



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-3-24 James and Adriana Bowers

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 8, 2024.

CERTIFICATE OF SERVICE

This is to certify that on July 8, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature of Barbara J. Stone is written in cursive ink. The signature is fluid and appears to read "Barbara J. Stone". It is positioned above a horizontal line.

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: James and Adriana Bowers

Appeal No.: V-3-24

Subject Property: Lots 7 and 8, Block 9, Oakcrest Subdivision, being 8302 Spruce Hill Drive, Laurel,
Prince George's County, Maryland

Heard: March 27, 2024; Decided: May 8, 2024

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

Carl Isler, Vice Chairman

Renee Alston, Member

Board Member Absent: Teia Hill, 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 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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e) of the Zoning Ordinance, which prescribes that a maximum lot coverage of 35%, a minimum front yard depth of 25 feet. Petitioners propose to obtain a building permit to construct a 28' x 46' two-story addition and a 23.3' x 34' garage addition. Variances of 7% lot coverage and 7 feet front yard depth are requested.

Evidence Presented

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

1. The property was subdivided in 1922, contains 15,000 square feet, is zoned RSF-65 (Residential, Single Family-65), and is improved with a single-family dwelling, driveway, carport, fence, and shed. Exhibits (Exhs.) 3, 4, 7, 8, and 9 (A) thru (F).

2. The subject property is rectangular in shape and otherwise unremarkable. The property is not within the city limits of Laurel. Exhs. 2, and 4.

3. Petitioners propose to obtain a building permit to construct a 28' x 46' two-story addition and a 23.3' x 34' garage addition. Variances of 7% lot coverage and 7 feet front yard depth are requested. Exhs. 2, and 3 (A) thru (E).

4. Petitioner James Bowers advised the Board that he and his wife wish to put a two-story addition on the right-hand side of the house. The property consists of two lots, and the house is built over the property line. Therefore, the lots cannot be split or subdivided. Petitioners wish to keep the same look as the existing style of architecture. At the rear of the house is a detached garage, which Petitioners wish to make bigger to be more useful to them. Mr. Bowers stated that on the site plan (Exh. 2), there are several structures in red that are being removed. The only structures left will be the house and the garage. The goal is for the garage and house to have matching siding to establish a clean and finished look. The garage will be doubled by expanding it outward toward the rear. Petitioners do not wish to build upward. Exhs. 2, 3 (A) thru (E), and 5 (A) thru (J).

5. Mr. Bowers continued that they are moving his mother into the residence. Petitioners also have three boys who are too big to share bedrooms. Additionally, the new addition is larger than the existing house. The current house is a Cape Cod, which is only 1 1/2 story with a less than 7' height ceiling in the

basement. Petitioners desire to have a two-story home with a basement with a 9' ceiling instead of a 7' or 8' ceiling.

6. Mr. Bowers testified that the property slopes down towards the right side and rear of the property. The slope is 1 foot for every 8-12 feet. Exhs. 2, 3 (A) thru (E), and 5 (A) thru (J). He is requesting the variance because they are trying to match the old house with the new house, and it is difficult to fit openings from one house to the other house. This new design will look natural, as if it were always there.

7. Mr. Bower further stated that several other properties in the neighborhood have added additions, so this would not be out of character for the neighborhood. Exhs. 9 (A) thru (F).

Chair Mack made a motion to take the case under advisement. Vice Chair Isler seconded the motion. Motion carried 3/0. (Mack, Isler, and Alston).

On April 10, 2024, Madam Chair made a motion to defer the Discussion/Decision items to April 24, 2024, because Ms. Hill was not present at the April 10, 2024, hearing and was unable to vote on the agenda items. Vice Chair Isler seconded the motion. Motion carried 3/0. (Mack, Isler, and Hill).

On April 24, 2024, the record was heard as a Discussion/Decision item.

1. The property's shape and size were discussed as required by the criteria; it was found that the subject lot is not unique in shape or size from any other surrounding lot.

2. The subject lot slopes severely. The subdivision plat was reviewed. Attorney Watson advised that topography is compared to neighboring properties, and all six criteria of the code must be met.

3. Vice Chair Isler indicated that it is difficult to see the topography of the surrounding properties from only viewing the subdivision plat. More detailed information was needed to determine the surrounding topography. Administrator Stone stated that PGAtlas may provide the topography maps.

Chair Mack made a motion to hold the matter open for Technical Assistance. Vice Chair Isler seconded the motion. Motion carried 3/0. (Mack, Isler, and Hill).

On May 8, 2024, the record was heard as a Discussion/Decision item.

1. PGAtlas was reviewed for topography. Administrator Stone noted that PGAtlas topography is not clear as to the elevation changes.

2. The subdivision plat was reviewed again. Administrator Stone noted that all the lots are identical.
3. All lots within the subdivision are clearly not unique.

Chair Mack made a motion to deny the variance. Ms. Alston seconded the motion. Motion carried 3/0/1. (Deny - Mack, Alston, and Hill. Abstain - Isler.)

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

(1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional

topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);

- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance does not comply with the applicable standards set forth in Section 27-3613(d), more specifically:

1. The Board found that the subject lot is not physically unique and unusual in a manner different from the nature of the surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel.
2. The Board found that the proposal for the house and garage additions created the need for lot coverage; therefore, the difficulty is self-inflicted.

BE IT THEREFORE RESOLVED, by majority vote, Vice Chair Isler abstaining, that variances of 7% lot coverage and 7 feet front yard depth in order to obtain a building permit to construct a 28' x 46' two-story addition and a 23.3' x 34' garage addition on the property located at 8302 Spruce Hill Drive, Laurel, Prince George's County, Maryland, be and is hereby DENIED.

BOARD OF ZONING APPEALS

By:

Bobbie S. Mack

Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By:

Keisha A. Garner

Keisha A. Garner, Esq.

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 27-3313(c)(10)(B) of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.