



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

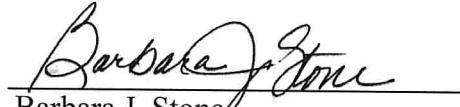
*NOTICE OF FINAL DECISION
OF BOARD OF APPEALS*

RE: Case No. V-88-17 Lake Marlton Limited Partnership

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 9, 2017.

CERTIFICATE OF SERVICE

This is to certify that on September 7, 2017, 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: Lake Marlton Limited Partnership

Appeal No.: V-88-17

Subject Property: Lot 1, Wallace Landing Subdivision, being 12109 Wallace Lane, Upper Marlboro, Prince George's County, Maryland

Counsel for Petitioner: Norman Rivera, Esq.

Witness: Gary Evans, Caruso Homes

Heard and Decided: August 9, 2017

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

Albert C. Scott, Vice Chairman

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 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 side yard at least 8 feet in width. Petitioner proposes to validate an existing condition and complete construction of a two-story single-family dwelling and driveway. A variance of 1.7 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 2005, contains 69,453 square feet, is zoned R-R (Rural Residential) and is to be improved with a single-family dwelling and driveway. Exhibits (Exhs.) 3, 5, 8 and 10 (A) thru (F).

2. Petitioner would like to complete construction of a 32' x 60' two-story dwelling and 18' x 46' driveway. A corner of the dwelling is located 6.3 feet from the right-side lot line. A variance of 1.7 feet side yard width is, therefore, requested. Exhs. 3, 4 (a) thru (c), 6 (A) thru (I) and 13.

3. The subject site is an odd shaped, trapezoidal lot. Exh. 3.

4. Attorney Norman Rivera stated that the topography of the subject property shows a steep slope, which influenced the location of the dwelling to be closer to the side lot line. He further opined that a conservation easement and a ravine also influenced the existing placement of the dwelling on the subject lot. Exhs. 3 and 5.¹

5. He explained that the purchasers of the subject property elected a side load garage which, in order to fit the dwelling on the lot, caused the house to be placed to the opposite side of the lot as far as possible. He then stated, the purchasers requested a full front porch option, which resulted in the 1.7-foot protrusion into the side yard setback. Exhs. 3 and 4 (a) thru (c).

6. Mr. Gary Evans explained that the building options are usually chosen prior to the foundation stage. He stated that houses are frequently re-sited and believed the side load garage is the key to the variance issue because the garage pushed the house over to the side. Exhs. 3, 4 (a) thru (c), 6 (A) thru (I).

¹ A dry well exists in the rear of the property. Exh 3.

7. Mr. Gary Evans added that permits were issued for the dwelling for which no violations were cited. He testified that the need for the variance was discovered from a wall check at which time Caruso Homes pursued validation of the condition prior to settlement on the property.

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 owners 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 the lot, being trapezoidal, the construction of the side load garage, the location of both a ravine and conservation easement on the property further limiting the location of the house, 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 1.7 feet side yard width in order to validate an existing condition and complete construction of a 32' x 60' two-story dwelling and 18' x 46' driveway on the property located at Lot 1, Wallace Landing Subdivision, being 12109 Wallace Lane, Upper Marlboro, 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 4 (a) thru (c).

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.

CERTIFICATE OF COMPLIANCE

I CERTIFY THAT THIS PLAN HAS BEEN DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF SUBTITLE 32, DIVISION 2 OF THE CODE OF PRINCE GEORGE'S COUNTY, MARYLAND; AND THAT I OR MY STAFF HAVE INSPECTED THIS SITE AND THAT DRAINAGE FLOWS FROM UPHILL PROPERTIES ONTO THIS SITE, AND FROM THIS SITE ONTO DOWNSHILL PROPERTIES, HAVE BEEN ADDRESSED IN SUBSTANTIAL ACCORDANCE WITH APPLICABLE CODES.

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. 21440, EXPIRATION DATE: DECEMBER 18, 2018.



