



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-35-21 David Lindgren and Bryan Gordon

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 8, 2022.

CERTIFICATE OF SERVICE

This is to certify that on August 19, 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". Below the signature, the name "Barbara J. Stone" is printed in a standard black font, followed by the title "Administrator" in a smaller font.

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: David Lindgren and Bryan Gordon

Appeal No.: V-35-22

Subject Property: Lot 77, Block B, Villages of Savannah Subdivision, being 12510 Barnard Court, Brandywine, Prince George's County, Maryland

Heard and Decided: June 8, 2022

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, Petitioners request 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 rear yard at least 20 feet in depth/width. Petitioners propose to obtain a building permit for the construction of a deck. A variance of 7 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 2007, contains 10,043 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 subject lot is located on a cul-de-sac and is pie shaped with the rear yard topography being a steep slope toward the rear property line. In addition, in between the subject lot (77) and lot 78, there is a 31-foot-wide Washington Suburban Sanitary Commission (WSSC) easement that encroaches into the subject property's side yard. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).
3. Petitioners propose to obtain a building permit for the construction of an 18' x 12' deck on the rear of the house. A variance of 7 feet rear yard depth/width is required as the deck is only 13 feet from the rear property line. The Zoning Ordinance requires 20 feet. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).
4. Petitioner David Lingren testified that the property is irregular in shape and has a steep slope in the rear. Exhs. 2, 3 (a)thru (b), 5 (A) thru (E).
5. He stated that, as shown in the photographs and elevation plans provided, there is an existing rear door that was constructed to access the proposed deck. Exhs. Exhs. 2, 3 (a)thru (b), 5 (A) thru (E).
6. He explained that at that time they received approval for the proposed deck from the HOA they applied for a building permit with the County. During the permit review process, it was determined that a variance would be needed. The determination enlightened them because there was forest behind the property and they believed that the tree line was on their property line. In fact, the tree line is situated outside of the property line. They realized that their rear yard was not as deep as they thought. Exhs. 2, 3 (a)thru (b), 5 (A) thru (E).

7. Petitioner stated that directly behind the property is a forest conservation area.
8. The deck will not include stairs as a point of access. Currently, the house door (which will provide access to the proposed deck) has a safety rail as the door is approximately 10 feet above grade. Exhs. 2, 3 (a) thru (b), 5 (A) thru (E).

9. Villages of Savannah Homeowners Association (Tidewater Property Management) has provided an approval letter determining that the requested deck met the guidelines of its architectural rules and regulations. Exh. 6.

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

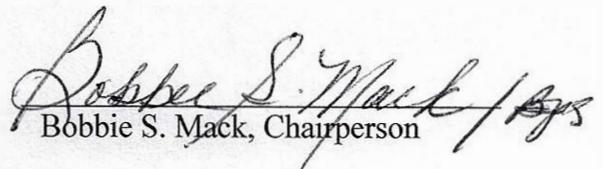
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the irregular pie shape of the lot within the cul-de-sac, the rear property line slanting away from the dwelling (and proposed deck,) the topography of the rear yard being a steep slope (and inconvenient for enjoyment), the location of a WSSC easement on the right side yard, the architectural intention to accommodate a deck when the house was planned through an existing door located 10-feet above grade 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 7 feet rear yard depth/width in order to obtain a building permit for the construction of a deck on the property located at 12510 Barnard Court, Brandywine, 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 2 and approved elevation plans Exhibits 3 (a) thru (b).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

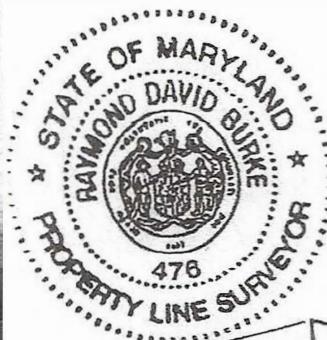
NOTICE

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.

BOARD OF APPEALS



LOCATION DRAWING

12510 BARNARD COURT
LOT 77, BLOCK B
VILLAGES OF SAVANNAH
BRANDYWINE (11th) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

