



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

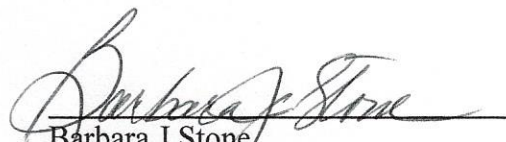
*NOTICE OF FINAL DECISION
OF BOARD OF APPEALS*

RE: Case No. V-9-20 Kaeco Design and Build, LLC

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: September 23, 2020

CERTIFICATE OF SERVICE

This is to certify that on January 9, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


Barbara J Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Carlos Recio, Esq.

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

Petitioner: Kaeco Design and Build, LLC

Appeal No.: V-9-20

Subject Property: Parcel 125, Map 161, Grid D1, being 16305 W Manning Road, Accokeek,
Prince George's County, Maryland

Counsel for Petitioner: Carlos Recio, Esq.

Witness: Ziya Moinossadat, Kaeco Design and Build, LLC

Heard: September 9, 2020; Decided: September 23, 2020

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, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces the side street. Petitioner proposes to validate existing conditions (front yard depth and accessory building) and obtain a building permit for the construction of proposed one-story addition on the rear, a second floor on main structure including addition. Variances of 22 feet front yard depth and a waiver of the rear yard location requirement for an accessory building (shed) are requested.

Evidence Presented

1. The property was subdivided by deed in 1985, contains 15,400 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, detached garage, shed and gravel driveway. Exhibits (Exhs.) 2, 10, 11, 12 (A) thru (F) and 19.

2. Petitioner proposes to construct a one-story addition on the rear and a second floor on main structure, including an addition. A variances of 22 feet front yard depth is required as the dwelling is located only 10 from the front property line. A waiver of the rear yard location requirement for a preexisting ?? accessory building (shed) was requested as the shed is located in the side yard. Exhs. 2, 3, 4 (A) thru (E), 5 (A) thru (C).

3. Mr. Carlos Recio, counsel for Petitioner, stated that the Petitioner purchased the property which had a one-story dwelling. Petitioner is proposing to construct a 10-foot extension/addition to the rear of the house and add a second story level. He described the house as decrepit, and the intention is to repair and enhance the property significantly. During permit review, it was determined, however, that the house violated the current front setback requirement. He noted that the dwelling is setback 10 feet, not from West Manning Road, but a 30-foot easement that comes in from West Manning Road.¹ Exhs. 2, 3, and 18.

¹ There are four other properties affected by the location of this easement. Exh. 18.

4. Mr. Moinossadat testified that he has done construction for 45 years in Prince George's County on properties that he has purchased that were either abandoned, foreclosed and/or just rundown. He further stated that the work on the subject home will not bring the dwelling any closer to the front property line as currently existing. He stated that the proposed addition or expansion will be on the rear of the dwelling, and then adding a second floor throughout. The dwelling fronts on a 30-foot easement² and does not front the public right-of-way on Manning Road. Exhs. 2, 3, 4 (A) thru (E), 5 (A) thru (C), and 18.

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.

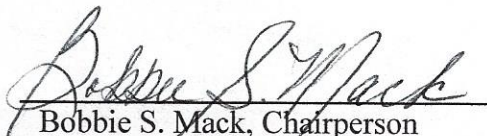
Findings of the Board

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 creation of a 30-foot easement/private right-of-way by CR-115-89 causing the front yard setback shortage 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, unanimously, that variances of 22 feet front yard depth and a waiver of the rear yard location requirement for an accessory building (shed) in order to validate existing conditions (front yard depth and accessory building) and obtain a building permit for the construction of a proposed one-story addition on the rear, a second floor addition on main structure, on property located at, 16305 W Manning Road, Accokeek, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: 
Bobbie S. Mack, Chairperson

² After research, staff determined that the 30-foot easement/ private right-of-way was created by and through Council Resolution (CR-115-89) after the construction on the subject property, which was developed in 1960. Exh. 18.

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.

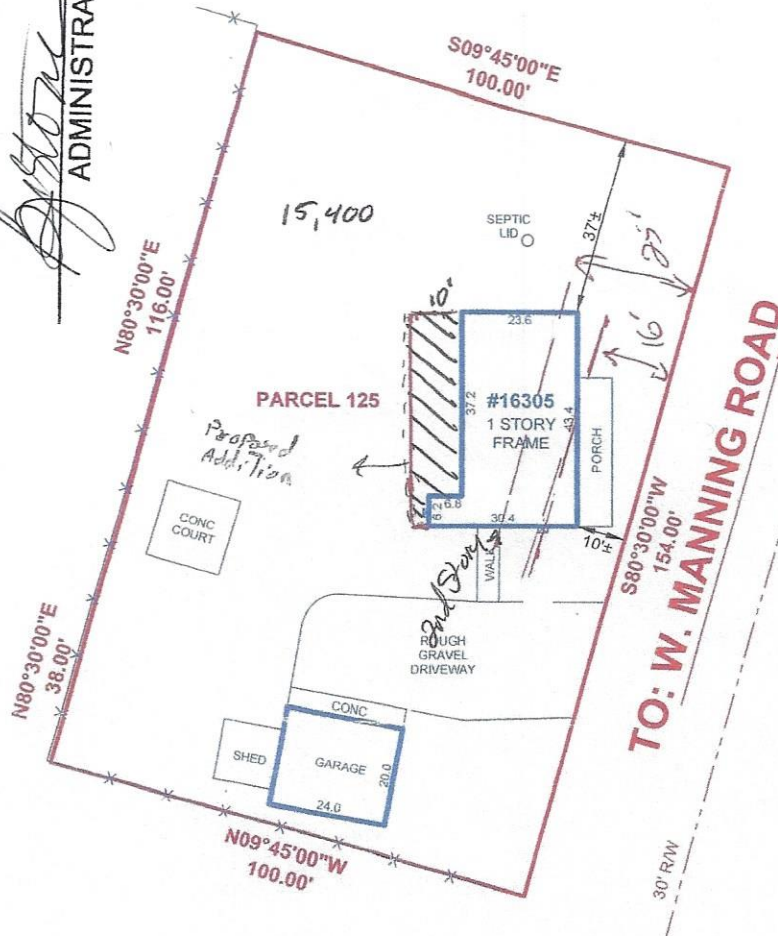
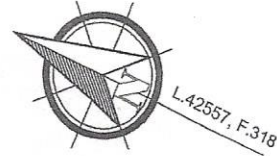
Further, Section 27-233(a) of the Prince George's County Code states:

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

APPROVED SEP 28 2020

[Signature]
ADMINISTRATOR



THE LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES IS: **1"**

LOCATION DRAWING OF:

#16305 W. MANNING ROAD
PARCEL 125 TAX MAP 161
N/F PROPERTY OF
WELLS FARGO BANK, N.A.
LIBER 42557, FOLIO 318
PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=30' DATE: 12-13-2019
DRAWN BY: AP FILE #: 1910453-200

LEGEND:

- FENCE
 - B/E - BASEMENT ENTRANCE
 - B/W - BAY WINDOW
 - BR - BRICK
 - BRL - BLDG. RESTRICTION LINE
 - BSMT - BASEMENT
 - C/S - CONCRETE STOOP
 - CONC - CONCRETE
 - D/W - DRIVEWAY
 - EX - EXISTING
 - FR - FRAME
 - MAC - MACADAM
 - G - GATE
 - OH - OVERHANG
 - PUE - PUBLIC UTILITY ESMT.
 - PIE - PUBLIC IMPROVEMENT ESMT.
- COLOR KEY:**
- (RED) - RECORD INFORMATION
 - (BLUE) - IMPROVEMENTS
 - (GREEN) - ESMTS & RESTRICTION LINES

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On the web: www.duley.biz



SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER 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 02.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. 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 PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

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.

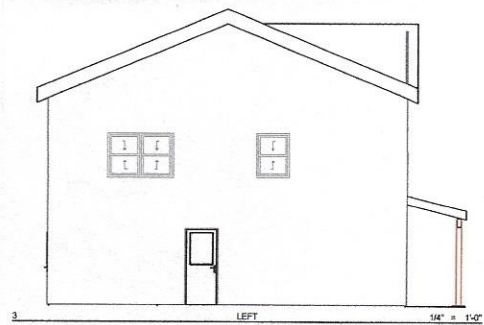
(EXCLUDING D.C. & BALT. CITY)

EXH. # 2
V. 9-20

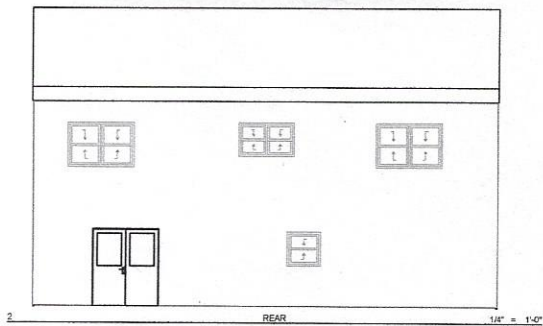
PROPOSED FRONT ELEVATION



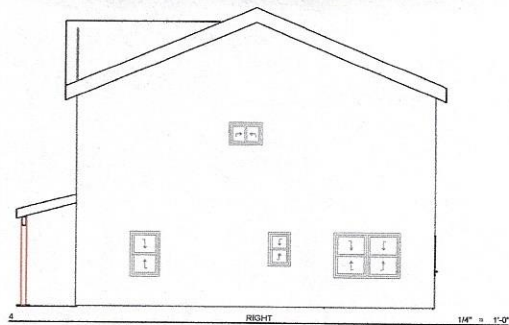
PROPOSED LEFT SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED RIGHT SIDE ELEVATION



14385 PLANNING RD W
ACACIES RD



SCALE
1/4" = 1'-0"



MESHA K.
DRAFTER
KDRAGON@GMAIL.COM
571.455.767

VERIFY LAYOUT & DIMENSIONS
SHOWN PRIOR TO ANY
CONSTRUCTION
RESPECT ANY AND ALL
EXISTING STRUCTURAL
MEMBERS FOR ISSUES

REVISIONS

MARK	DATE	DESCRIPTION

COPYRIGHT X, LLC
2019

PROJECT:
SHEET:
DRAWN:

**ELEVATIONS
PROPOSED**

A-201

BOARD OF APPEALS

APPROVED SEP 28 2020

[Signature]
ADMINISTRATOR