7/24/2017
DATE

REGISTERED ENGINEER

APPROVED

Barbara Stone
BOARD OF APPEALS
DATE: 8/9/17



*STABILIZATION PRACTICES ON ALL PROJECTS MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF COMAR 26.17.1.08 G REGULATIONS BY JANUARY 9, 2013, REGARDLESS OF WHEN AN EROSION AND SEDIMENT CONTROL PLAN WAS APPROVED.

FOLLOWING INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION MUST BE COMPLETED WITHIN:

- THREE (3) CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1); AND
- SEVEN (7) CALENDAR DAYS AS TO ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE NOT UNDER ACTIVE GRADING.

AREA STATEMENT COVERAGE INFORMATION

LOT NUMBER/ BLOCK NUMBER	TOTAL LOT AREA S.F.	DISTURBED AREA S.F.	LOT COVERAGE	
			S.F.	%
1	69,453 SF	14,596 SF	4,098 SF	5.9%

NOTE: SITE PLAN BASE INFORMATION SHOWN HEREON OBTAINED FROM CARUSO HOMES IN FEBRUARY, 2016 AS PREPARED BY PHOENIX LAND DESIGN DATED 05/09/2008.



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Consultants LLC
Formerly known as
Dewberry & Davis LLC

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SUITE 204
LANHAM, MD 20706
301.731.5551
301.731.0188 (FAX)
www.dewberry.com

