



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-73-22 Jawanza Yero and Cheryl B. Jones

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: January 25, 2023.

CERTIFICATE OF SERVICE

This is to certify that on March 7, 2023, 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: Jawanza Yero and Cheryl B. Jones

Appeal No.: V-73-22

Subject Property: Lot 23, Block A, Westwood-Plat One Subdivision, being 12604 Woodmore North Boulevard, Bowie, Prince George's County, Maryland

Heard and Decided: November 30, 2022 and January 25, 2023

Board Members Present and Voting: Bobbie Mack, Chair - Present

Anastasia Johnson, Member - Present

Wm. Carl Isler, Member - Present.

Renee Alston, Member - Present

Teia Hill, Member - Absent

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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve variances from the requirements in Section 27-4202(b) that each lot have a minimum net lot area of 40,000 square feet and minimum side yard width of 17 feet. Variances of 9,826 square feet from net lot area and 16 feet from side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1996, contains 30,174 square feet, and is zoned RE (Residential Estate). (Exhibits 2, 7 and 12) It is improved with a 5,298-square-foot single-family detached dwelling. (Exhibit 9) Petitioners wish to erect a two-story garage attached to the dwelling via a covered breezeway and a 96-square-foot deck. Petitioners stated that the variances are needed "to improve security of personal property (i.e. vehicles) [due to] an increase of property crimes using weapons/firearms" and noted that the "immediate neighbor is not opposed." (Exhibit 16)

2. The property is rectangular in shape and different from the adjacent parcels. (Exhibits 4 and 11 (a)-(b))

3. Petitioners submitted a Site Plan and architectural elevations for the proposed construction. (Exhibits 2 and 3(a)-(b)). Petitioners also submitted additional photographs of other properties in the area that were granted variances to construct similar detached garages. (Exhibit 6(a)-(b))

4. The Woodmore North Homeowners Association (HOA) noted its approval of the request after review by the HOA's Architectural Review Committee. (Exhibit 6)

5. An issue arose at the first hearing as to whether the subdivision approval precluded the construction of an open breezeway, and the record was left open to seek clarification from staff with the Maryland-National Capital Park and Planning Commission (MNCPPC). MNCPPC staff informed the Board prior to the second hearing that there is nothing precluding the construction of the covered breezeway requested in the instant application.

The Board voted unanimously to approve the request at its January 25, 2023, meeting.

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 variances comply with the applicable standards set forth in Section 27-3613, more specifically:

Due to the property being subdivided in 2003 and developed in conformance with the Zoning Ordinance in effect at that time, the existing lot does not meet the minimum lot area of 40,000 square feet or the minimum side yard requirement of 17 feet. Petitioners have requested the variances to validate existing conditions and to house all of their vehicles in order to deter crime in the neighborhood and protect their property. All of the neighboring lots do not appear to be the same shape and smaller size as the subject property. Other nearby homes were granted variances to construct similar detached garages and approval would not substantially impair the use and enjoyment of adjacent properties. The elevations indicate that the new garage and deck will complement the existing home, and attached garages and decks are common additions for single-family residential areas. Thus, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan. Denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property to not be able to house their vehicles in a safe manner, and not have the existing home and lot size validated. Finally, the practical difficulty is not self-inflicted but results from the approved platting of the lot and the zoning provisions disproportionate impact on the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 9,826-square-feet from the minimum net lot area of 40,000 square feet and 16 feet from the minimum side yard width of 17 feet requirements found in Section 27-4202 (b) of the Zoning Ordinance in order to validate existing conditions and to obtain a building permit to construct a two-story attached garage with a deck on the property located at 12604 Woodmore North Boulevard, Bowie, Prince George's County, Maryland, be and are hereby

APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the elevations, Exhibit 3(a)-(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.

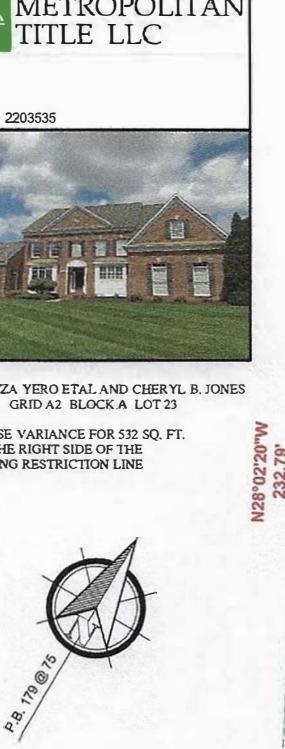
Further, Section 27-3613 (c)(10) (B) of the Prince George's County Code states:

A decision of the Board, permitting the construction of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the construction 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