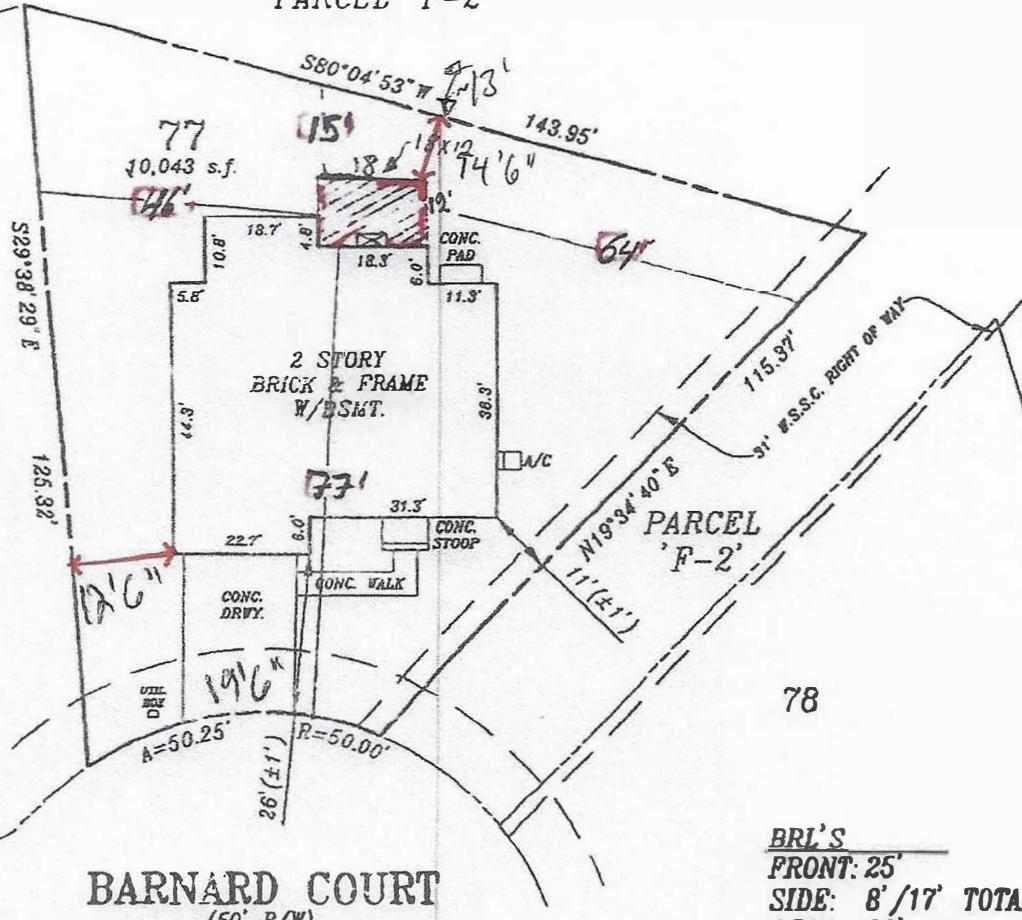
SCALE: 1" = 10'
MARYLAND STATE DATUM (NAD 83/91)

PARCEL 'F-2'

APPROVED JUN 08 2022

B
1

ADMINISTRATOR



BRL'S
FRONT: 25'
SIDE: 8'/17' TOTAL
REAR: 20'

EXH. # 2
V-35-22

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

FINAL SURVEY: 05/17/2021
FOUNDATION SURVEY: 01/12/2021

ZONE: R-R CLUSTER

PERMIT NUMBER: 34988-2020

SURVEYORS CERTIFICATE

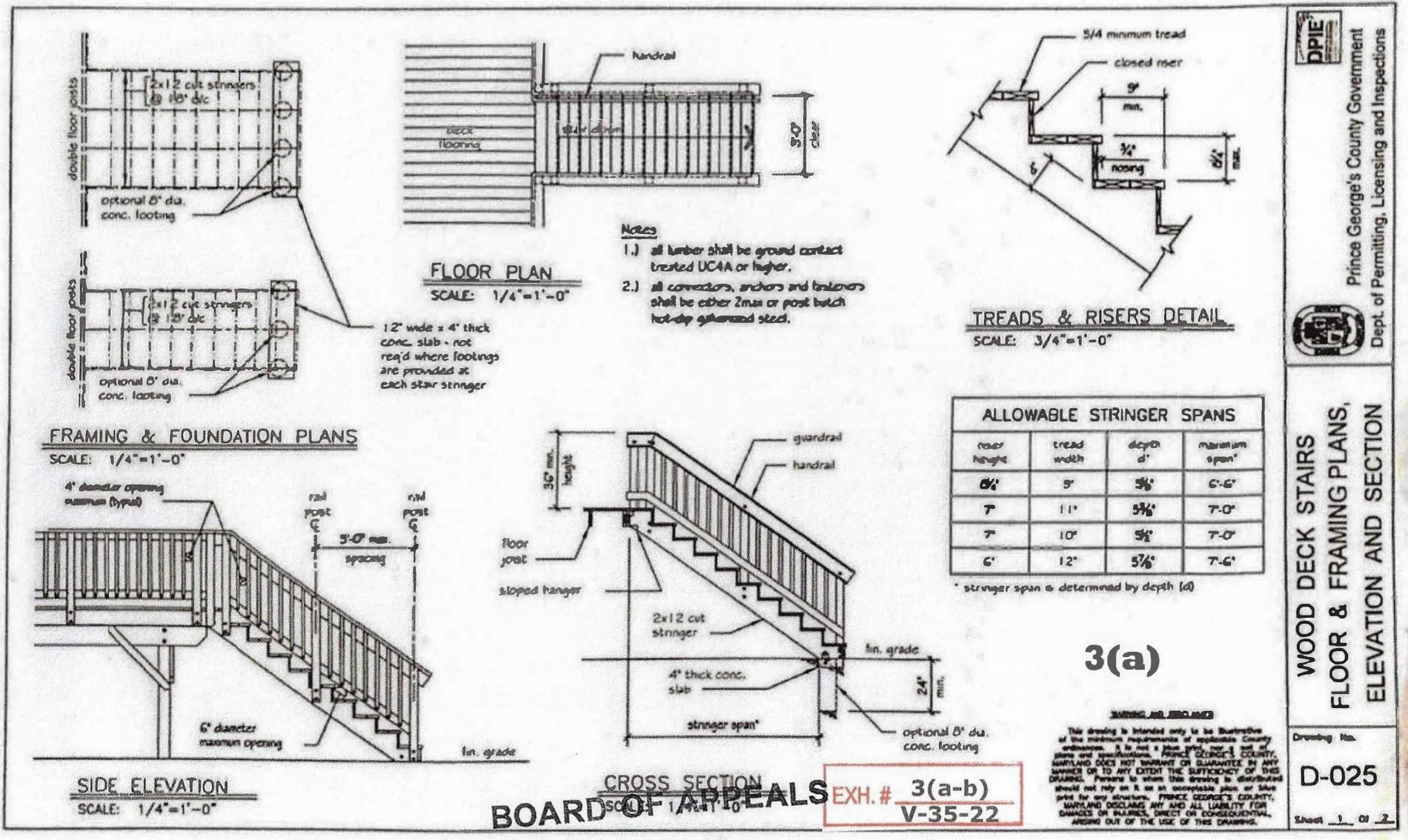
I hereby certify that the position of the existing improvements shown herein have been carefully established under my responsible charge using accepted land surveying practices. The plan is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. 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 refinancing. This drawing was prepared without the benefit of a title report. This drawing and the survey on which it is based are in compliance with COMAR Reg. 9.13.06.06 and 9.13.06.12.

