



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

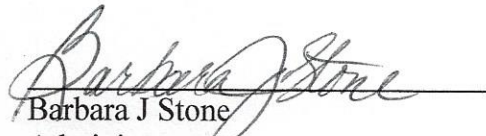
OF BOARD OF APPEALS

RE: Case No. V-10-20 Melvin Parker

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: March 24, 2021

CERTIFICATE OF SERVICE

This is to certify that on June 4, 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

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

Petitioner: Melvin Parker

Appeal No.: V-10-20

Subject Property: Lot 4, Block C, Woodyard Estates Subdivision, being 7305 Georgian Drive, Upper Marlboro, Prince George's County, Maryland,

Witnesses: Mr. Harvey, Champion Home Improvements

Mr. Jones, Neighbor

Anthony Owens, Neighbor

Jeffrey McAlpine, Neighbor

Juan Swann, Inspector, Department of Permitting, Inspections and Enforcement

Heard: September 23, 2020; Decided: March 24, 2021

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 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, Petitioner requests that the Board approve a variance from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 100 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Variances of 18 feet front building line width, 4 feet front yard depth and 1% net lot coverage were requested.

Evidence Presented

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

1. The property was subdivided in 1991, contains 10,100 square feet, is zoned R-R (Rural Residential), and is improved with a single-family dwelling, driveway and brick patio and deck. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (G).

2. Petitioner would like to replace a prior deck with smaller proportions, but two validations are needed, including the front building line width which is short by 18 feet short pursuant to current front building line requirements as set forth in the Zoning Ordinance. In addition, the front yard depth must be validated as the front yard is 4 feet short of the required 25 feet. With construction of the new the deck, the lot coverage will be over the allowable maximum of 25%, and a variance of 1% net lot coverage is required. Exhs. 2, 4, 9, 10 and 11 (A) thru (G).

3. Petitioner Melvin Parker testified that one of the reasons the property was purchased was because of the large walkout deck. Because of hurricane "Lorenzo" in 2019, the deck was damaged. To repair and make the deck safe, Champion Homes commenced to repair the deck, but it was learned that a building permit was required. He is requesting replacement of the damaged deck with a much smaller deck with no steps. Exhs. 2, 3 and 5 (A) thru (G).

4. Mr. Harvey, Champion Homes, testified that in attempting to repair the prior deck, it was discovered that damage to the deck was too extensive and needed not repair, but replacement. Exhs. 2, 3, 5 (A) thru (G) and 6.

5. Inspector Juan Swann informed the Board that the original deck that was removed was 16' x 24'; the deck being proposed is 16' x 12'. Exhs. 2 and 3.

6. Woodyard Estates Homeowners Association has approved the request for replacement of existing deck. Exh. 21

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

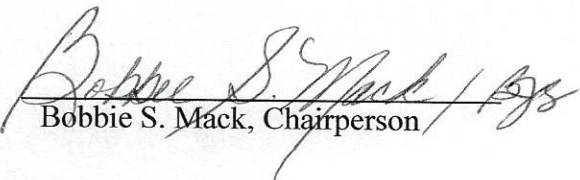
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the severe damage to the prior deck caused by a hurricane in 2019, the need to replace the deck for safety, the new deck will be smaller in size from the original deck, the validations are for pre-existing construction, the overage in net lot coverage is de minimis 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 18 feet front building line width, 4 feet front yard depth and 1% net lot coverage in order to validate existing conditions (Lot width at front building line and front yard depth, lot coverage) and obtain a building permit for the unauthorized construction of a deck on the property located at 7305 Georgian Drive, Upper Marlboro, 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 approved elevation plans, Exhibits 3.

BOARD OF ZONING APPEALS

By:

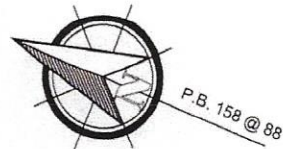

Bobbie S. Mack, Chairperson

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.