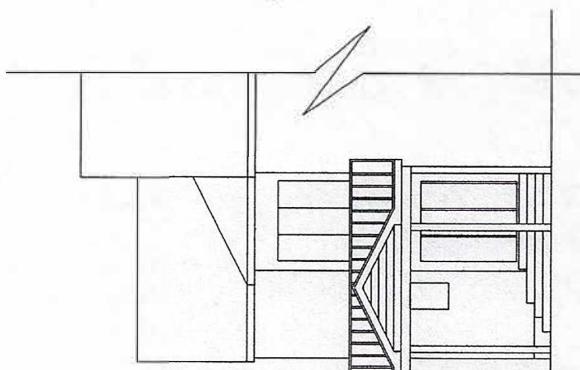
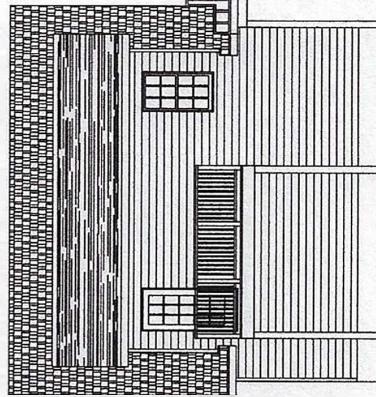
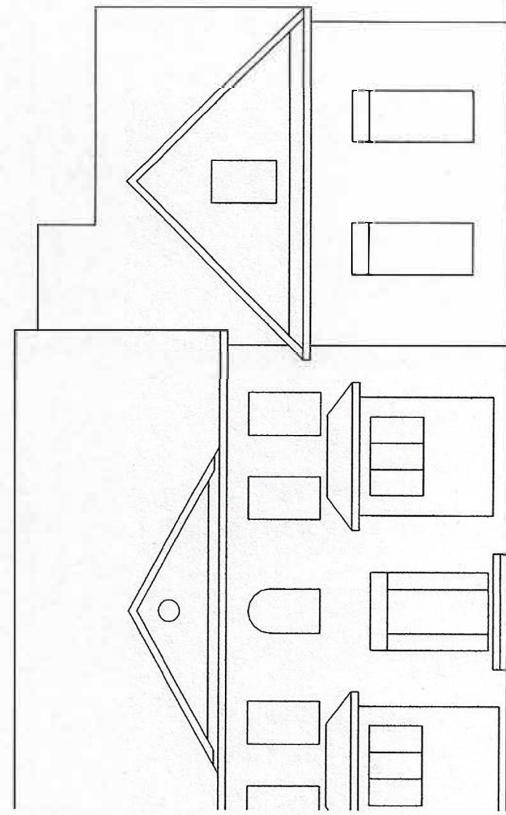
APPROVED JAN 25 2023

Signature
ADMINISTRATOR

THIS DOCUMENT IS CERTIFIED TO:	
 METROPOLITAN TITLE LLC CASE #: 2203535 	
<p>IA WANZA YERO ETAL, AND CHERYL B. JONES MAP 46 GRID A2 BLOCK A LOT 23</p> <p>PROPOSE VARIANCE FOR 532 SQ. FT. INTO THE RIGHT SIDE OF THE BUILDING RESTRICTION LINE</p> <p>NOTE: DIMENSIONS SHOWN HEREON ARE BASED ON CURRENT ZONING REGULATIONS FOR ZONE RE TAKEN FROM PRINCE GEORGES COUNTY CODE 2019 EDITION.</p> <p>*** PROPOSED ADDITIONS ADDED 09-09-2022 (NO NEW FIELD INSPECTION)</p>	
 <p>STORM DRAIN 18' BRL 17' BRL 10' PUE 25' BRL 17.70' R=375.00' A=119.77'</p> <p>WOODMORE NORTH BOULEVARD</p> <p>THE LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES IS: <u>1' ±</u></p>	
<p>LOCATION DRAWING OF: #12604 WOODMORE NORTH BLVD LOT 23 BLOCK A PLAT ONE WESTWOOD PLAT BOOK 179, PLAT 75 PRINCE GEORGE'S COUNTY, MARYLAND SCALE: 1"=40' DATE: 04-27-2022 *** DRAWN BY: SM FILE #: 224333-780</p>	<p>LEGEND:</p> <ul style="list-style-type: none"> - X - EXISTING - B - BASEMENT ENTRANCE - BW - BAY WINDOW - BRICK - BRL - BUILDING RESTRICTION LINE - BSMT - BASEMENT - SS - SLATE STOOP - CONC - CONCRETE - DW - DRIVEWAY - EX - EXISTING - F - FRAME - MAC - MACADAM - NF - NO FLOOR FORMERLY - OM - OVERHANG - PUE - PUBLIC UTILITY EMT - PUE - PUBLIC UTILITY EMT - COLOR KEY: (RED) - PUBLIC INFORMATION (BLUE) - IMPROVEMENTS (GREEN) - EMTS & RESTRICTION LINES <p>COLOR KEY: (RED) - PUBLIC INFORMATION (BLUE) - IMPROVEMENTS (GREEN) - EMTS & RESTRICTION LINES</p>
<p>SURVEYOR'S CERTIFICATE</p> <p>I HEREBY STATE THAT I WAS HIRING THE COURCE DURING THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12,CHAPTER 09,130 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE PURPOSE OF DETERMINING THE EXISTENCE OF ENCROACHMENTS. THIS PLAT 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 IS NOT TO BE USED AS A CONSIDERATION FOR A REWARD AGAINST A DEFENDANT IN A LEGAL ACTION, A TITLE INSURANCE COMPANY OR ITS AGENT, OR AS A CONSIDERATION FOR A REWARD AGAINST A DEFENDANT IN A LEGAL ACTION. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1'. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS SURVEYOR. CAD 3D INFORMATION IS NOT PROVIDED. NO SURVEY RECORD, SURVEYOR'S RECORD, BUILDING RESTRICTION, DEED AND ASSESSMENT ARE NOT BEING SHOWN ON THIS SURVEY. APPROVALS WHICH THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR, OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.</p> <p>DULEY & ASSOC. WILL GIVE YOU A 100% FULL CREDIT TOWARDS UPGRADING THIS SURVEY TO A "BOUNDARY/STAKE" SURVEY FOR ONE YEAR FROM THE DATE OF THIS SURVEY. (EXCLUDING D.C. & BALT. CITY)</p>	
 <p>2 V-73-22</p>	

