree Conservation easement (TCP II/ 80/90) and a septic recovery area, and the preexisting configuration of the dwelling on the lot, the only reasonable location for the garage is the south side of the driveway. He further stated because that the garage cannot be attached to the dwelling, the proposed area for the garage is the only suitable location. Exhs. 3, 4 (a) thru (s) and 6 (A) thru (E) and 16.¹

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:

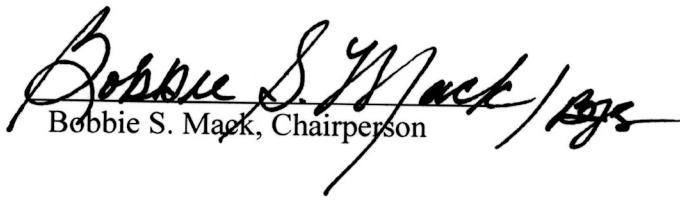
Due to the subject property is irregular in shape, being a lengthy rectangle, the topography of the lot having steep slopes in the north area, the location of the Tree Conservation Area (TCP II-80-90) and the septic recovery area in the south, the preexisting configuration of the dwelling on the lot further limiting the placement of the two-car garage 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.

¹ He stated that retaining walls will be removed out of the public right-of-way, as noted on the site plan. Exhs. 3.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a variance of 34 feet front street line setback and a waiver of the rear yard location requirement for an accessory building (two-car garage) in order to obtain a building permit for the construction of a two-car garage on the property located at 2718 Matapeake Drive, Upper Marlboro, 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 3 and approved elevation plans, Exhibits 4 (a) thru (s).

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:

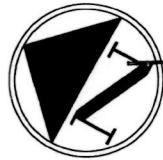
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision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

