



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-24-22 Olabanji and Abimbola Folayan

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 11, 2022.

CERTIFICATE OF SERVICE

This is to certify that on September 29, 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

Petitioners: Olabanji and Abimbola Folayan

Appeal No.: V-24-22

Subject Property: Lot 83, Block A, Villages of Savannah-Telfair Subdivision, being 6201 Oglethorpe Mill Drive, Brandywine, Prince George's County, Maryland

Municipality: Tidewater Property Management Inc.

Heard and Decided: May 11, 2022

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

Anastasia T. Johnson, Member

Board Member Absent: Albert C. Scott, Vice Chairman

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, Petitioners request that the Board approve variances from Section 27-424(b) which prescribes that outdoor swimming pools shall meet the setback requirements for a main building (not for accessory structures). Section 27-420(a) which prescribes that on corner lots consisting of one (1) acre or less, fences and walls in the front yard or side yard shall not be more than four (4) feet in height without the approval of a variance. Petitioners propose to obtain a building permit to construct an in-ground swimming pool, deck, gazebo, pergola, patio, walkway and 6-foot black aluminum fence in the side street yard of a corner lot. A waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Telfair Hill Court) is requested.

Evidence Presented

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

1. The property was subdivided in 2006, contains 23,025 square feet, is zoned R-R (Rural-Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. The property is a corner lot with the dwelling facing the legal front yard (Oglethorpe Mill Drive). The property is pentagonal in shape. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).

3. Petitioners propose to obtain a building permit to construct an in-ground swimming pool, deck, gazebo, pergola, patio, walkway, and 6-foot black aluminum fence in the side street yard of a corner lot. A waiver of the fence location and height requirements for a fence over 4 feet in height in the legal side yard (abutting Telfair Hill Court) is requested. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).

4. Tidewater Property Management Inc. (Villages of Savannah) has approved the additions of the 6-foot fence, the pool, patio, deck and walkway. Exh. 6.

5. Petitioner Olabanji Folayan testified that the variances are required in order to build a swimming pool for which a 6-foot fence is required. He stated that without the variances for the proposed fence location they would be unable to build the swimming pool.¹

6. He also explained that because of the existing location of the house on the corner lot, space is limited to place the pool. Specifically, directly behind their house is a forest retention area² on a significant portion of the property. He contended that the most suitable area to build the pool, patio and other general recreation amenities is on the right side of the house. Exhs. 2, 3 (a) thru (m) and 5 (A) thru (G).

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

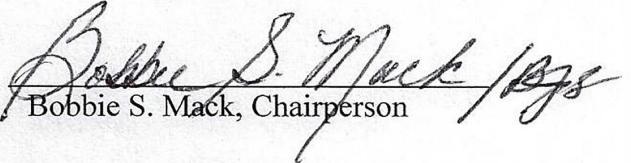
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the preexisting location of the dwelling on the corner lot facing Oglethorpe Mill Drive, the location and size of the Forest Retention Area in the rear yard limiting which precludes location of the proposed pool in that area, the mandatory requirement under Section 27-424 requiring a 6-foot fence to surround a swimming 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, Mr. Albert Scott absent, that a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Telfair Hill Court) in order to obtain a building permit to construct an in-ground swimming pool, deck, gazebo, pergola, patio, walkway and 6-foot black aluminum fence in the side street yard of a corner lot, on the property located at 6201 Oglethorpe Mill Drive, Brandywine, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and approved elevation plans, Exhibits 3 (a) thru (m).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

¹ 27-424(a) states all outdoor swimming pools in the R-R, zone shall be enclosed by a fence at least six (6) feet high.

² Record Plat "PM 219@86", Note 5; TCP 1 06/03 or as modified by the Type II Tree Conservation plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of and approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/ Tree Preservation Policy.

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.