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APPROVED JAN 25 2023


ADMINISTRATOR2 REAR ELEVATION
 $1/4'' = 1'-0''$ 1 FRONT ELEVATION
 $1/4'' = 1'-0''$ 

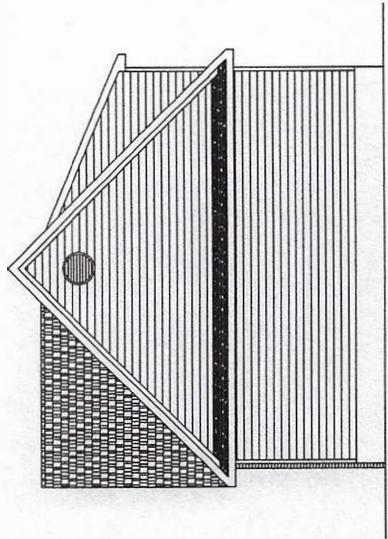
3(a)

DRAWN BY: KGL
FILE #: 2117
DATE: 1/25/2023
SCALE: AS SHOWN

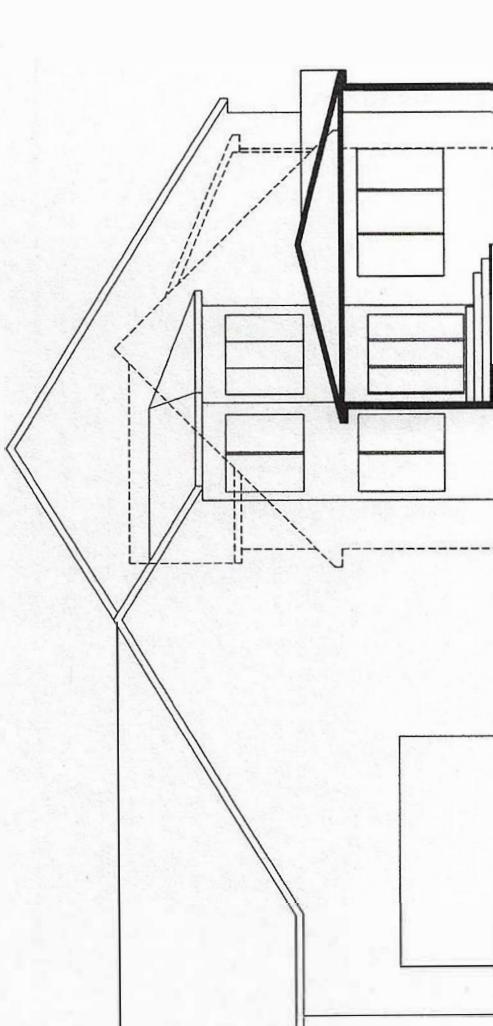
BOARD OF APPEALS

APPROVED JAN 25 2023

[Signature]
ADMINISTRATOR



2 SIDE ELEVATION
1/4" = 1'-0"



3(b)
1 PORCH SECTION
1/4" = 1'-0"

REVISIONS

PRANGE GEORGES COUNTY, MARYLAND
GARAGE AT JONES RESIDENCE

PRANGE

TITLE:
CONSTRUCTION
DOCUMENTS
DO NOT SCALE
FRESH DRAWINGS

(301) 843-8483 E-MAIL: KGLDRAFTING@AOL.COM
2720 SPRAGUE DR. WALDORF, MD 20601

KGL DRAFTING & DESIGN

PLANNING
NO.
JOB # 2217
DATE: 01/19/23
SCALE: AS DRAWN

D3