WALLACE LANDING

SITE PLAN
LOT 1

PLAT REF. REP206 - PLAT NO. 35
15TH ELECTION DISTRICT
PRINCE GEORGES COUNTY, MARYLAND

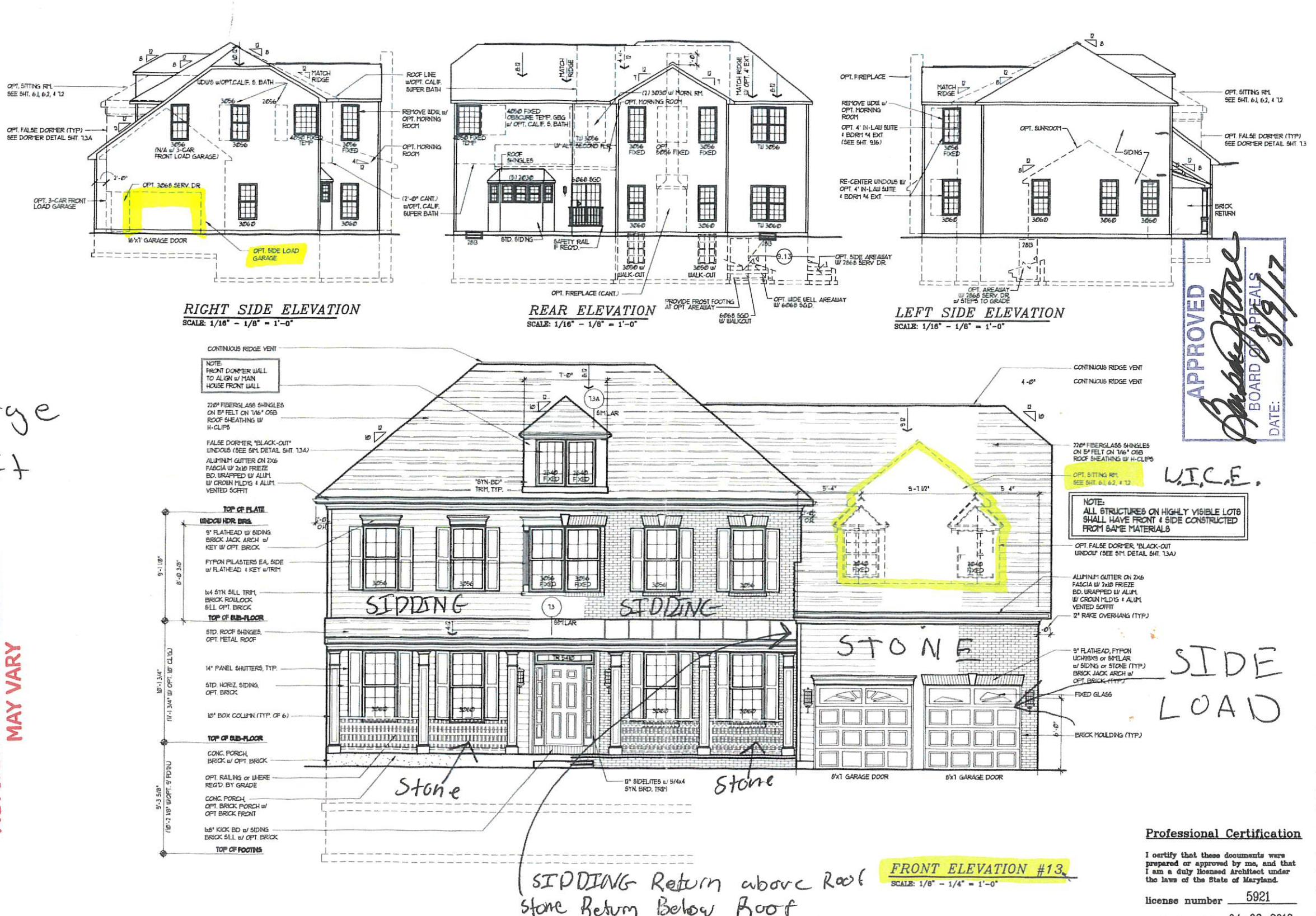
APPLICANT:
CARUSO HOMES
2120 BALDWIN AVE. 2ND FLOOR
CROFTON, MD. 21114

1" = 50'
SCALE:
2 OF 2
SHEET:
FILE NO.
EXH. # 3
V-88-17
DATE: 07/21/2017
FILE NO.

March of 2012

ACTUAL FIELD DIMENSIONS
MAY VARY

Gage
Left



Wa 1 1

Architecture Collaborative, Inc.
8320 Main Street, Suite 2, Ellicott City, MD 21043
www.archcol.com
Tel.: (410) 465-7500 Fax: (410) 465-0903

ELEVATION #13
File # 03-0130 Rev. R.B.J. date 11-13-02
title

CARUSO HOMES
KINGSPORT

Prototype plan; drawings are subject to change. Architecture Collaborative, Inc. expressly reserves its copyright and other property rights in these plans and drawings. These plans and drawings are not to be reproduced in any form or manner.

revisions	03-24-14	GENERAL REFILE REVISIONS - AP
	03-01-15	"LEAN" PLAN REVIEW COMMENTS
	12-01-16	REV. WINDOUS AT OPT. WALK-OUT - RC