LOCATION DRAWING
6201 OGLETHORPE MILL DRIVE
LOT 83, BLOCK A
VILLAGES OF SAVANNAH
BRANDYWINE (11th) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

BOARD OF APPEALS

SCALE: 1"=50'
MAGNETIC STATE PLANE
DATUM (NAD 83/91)

APPROVED, MAY 11 2022

84 ~~9500~~

ADMINISTRATOR

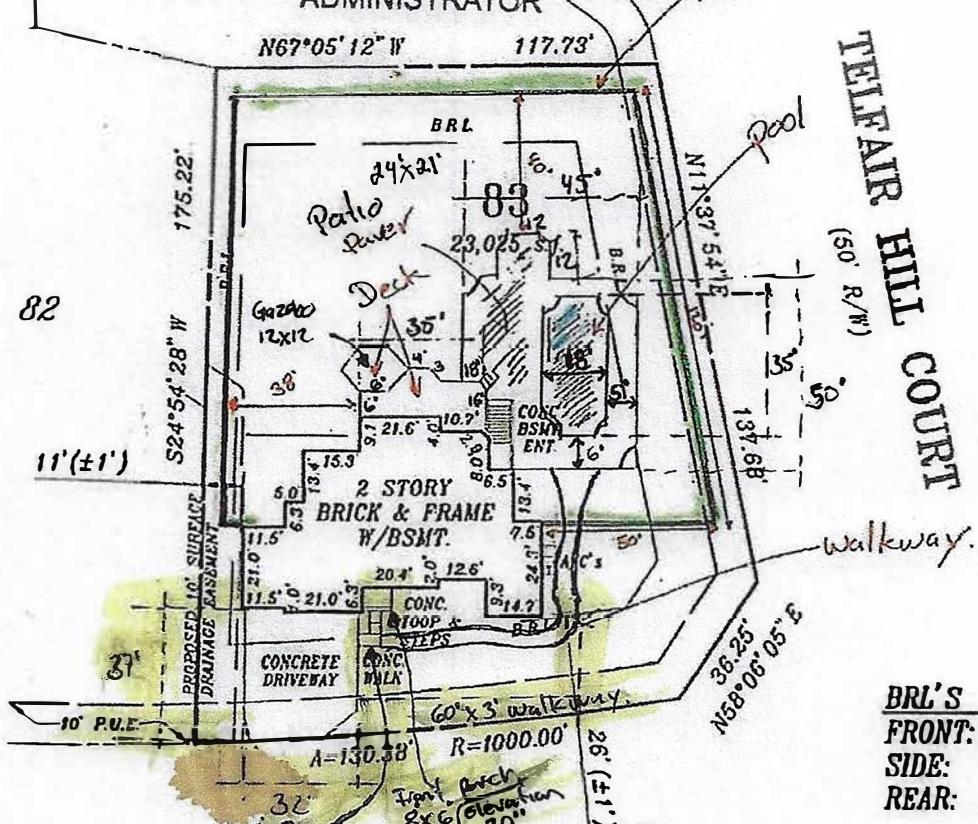
N67°05'12" W 117.

117.73

-Force-

TELF AIR HILL COURT
(50' R/W)

EXH. # 2 V-24-22



BRL'S
FRONT: 25'
SIDE: 8.5'
REAR: 20'

6x3 8x1 30
OGLETHORPE MILL DRIVE

(50° R/H)

