



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

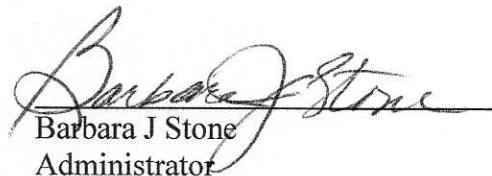
OF BOARD OF APPEALS

RE: Case No. V-17-23 Linda Mount

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: June 14, 2023.

CERTIFICATE OF SERVICE

This is to certify that on July 26, 2023, 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: Linda Mount

Appeal No.: V-17-23

Subject Property: Lot 81, Woodmore Subdivision, being 12500 Longwater Drive, Mitchellville, Prince George's County, Maryland

Witness: Scott Behrens, Architect

Heard: May 23, 2023; Decided: June 14, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Carl Isler, Acting Vice Chair,
Renee Alston, Member
Teia Hill, Member

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(c)(Table II) prescribes that not more than 20% of the net lot area shall be covered by buildings and off-street parking. Section 27-442(e)(Table IV) prescribes that each lot shall have a rear yard at least 25 feet in depth. The Petitioner has specifically requested that this property be reviewed under the prior code. Petitioner proposes to obtain a building permit to construct a proposed 15' x 20' addition, a proposed 24' x 35' addition, a proposed 15' x 15' addition and to relocate a 10' x 20' deck. Variances of 7% net lot coverage and 5 feet rear yard depth are requested.

Evidence Presented

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

1. The property was subdivided in 1981, contains 30,530 square feet, is zoned AR (Agricultural-Residential) and is improved with a single-family dwelling, attached garage, driveway, and existing deck. Exhs. 2, 5, 9, 10 and 11 (A) through (E).
2. The subject property is irregular in shape with a front street line that is curved.¹ Exhs. 2 and 5.
3. Petitioner proposes to obtain a building permit to construct a proposed 15' x 20' addition, 24' x 35' addition, 15' x 15' addition and to relocate a 10' x 20' deck. To achieve the development, variances of 7% net lot coverage and 5 feet rear yard depth are requested. Exhs. 2, 5, 9, 10 and 11 (A) through (E).

¹ The property was originally developed under Section 27-444 (B)(9) Recreational Community Development, which specifically states the minimum requirements for development of detached dwellings in the R-A Zone shall be those which apply to the R-E Zone. Petitioner has specifically requested that this property be reviewed under the prior Zoning Ordinance. At the hearing on May 10, 2023, the Board determined that the property was developed under Section 27-444 per footnote 1 of the Zoning Ordinance. The case was readvertised to review the matter under the prior code.

4. The irregular shape of the lot and the preexisting location of the house affects the size of the rear yard and the amount of lot coverage. Exhs. 2, 5, 9, 10 and 11 (A) through (E).

5. Petitioner Linda Mount believes that the criteria for variances for her property is met because of the irregular shape of the subject property in comparison to surrounding properties. Exhs. 2, 5 and 19.

6. She further stated that when the house was being built, restrictions were in place on how to position the house on the lot. That resulted in having around 5 steps leading from the garage to the house, but as Petitioner has aged the steps have become problematic. She explained that this is why she is requesting to add a garage with a ramp inside the garage so that she would be able use a wheelchair to enter the house from the garage.

7. Ms. Mount explained that when the Tree Conservation,² as nice as it is, becomes very wet, the mosquito's population increases. In addition, Petitioner has had several ground hogs, racoons and foxes trapped and removed from her property. One of the reasons to add the addition in the rear is to have a conservatory in which to enjoy gardening away from any wildlife and insects. She stated that the garage will include a ramp to allow her to enter the home in a wheelchair and a wider staircase to the lower level that will accommodate a chairlift. The deck will be relocated to likewise allow a wider staircase. Exhs. 2, 3 and 6 (A) through (E).

8. She opined that the proposed development will not change the character of the neighborhood and submitted photographs of neighborhood properties. Exhs. 7 (A) through (E).

9. She also submitted letters of support from neighbors. Exh. 18.

10. Architect Scott Behrens testified that the internal ramp in the new garage will be 24' x 35'. The existing driveway will provide side access to the new garage.³ The new/relocated deck will be 10' x 20'. The two-story addition will be 25' x 15' to accommodate the new interior stairs (and comply with current building requirements) which will be widened for a chairlift. He stated that the conservatory will be 15' x 15'. Exhs. 2, 3, and 25 (A) through (B). (Note: Revised Elevation Plans have been submitted also.)

11. Mr. Behrens emphasized that all of the proposed work is to accommodate the Petitioner who has mobility concerns and allow her to age in place.

12. Quality 1 Property Management for Pleasant Prospect (Woodmore Homeowners Association) approved the proposed additions and requested variances. Exh. 17.

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:

² Over the 20 plus years that Petitioner has owned the subject property the surrounding area has had a Tree Conservation Easement. (Included in L.36188 F. 042) Declaration of Covenants for Woodland Conservation Bank with Mortgage Provisions). Exh. 19.

³ A small portion of the driveway will be removed, reducing the square footage of the driveway. Exh. 2.

Due to the irregular shape of the lot, the preexisting location of the house affecting the diminished size of the rear yard and the amount of lot coverage, the desire to accommodate Petitioner's mobility concerns with the proposed additions 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 Johnson absent, that Variances of 7% net lot coverage and 5 feet rear yard depth in order to proposes to obtain a building permit to construct a proposed 15' x 20' addition, a proposed 24' x 35' addition, a proposed 15' x 15' addition and to relocate a 10' x 20' deck on the property located at 12500 Longwater Drive, Mitchellville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved revised elevation plans, Exhibits 25 (A) through (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.



