



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-94-22 Kevin and Catrina Coles

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 22, 2023.

CERTIFICATE OF SERVICE

This is to certify that on March 28, 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-NCPCC, 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: Kevin and Catrina Coles

Appeal No.: V-94-22

Subject Property: Lot 5, Cedars of Nottingham Subdivision being 16713 Candy Hill Road, Upper Marlboro, Prince George's County, Maryland

Witnesses: James Reid, Engineer, Civtech Design Inc.
Jovann Adams, Neighbor

Heard: January 25, 2023; Decided: February 22, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Present
Anastasia T. Johnson, Member - Present
Renee Alston, Member - Absent February 22, 2023
Carl Isler, Member - Present
Teia Hill, Member - Absent January 25, 2023

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 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from 27-4202(c)(2) prescribes that each lot shall have a maximum lot coverage of 5%. Petitioners propose to obtain a building permit to construct a two-story single-family home, two-story garage, and driveway. A variance of 3.68%¹ net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 2005, contains 5.2266 acres or 227,673 square feet, is zoned AG (Agricultural and Preservation) and is currently unimproved and vacant. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (B).
2. The subject property is unusual in shape. It contains a Conservation Easement on as well as a 100-Year Flood Plain at the rear of the lot. Exhs. 2 and 4.
3. Petitioners propose to obtain a building permit to construct a two-story single-family home, two-story garage, and driveway. A variance of 3.68% net lot coverage is requested. The subdivision of the subject site was created using the provision of the former subdivision ordinance which allowed flag lots. Because it was created using the prior flag lot provisions, the proposed development will need a very long driveway to access the buildable portion of the site. The proposed lot coverage, therefore, exceeds the maximum 5% lot coverage limit. Exhs. 2, 4, 8, 9 and 10 (A) thru (B).
4. Mr. James Reid, Civtech, Engineer, testified that the subject property was developed as a flag lot and is unimproved. The petitioners propose to construct a single-family dwelling. He stated that the

¹ The case was originally advertised and heard on January 25, 2023, for the variance request of 3.1% lot coverage. It was subsequently determined, however, that the correct request for net lot coverage should have been for 3.68%. The case was heard and by majority vote (4-0), the Board voted to reschedule and readvertise the case for the correct percentage of lot coverage on February 22, 2023.

problem is that the maximum allowable lot coverage is 5%. He explained that the building restriction line is set extremely far back on the lot and the house is being constructed right at the building restriction line. Due to the need for an extended driveway², its construction will cause the maximum allowable lot coverage to be exceeded. Therefore, petitioners are requesting a variance of 3.68%. Exhs. 2, 3 (A) thru (D) and 6 (A) thru (H).

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 variance complies with the applicable standards set forth in Section 27-3613(d), more specifically:

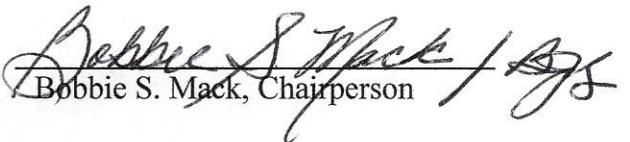
Due to the subject property being developed as a flag lot and also oddly shaped, the building restriction influences the location of the proposed dwelling on the lot, an extremely long associated driveway is necessary for the proposed location of the residential home and the character of the neighborhood, 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.

² The length of the driveway will be 493 feet. Exh. 2 and 4.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Renee Alston absent, that a variance of 3.68% net lot coverage in order to construct a two-story single-family home, two-story garage, and driveway, on the property located at 16713 Candy Hill Road, 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, Exhs. 2 and approved elevation plans, Exhs. 3 (A) thru (D).

BOARD OF ZONING APPEALS

By:

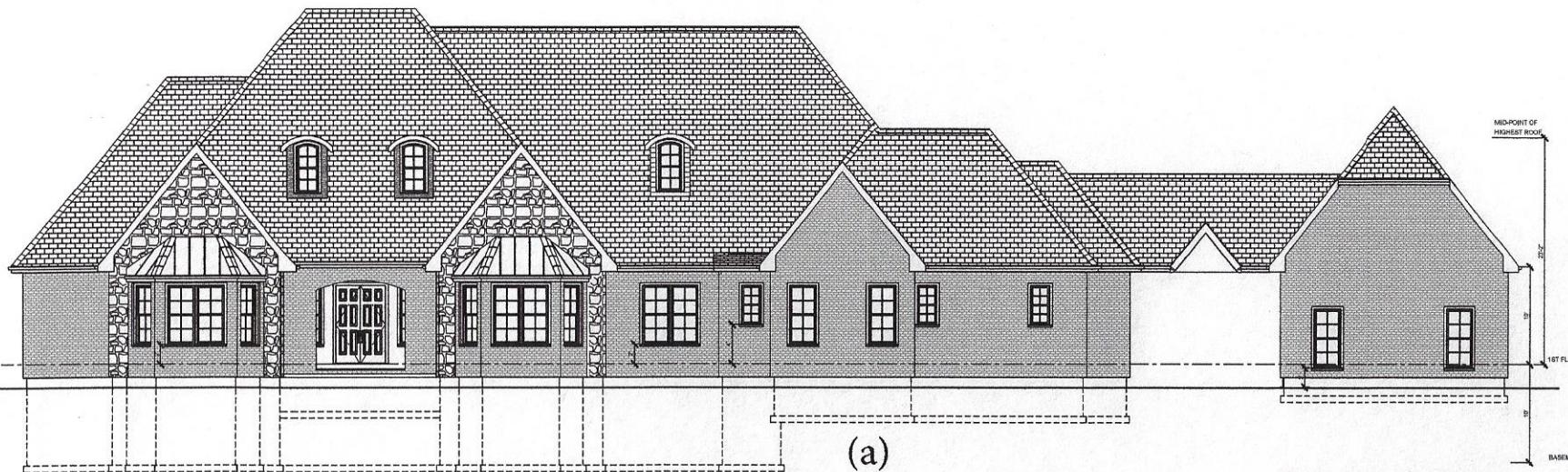

Bobbie S. Mack, Chairperson

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 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

APPROVED FEB 22 2023


ADMINISTRATOR

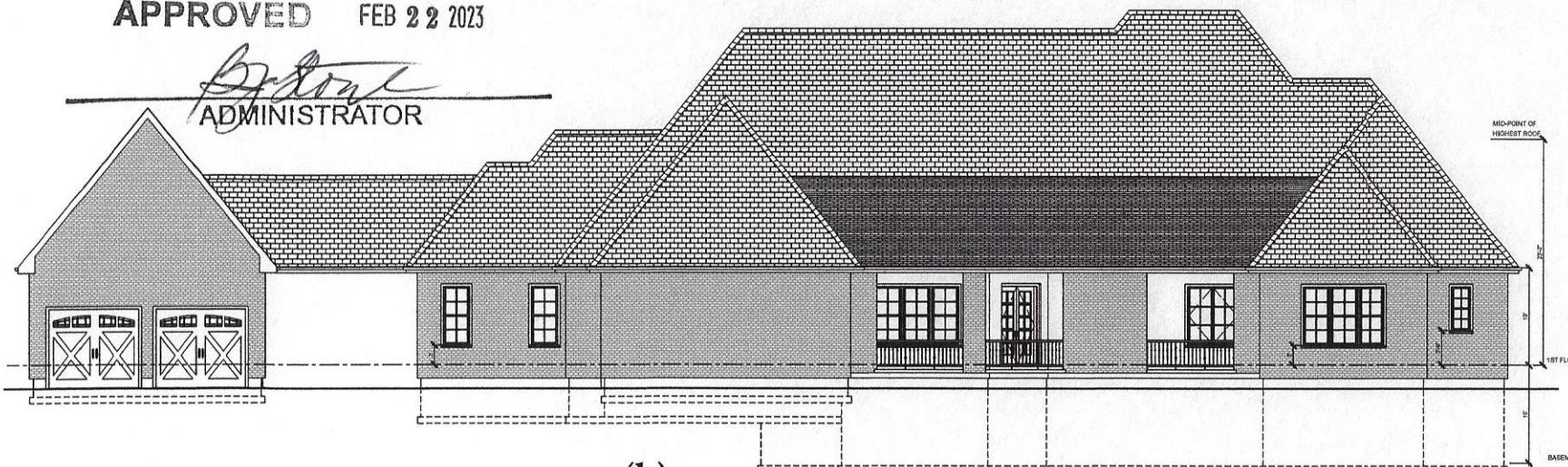


EXHIBIT
3(a-d)
V-94-22

NOTE:
1. ALL ROOF PITCHES ARE 15/12
2. ROOF OVER LOGGIA IS 4/12
3. ROOF OVER BAY WINDOWS IS 12/12

nvs
studio

ARCH. DESIGNER
Naresh Sharma
nvsstudio, llc
naresh@nvsstudio.co
www.nvsstudio.co

STRUCTURE

OWNER/PROPERTY INFO
KEVIN & CATRINA COLE
16713 Candy Hill Rd
Upper Marlboro, MD 20772