**"THE SUBJECT DWELLING DOES NOT LIE
WITHIN A FLOOD HAZARD ZONE AS SHOWN
ON HUD FLOOD INSURANCE STUDIES"**

FINAL SURVEY: 10/23/2017
FOUNDATION SURVEY: 08/04/2017

ZONE: R-R

PERMIT NUMBER: 61585-2016

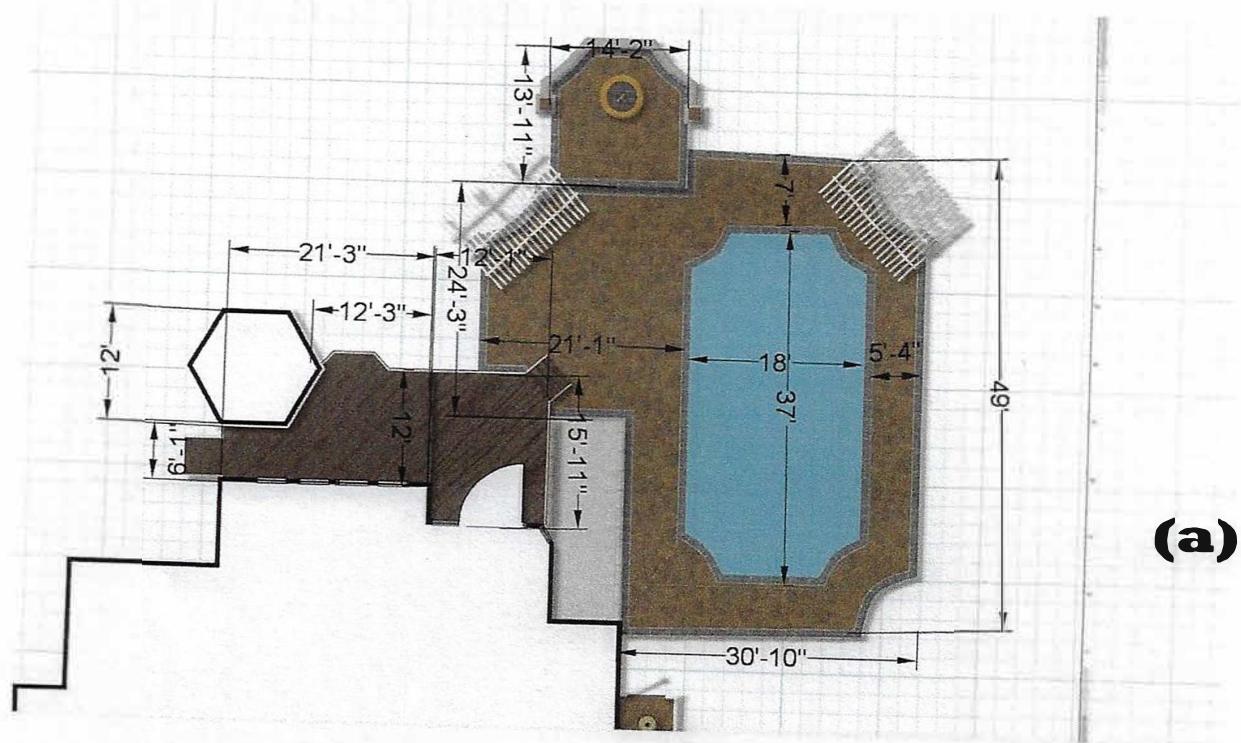
SURVEYORS CERTIFICATE

I hereby certify that the position of the existing improvements shown herein have been carefully established under my responsible charge using accepted land surveying practices. The plan is of benefit to a consumer only, insolar as it is required by a lender or a life insurance company or its agent in connection with contemplated transfer, financing or reinsurance. The plan is not to be relied upon for the establishment or location of fences, garages, buildings, easements, or other existing or future improvements. The plan 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 reinsurance. This drawing was prepared a/o the benefit of a life rep't. This drawing and the survey on which it is based are in compliance with CGRA Reg 9.13.06.05 and 9.13.06.12

CPJ Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
Associates 1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9391

REFERENCE	Drawn by CAM	WRJ	Checked by WCR	WCR
Plot Book PM219	Date 08/11/2017		Record No.	
Plot No. 86	Scale 1" = 50'		38-135-88.83	(A)

ACAD DWG: N:\38132\dwg\880-83A.dwg



(a)

EXH. # 3(a-m)
V-24-22

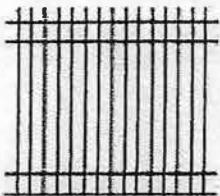
BOARD OF APPEALS

APPROVED MAY 11 2022

B. H. Hause
ADMINISTRATOR

*Specification of work, for
Fence, patio, Deck, Gazebo, pergola, walkway, Pool, and front
porch
6201 Oglethorpe Mill Dr
Brandywine MD 20613*

Black aluminum Fence.