BOARD OF APPEALS

APPROVED

NOV 17 2021

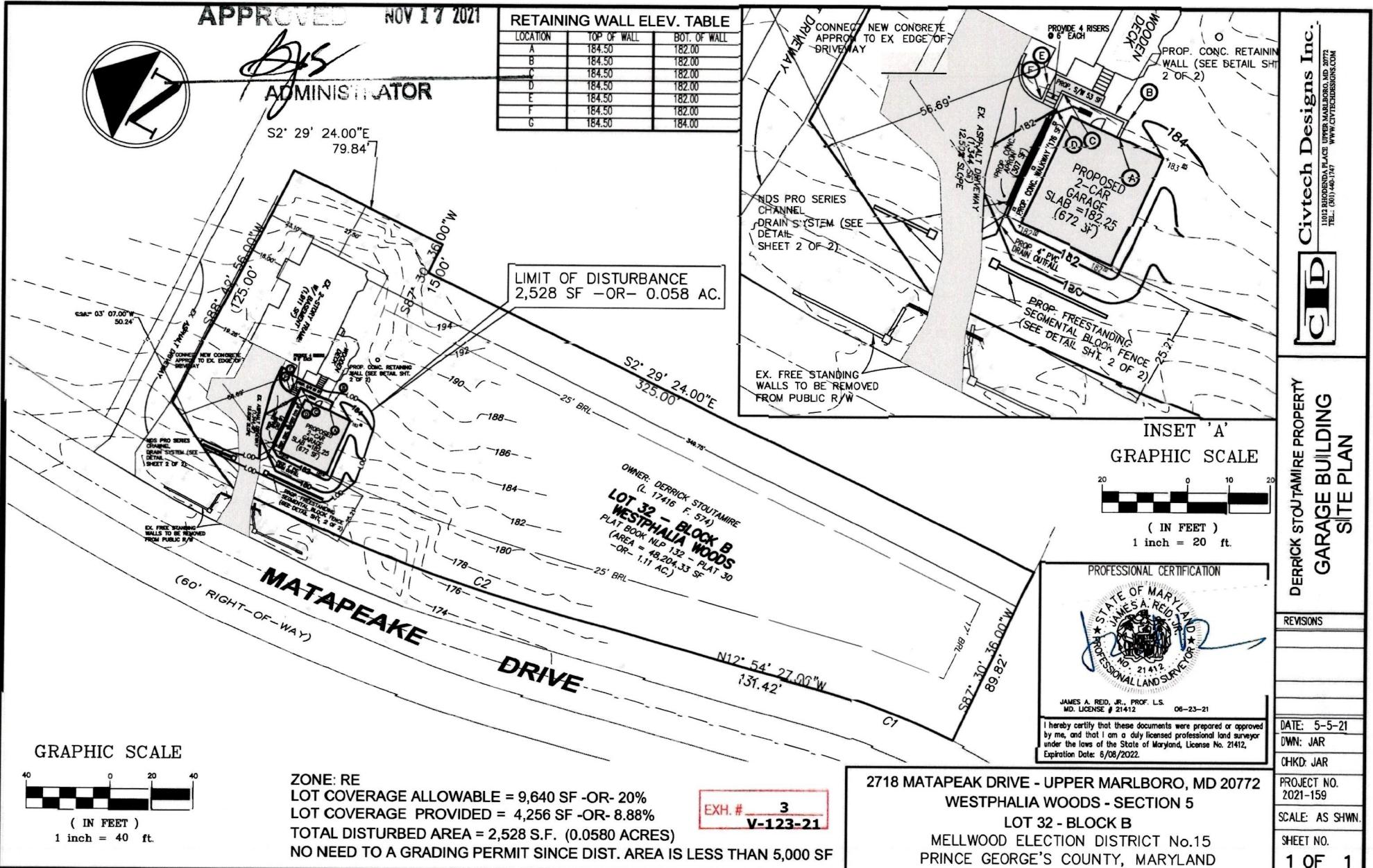
BJS
ADMINISTRATOR



RETAINING WALL ELEV. TABLE

LOCATION	TOP OF WALL	BOT. OF WALL
A	184.50	182.00
B	184.50	182.00
C	184.50	182.00
D	184.50	182.00
E	184.50	182.00
F	184.50	182.00
G	184.50	184.00

S2° 29' 24.00"E
79.84'

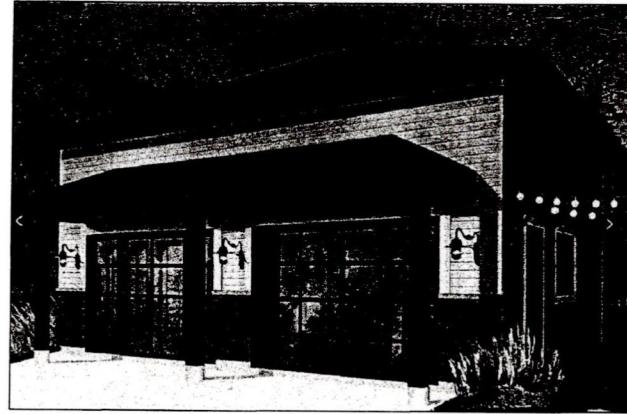
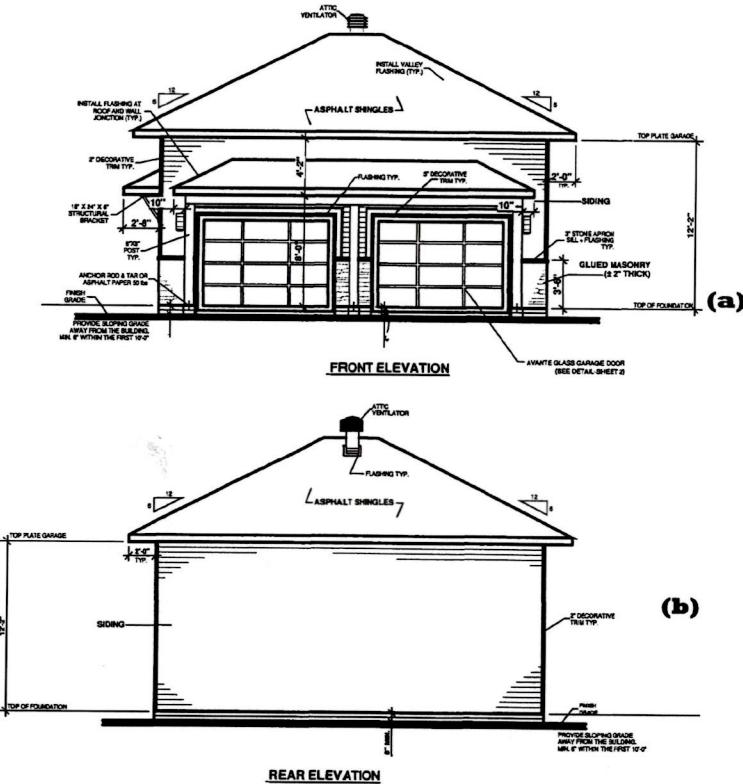