DATE
05/25/2021

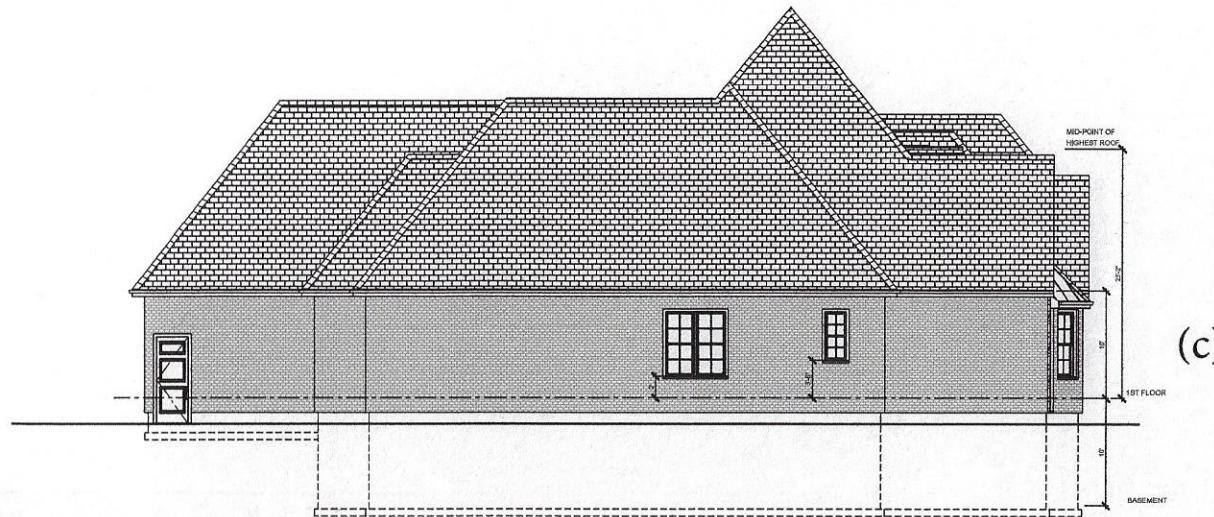
SCALE
1/4" = 10'
(36x48)

ELEVATIONS
FRONT & BACK

A201

nvs
studio

ARCH. DESIGNER
Naresh Sharma
nvsstudio, llc
naresh@nvsstudio.co
www.nvsstudio.co



BOARD OF APPEALS

APPROVED FEB 22 2023

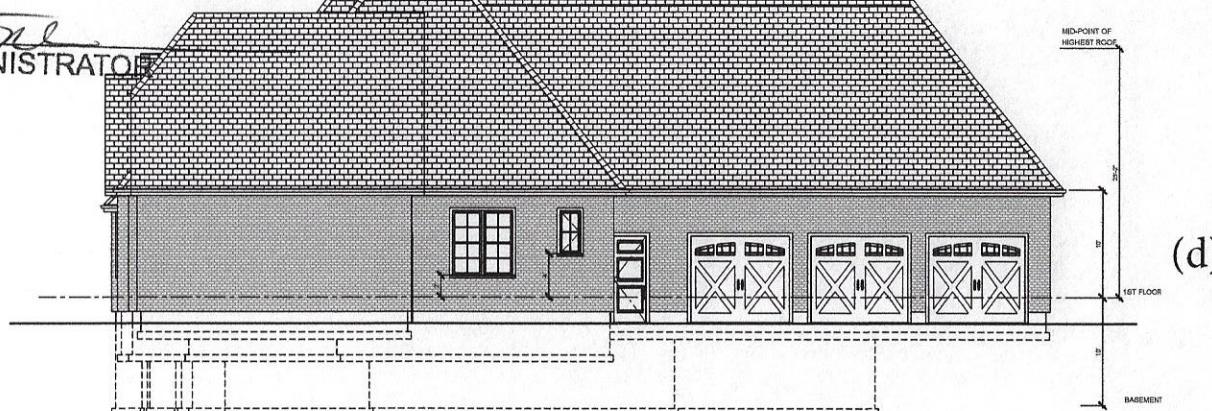

Administrator

(c)

LEFT ELEVATION

NOTE:

1. ALL ROOF PITCHES ARE 15/12
2. ROOF OVER LOGGIA IS 4/12
3. ROOF OVER BAY WINDOWS IS 12/12.



RIGHT ELEVATION

NOTE:

1. ALL ROOF PITCHES ARE 15/12
2. ROOF OVER LOGGIA IS 4/12
3. ROOF OVER BAY WINDOWS IS 12/12.

SHEET TITLE	OWNER/PROPERTY INFO	STRUCTURE	DATE
ELEVATIONS LEFT & RIGHT	KEVIN & CATRINA COLE 16713 Candy Hill Rd Upper Marlboro, MD 20772		05/25/2021 SCALE 1/4" = 10' (36x46)

A202