SHEET # 3.13

Professional Certification

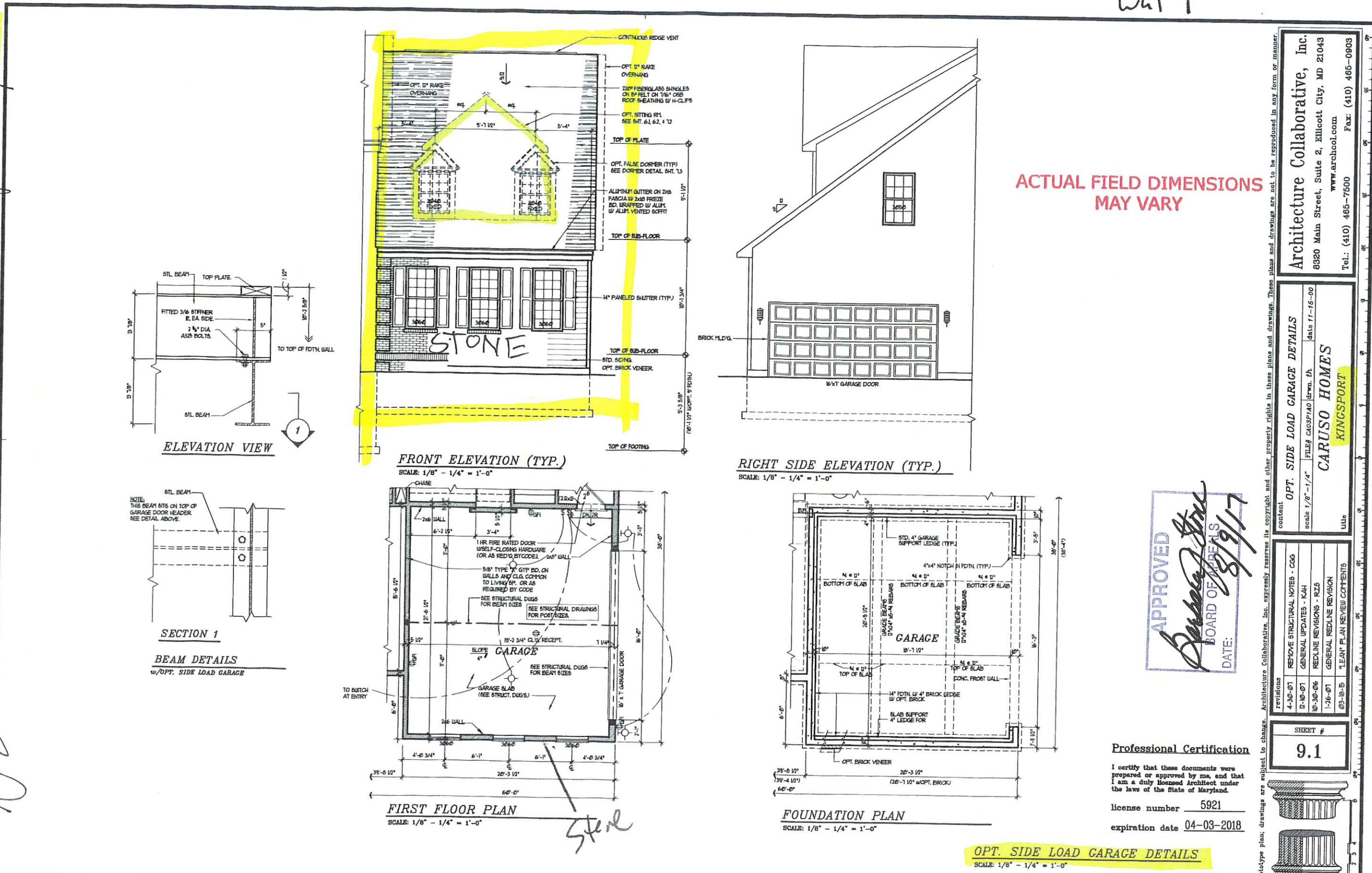
I certify that these documents were prepared or approved by me, and that I am a duly licensed Architect under the laws of the State of Maryland.