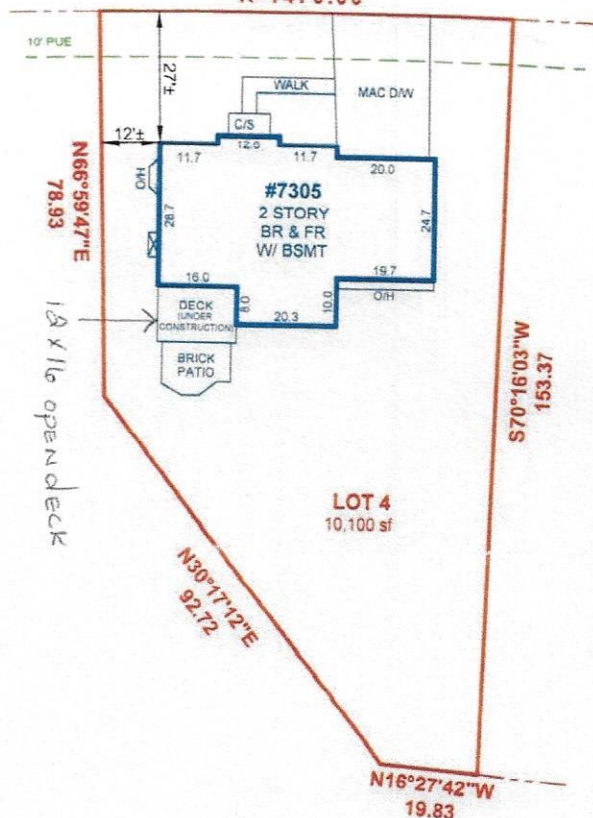
Further, Section 27-233(a) of the Prince George's County Code states:

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.



GEORGIAN DRIVE

L=83.92'
R=1470.00'



BOARD OF APPEALS

APPROVED MAR 24 2021

ADMINISTRATOR

THE LEVEL OF ACCURACY OF
DISTANCES TO APPARENT
PROPERTY LINES IS:

1'±

LOCATION DRAWING OF:

#7305 GEORGIAN DRIVE

LOT 4 BLOCK C

PLAT ONE

WOODYARD ESTATES

PLAT BOOK 158, PAGE 88

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=30' DATE: 11-20-2019

DRAWN BY: CP/AP FILE #: 199798-200

LEGEND:

- FENCE
- B/E - BASEMENT ENTRANCE
- B/W - BAY WINDOW
- BR - BRICK
- BR/L - BRICK RESTRICTION LINE
- BSMT - BASEMENT
- C/S - CONCRETE STOOP
- CONC - CONCRETE
- DRIVEWAY - DRIVEWAY
- EX - EXISTING
- FR - FRAME
- MAC - GATE
- MAC - MACADAM
- O/H - OVERHANG
- PUE - PUBLIC UTILITY ESMY
- PIE - PUBLIC IMPROVEMENT ESMY

COLOR KEY:

- (RED) - RECORD INFORMATION
- (BLUE) - IMPROVEMENTS
- (GREEN) - ESMYS & RESTRICTION LINES

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SURVEYOR'S CERTIFICATE

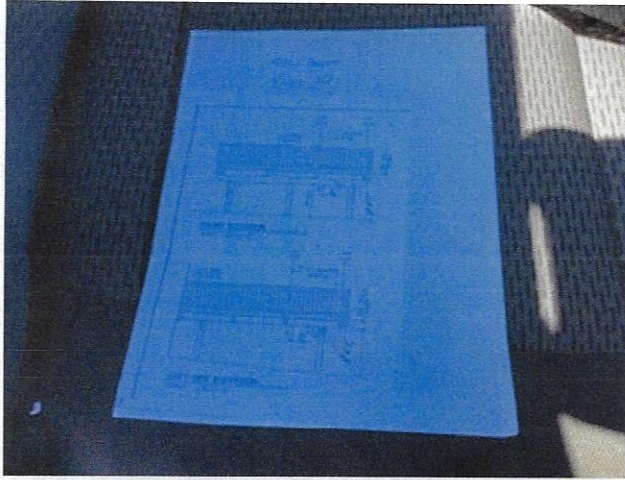
I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09 13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON 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)





BOARD OF APPEALS

APPROVED MAR 24 2021



ADMINISTRATOR

Exhibit 3
V-11-20