(b)

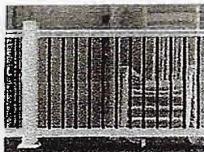
Deck and Gazebo.

(c)



Tostaeed Sand TREX.

(d)



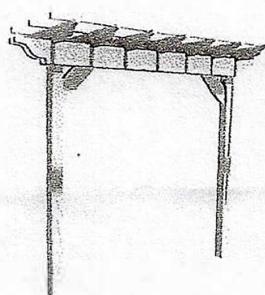
White railings Black round balusters.

(e)

PVC white deck Fascia

Pergola.

(f)



White PVC Pergola.

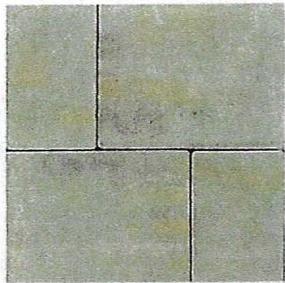
BOARD OF APPEALS

APPROVED **MAY 11 2022**


Administrator

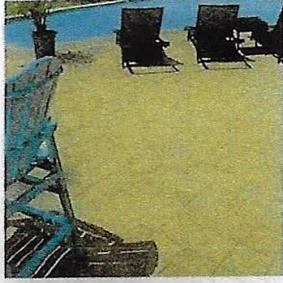
Patio, Walkway.

(g)



Stone Ridge, Weschester Blend,
Main color.

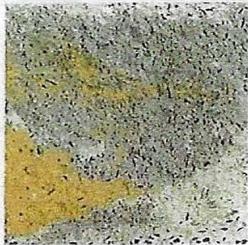
(h)



Stone Ridge, travertina blend color.
Boarder Color.

Sitting Wall and Cap stone.

(i)



Colonia Wall Westchester Blend Color

(j)



Colonia Caps Travertine Blend Color.

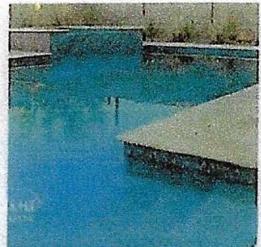
Hampton Pool

(k)



Hampton Pool Shape

(l)



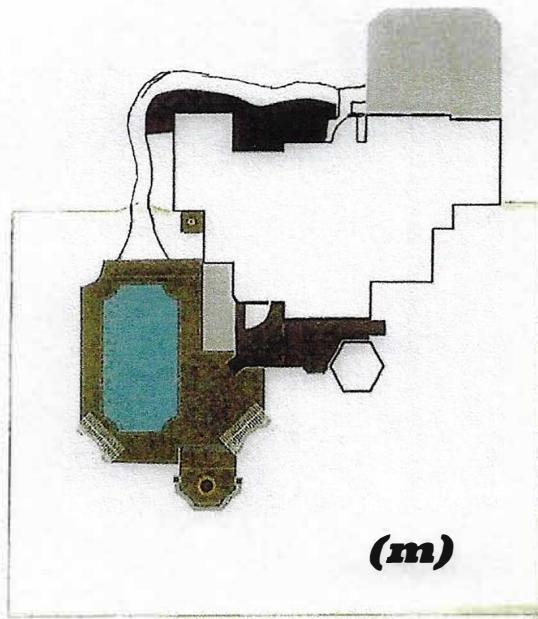
6x12 Coping stone, Travertina Color.

BOARD OF APPEALS

APPROVED

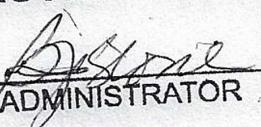
MAY 11 2022


Administrator



BOARD OF APPEALS

APPROVED **MAY 11 2022**



ADMINISTRATOR