license number 5921

expiration date 04-03-2018

EXH. # 4 (a)
V-88-17

X Marvin Phillips

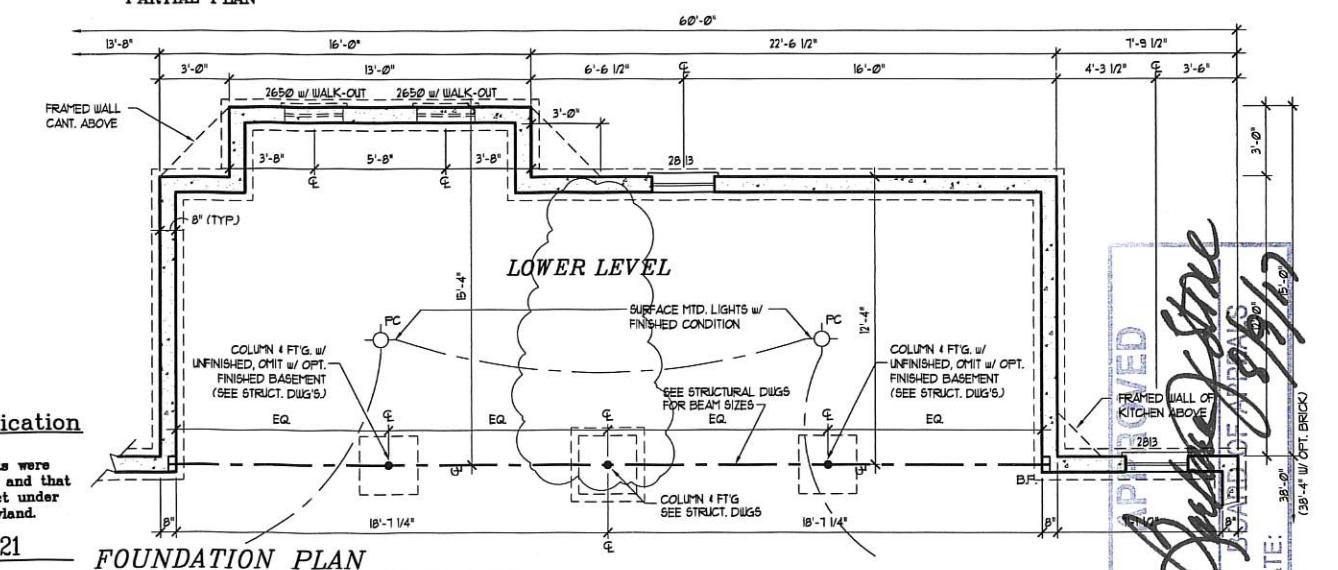