Civtech Designs Inc.

1002 RHOEDONDA PLACE, UPPER MARLBORO, MD 20772
TEL: (301) 460-1447

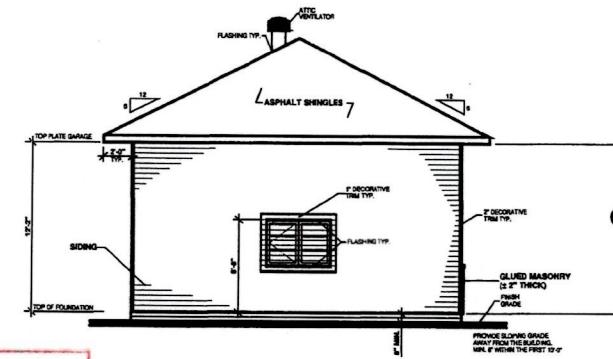
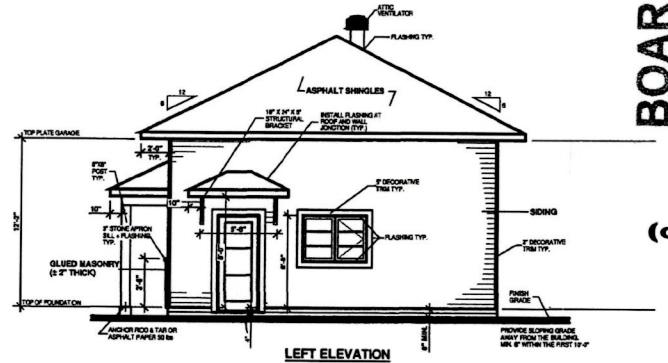
**DERRICK STOUTAMIRE PROPERTY
PROPOSED GARAGE**

WESTPHALIA WOODS - LOT B
PLAT BOOK NLP PLAT 132 @ 30
2718 MATAPEAKE DR, UPPER MARLBORO, MD 20772



BOARD OF APPEALS

APPROVED NOV 17 2021



EXH. # 4(a-s)
V-123-21

PROFESSIONAL CERTIFICATION	
 <p>THE STATE OF MARYLAND A STATE OF THE UNION 1851</p>	
<p>DATE: 6-7-21 DWN. BY: DEB. BY JAR JAR</p>	
<p>CHC. BY: SCALE JAR 1/4" = 1"</p>	
<p>PROJECT NO. 2221-169</p>	
<p>SHEET NO. 1 OF 4</p>	

PROPOSED GARAGE (ELEVATIONS)

REVISIONS
 DATE 8-7-21
 W/M. BY DES. BY
 JAR JAR
 CHK. BY SCALE
 JAR 1/4" = 1"
 PROJECT NO.
 2021-169
 SHEET NO. 1 OF 1

