

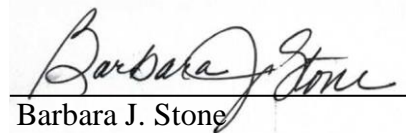
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-183-17 Zakiya and Joseph Haden, Jr.

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: February 28, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on March 14, 2018 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Waterford Mill Homeowners Association, Inc.

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Zakiya and Joseph Haden, Jr.

Appeal No.: V-183-17

Subject Property: Lot 25, Block A, Waterford Subdivision, being 13105 Hunter's Ridge Lane, Bowie,
Prince George's County, Maryland

Witness: Dwayne Davis, Property Manager

Heard: February 14, 2018; Decided: February 28, 2018

Board Members Present and Voting: 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, Petitioners request that the Board approve a variance from Section 27-442(c)(Table II), which prescribes that not more than 15% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to construct a pool house. A variance of an additional .8% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 2013, contains 91,615 square feet, is zoned R-A (Residential Agricultural) and is improved with a single-family dwelling, deck, driveway, pool, and basketball court. Exhibits (Exhs.) 2, 4, 9, 10, 11 (A) thru (F) and 20.
2. At the rear of the subject property, one-third of the lot is subject to a forest conservation easement and a 28,975-square foot area of 100-year floodplain easement. Both easements reduce the net lot area of the subject property to 62,640 square feet. Exhs. 2, 4 and 20.
3. Petitioners proposed to construct a 30' x 30' pool house with a porch directly behind the existing swimming pool. As the existing development currently exceeds the amount of net lot coverage allowed¹, construction of the pool house would be further overage. Petitioners submitted a revised site plan reducing the pool house from 30' x 30' to 20' x 30' and a revised variance of a .3% net lot coverage was requested. Exhs. 2, 3 and 20.
4. The Architectural Review Committee of Waterford Mill Home Owners Association approved the request. Exh. 6.
5. Petitioner Joseph Hayden testified that for (large) family gatherings and social entertainment, it is impractical for persons to have to use the house to change clothes, shower or use the restroom. Exhs. 2, 3, 5 (A) thru (D) and 11 (A) thru (F).

¹ The Board approved a lot coverage variance in 2015 (V-9-15) for construction of a driveway extension. Exh. 7.

6. He further testified that because the house sits back from the street, the pool house, which will be in the rear of the property, will not be visible from the street. Exhs. 2, 5 (A) thru (D), 11 (A) thru (F) and 20.

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to conservation and floodplain easements substantially reducing the net lot area, the existence of a swimming pool and the practical need of a pool house close to the pool 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. Bobbie Mack absent, that a variance of an additional .3% net lot coverage to construct a 20' x 30' pool house on the property located at Lot 25, Block A, Waterford Subdivision, being 13105 Hunter's Ridge Lane, Bowie, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 20 and approved elevation plans, Exhibit 3.

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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.