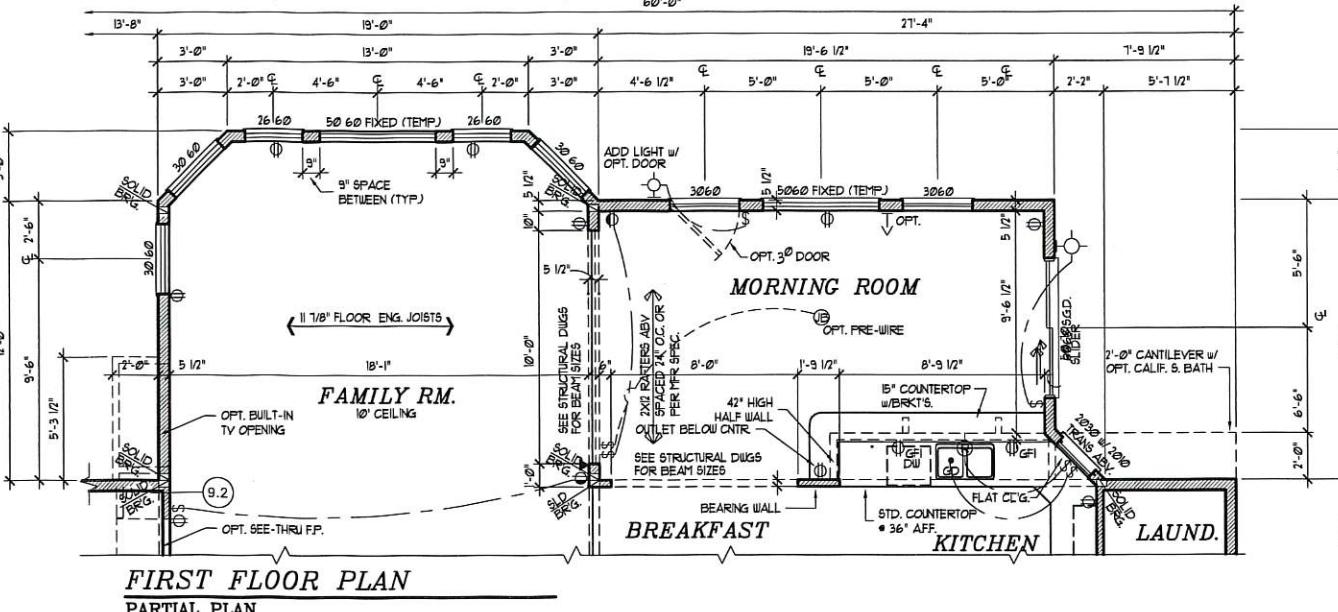
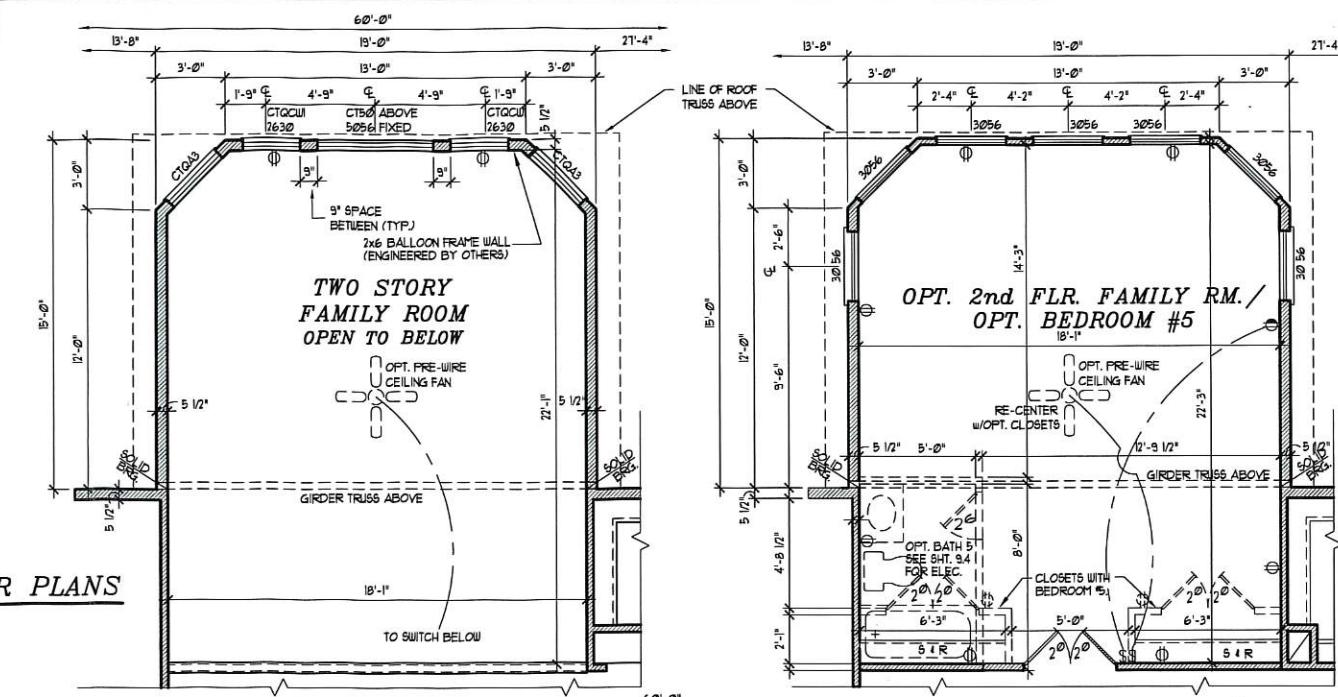
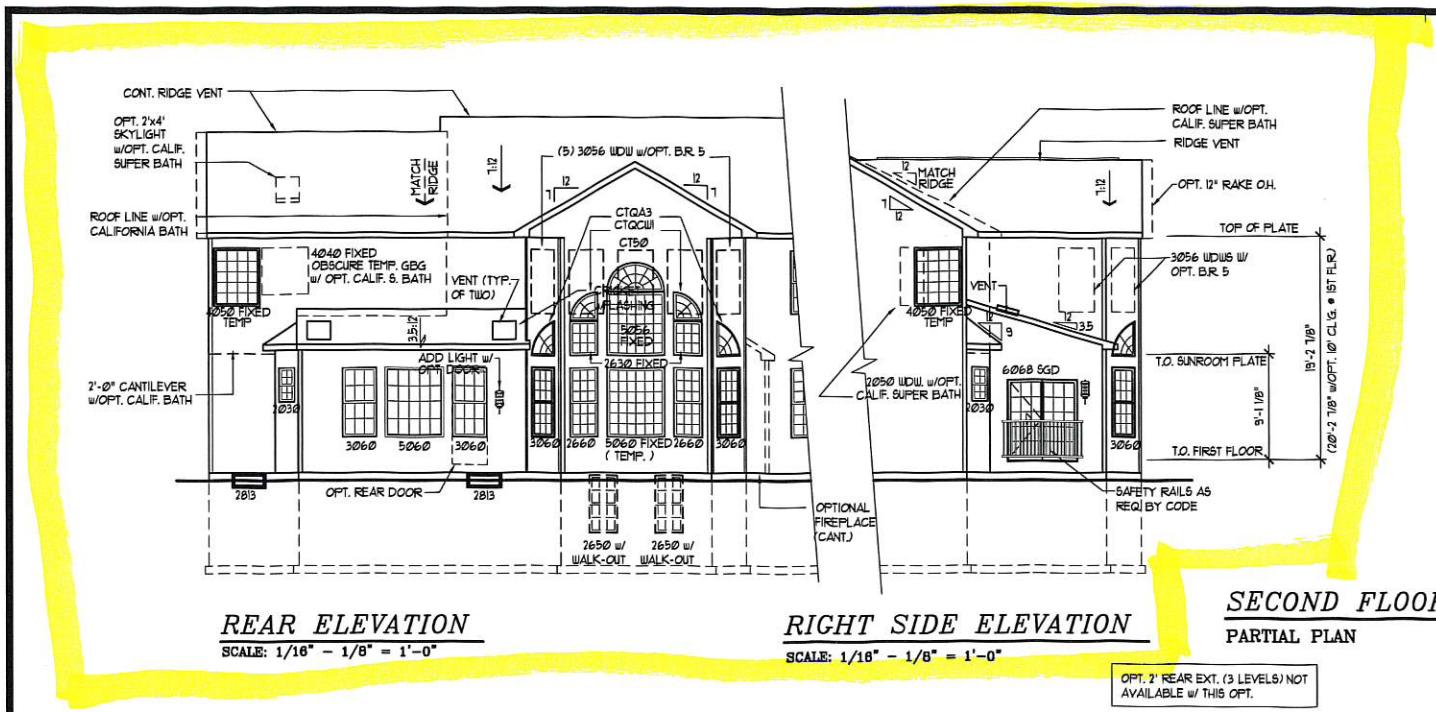