CPJ Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
Associates 175 Eliza Rd., Ste. 300, Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394

175 Eliza Rd. Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394

REFERENCE	Drawn by		Checked by	
	MSB	MSB		
Plot Book PM 224	Date 01/19/2021		Record No.	
Plot No. 67	Scale 1" = 30'		38-137-88.77	(B)

ACAD DWG: N:\38132\dwg\880-776-5.dwg

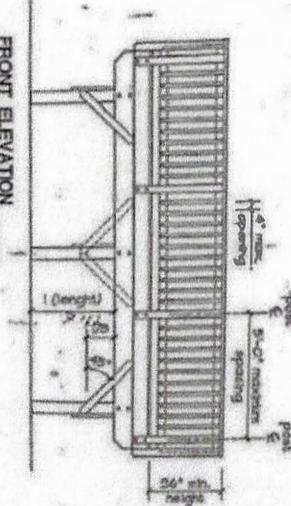


BOARD OF APPEALS

APPROVED JUN 08 2022

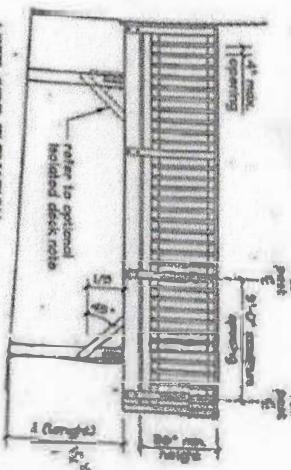

Brian Stover
ADMINISTRATOR

Optional Free-Standing and Totem-Integrated Decks.
Decks designed and constructed as totally isolated and completely
freestanding structures (i.e. not attached to the house) must be
diagonally braced in two perpendicular directions at every post.



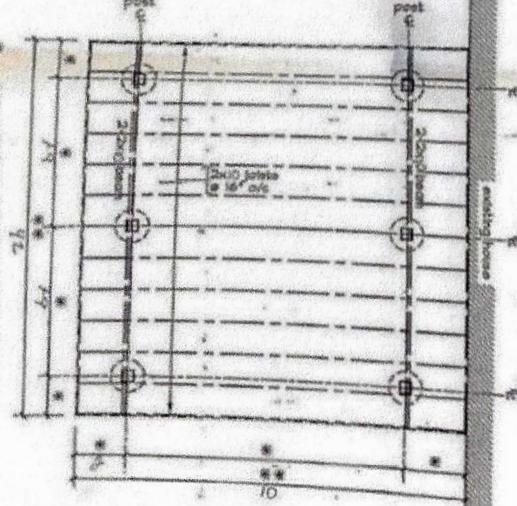
FRONT ELEVATION

SCALE: 1/4"=1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



FRAMING / FOUNDATION PLAN

SCALE: 1/4"=1'-0"

3(b)

WOOD DECK FRAMING/
FOUNDATION PLAN AND
ELEVATIONS

PRINTING NO. D-023



Prince George's County Government
Dept. of Permitting, Licensing and Inspections