P.B. 111 @ 62

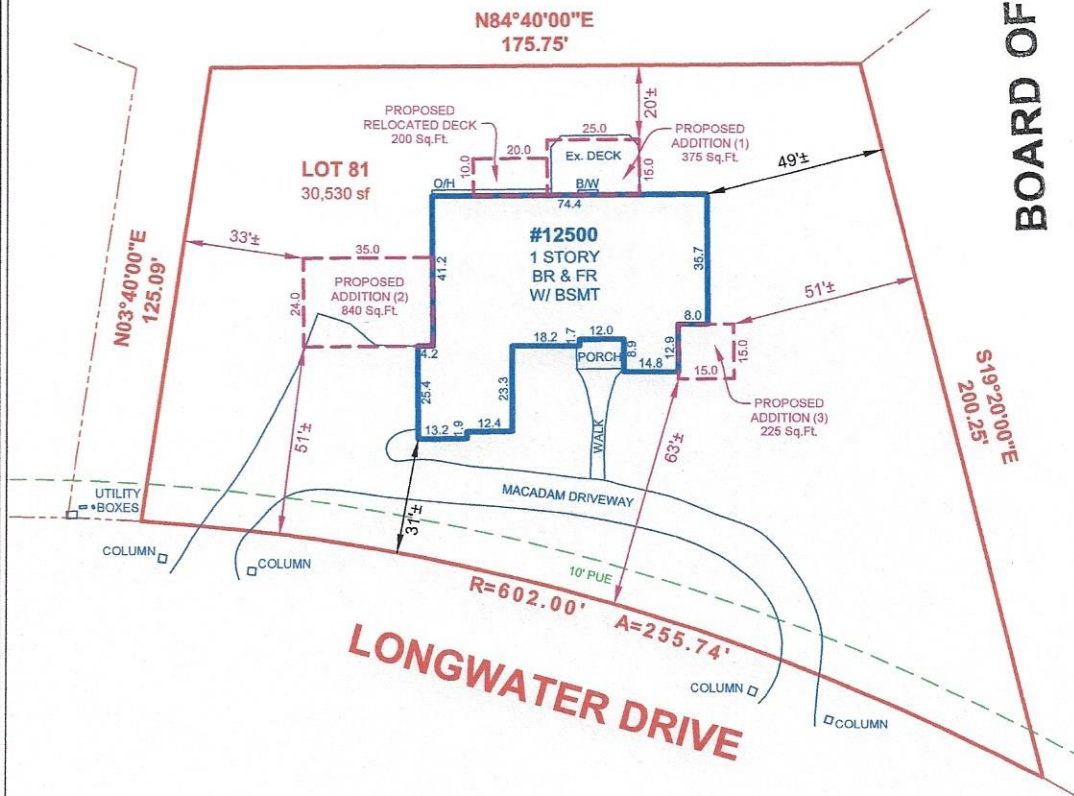
LOT COVERAGE

ITEM	AREA (SQ. FT.)
Driveway	3,139
Walk	152

BOARD OF APPEALS

APPROVED JUN 14 2023

[Signature]
ADMINISTRATOR



**EXHIBIT
2**

V-17-23

THE LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES IS: **1±**

LOCATION DRAWING OF:

**#12500 LONGWATER DRIVE
LOT 81
PLAT SIX
WOODMORE
PLAT BOOK 111, PLAT 62
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1"=40' DATE: 02-20-2023
DRAWN BY: AP FILE #: 231144-200**

LEGEND:

- ★ - FENCE
 - B/E - BASEMENT ENTRANCE
 - B/W - BAY WINDOW
 - BR - BRICK
 - BRL - BLDG. RESTRICTION LINE
 - BSMT - BASEMENT
 - C/S - CONCRETE STOOP
 - CONC - CONCRETE
 - D/W - DRIVEWAY
 - EX - EXISTING
 - FR - FRAME
 - MAC - MACADAM
 - N/F - NOW OR FORMERLY
 - O/H - OVERHANG
 - PUE - PUBLIC UTILITY ESMT.
 - PIE - PUBLIC IMPROVEMENT ESMT.
- COLOR KEY:**
- (RED) - RECORD INFORMATION
 - (BLUE) - IMPROVEMENTS
 - (GREEN) - EASEMENT AND RESTRICTIONS

A Land Surveying Company



**DULEY
and
Associates, Inc.**



Serving D.C. and MD.

14604 Elm Street, Upper Marlboro, MD 20772

Phone: 301-888-1111

Fax: 301-888-1114

Email: orders@duley.biz

On the web: www.duley.biz

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 06, 13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT 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 PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1". NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD, BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.



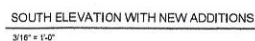
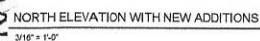
DULEY & ASSOC.

WE WILL GIVE YOU A 100% FULL CREDIT TOWARDS UPGRADING THIS SURVEY TO A "BOUNDARY/STAKE" SURVEY FOR ONE YEAR FROM THE DATE OF THIS SURVEY.

(EXCLUDING D.C. & BALT. CITY)

APPROVED JUN 14 2023

ADMINISTRATOR



A201

EXHIBIT
25 (A-B)
V-17-23