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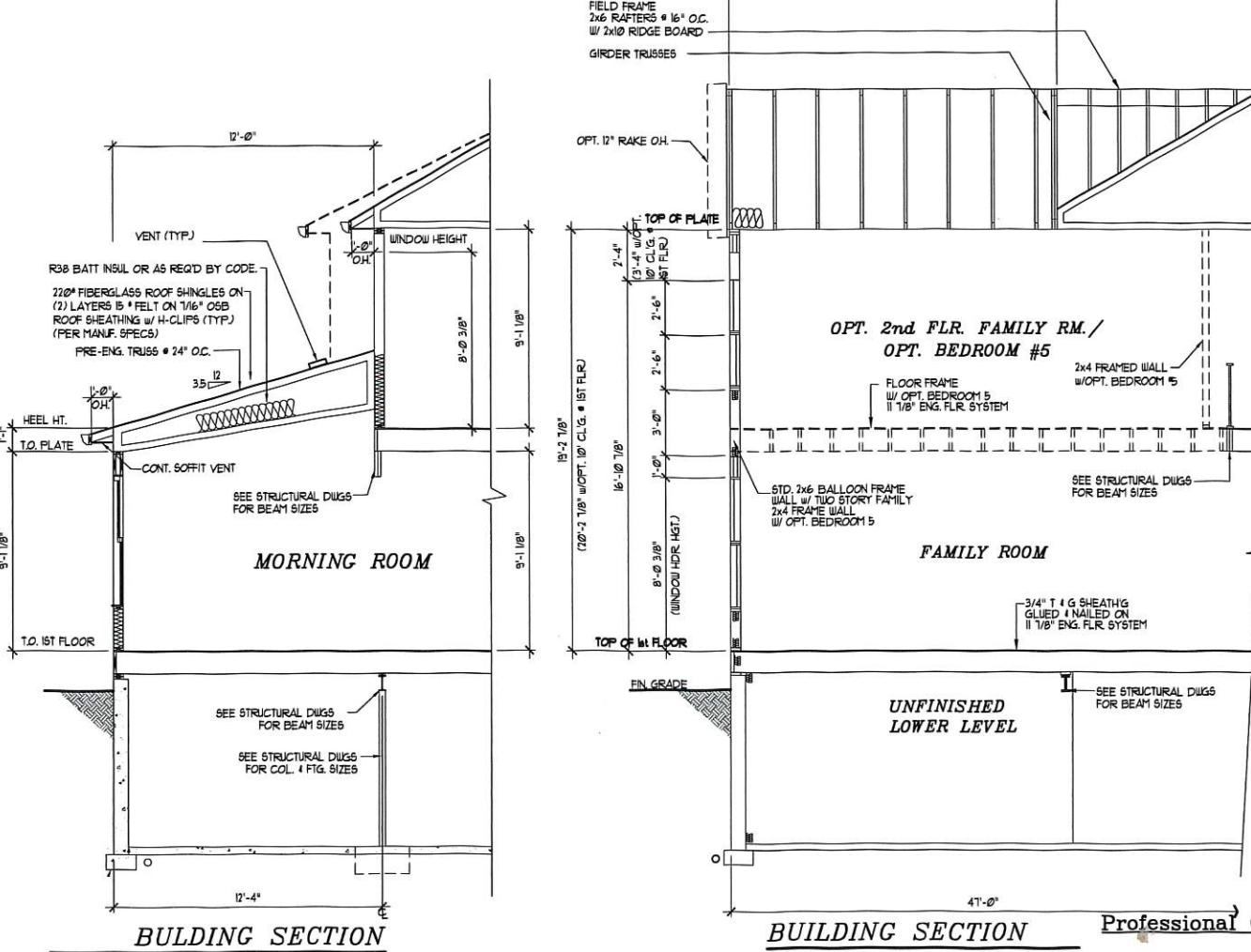
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revisions	4-20-01 REMOVE STRUCTURAL NOTES - CGS 5-10-01 GENERAL UPDATES - KAH 10-20-06 REDLINE REVISIONS - RZS 1-26-07 GENERAL REDLINE REVISION 6/23-08-15 "LEAN" PLAN REVIEW COMMENTS			CARUSO HOMES KINGSPORT
sheet #	9.1			

EXH. # 4 (b)
V-88-17



Approved by: *Jesse D. Stone*
Date: *12-01-16*

EXH. # 4(C)
V-88-17



OPT. ANGLED FAMILY RM. EXT. & MORNING ROOM COMBO
PARTIAL PLANS w/ STANDARD SECOND FLOOR
SCALE: 1/8" - 1/4" = 1'-0"

license number 5921 expiration date 04-03-2018

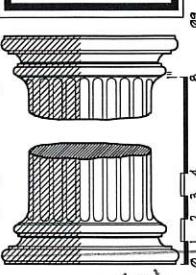
EXH. # 4(C)
V-88-17

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CARUSO HOMES
KINGSFORD w/STD. 2nd FLOOR
content
PT. ANGLED FAM. RM. / MORNING RM. COMBO
scale 1/8" - 1/4" FILE# CA03P1F0 drwn. th date 06-27-01
title

revisions
03-24-14 GENERAL REDLINE REVISIONS
03-18-15 "LEAN" PLAN REVIEW COMMENTS
03-25-16 DEL. LIVING WALL TO COORD. w/STRUCT.
12-01-16 REV. WINDOWS AT OPT. WALKOUT - RC

SHEET #
9.5



EXH. # 4(C)
V-88-17

EXH. # 4(C)
V-88-17