



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

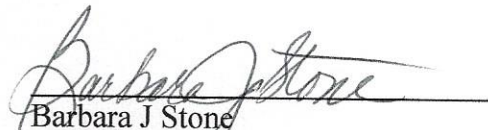
OF BOARD OF APPEALS

RE: Case No. V-46-20 Mark and Sharon Ridley

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 13, 2021

CERTIFICATE OF SERVICE

This is to certify that on April 22, 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

Petitioners: Mark D. and Sharon L. Ridley

Appeal No.: V-46-20

Subject Property: Lot 25, Oak Estates Subdivision, being 2914 Westbrook Lane, Bowie, Prince George's County, Maryland

Counsel for Petitioner: Matthew Tedesco, Esq., McNamee Hosea

Witness: Greg Wilby, Chesapeake Custom Builders, LLC, General Manager

Heard and Decided: January 13, 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, Petitioners request that the Board approve a variance from Section 27-442(c)(Table II) prescribes that not more than 10% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to obtain a building permit for the construction of a single-family dwelling. A variance of 2.3% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1983, contains 96.002 sq. ft. or 2.2039 acres, is zoned R-A (Residential-Agricultural) and is vacant. Exhibits (Exhs.) 2, 3, 9, 10 and 11 (A) thru (C).
2. The property is undeveloped, narrow and deeply wooded. Exh. 2
3. Petitioners propose to obtain a building permit for the construction of a single-family dwelling in the R-A-Zone. The maximum allowable lot coverage for lots in the R-A Zone is 10%. A variance of 2.3% is requested. Exhs. 2, 3, 4 (a) thru (d), 6 and 7 (A) thru (E).
4. Attorney Matthew Tedesco stated that properties in Mount Oak Estates have historically required variances. He stated that Lot 25 is a similarly situated lot in the subdivision in that it is served by private water and sewer. He explained that the percolation test limited the area of the septic field and recovery area to the front portion of the property (per the Health Department). In addition, he stated that the effect of these limitations is that the dwelling must be built farther back on the lot or over 200 feet from the front property line. He further stated that the practical difficulty is that there is no other suitable area on which the house can be located.
5. Mr. Tedesco stated that the proposed house placement on the lot is consistent with the requirement of the HOA that dwellings sit back on a lot.
6. He further explained that because of the house location an exceptional long driveway is necessary to serve the home which inexorably increases the lot coverage. He stated that but for the augmented length

of the driveway, this property would otherwise meet or come close to meeting the regulations pertaining to lot coverage.

7. He stated that the size of the homes in the subdivision ranges from 6,000 to over 10,00 square feet, so reducing the size of the home would make it substandard and out of character with the neighborhood. He further stated that the HOA covenants require a minimum square footage of 4,000 sq. ft. for the house but recommends larger homes; a minimum of two car garages; and side-load garages which require a wider driveway as cars must be able to turn into the garage.

8. With all the extenuating circumstances, the lot exceeds the lot coverage by only 2.3 percent and the proposed house size is consistent with existing (residential) development and therefore is in compliance with the General Master Plan and Master Plan. Exhs. 2, 3, 4 (a) thru (d), 6 and 7 (A) thru (E).

9. The Board of Directors of the Woodmore Homeowners Association, Inc. supported the variance request for lot coverage. Exh. 19.

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

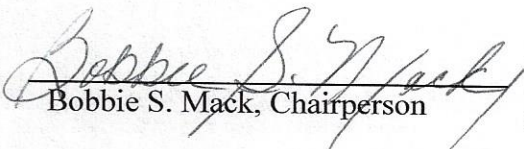
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the lot being deeply wooded in the rear, the location of the septic field and recovery area is in the front yard, the only suitable location for the house is over 200 feet from the front property line, the need for an elongated driveway to reach the house/garage from the street 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 2.3% net lot coverage in order to obtain a building permit for the construction of a single-family dwelling on the property located at 2914 Westbrook Lane, Bowie, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3 and approved elevation plan, Exhibit 4 (a) thru (d).

BOARD OF ZONING APPEALS

By:

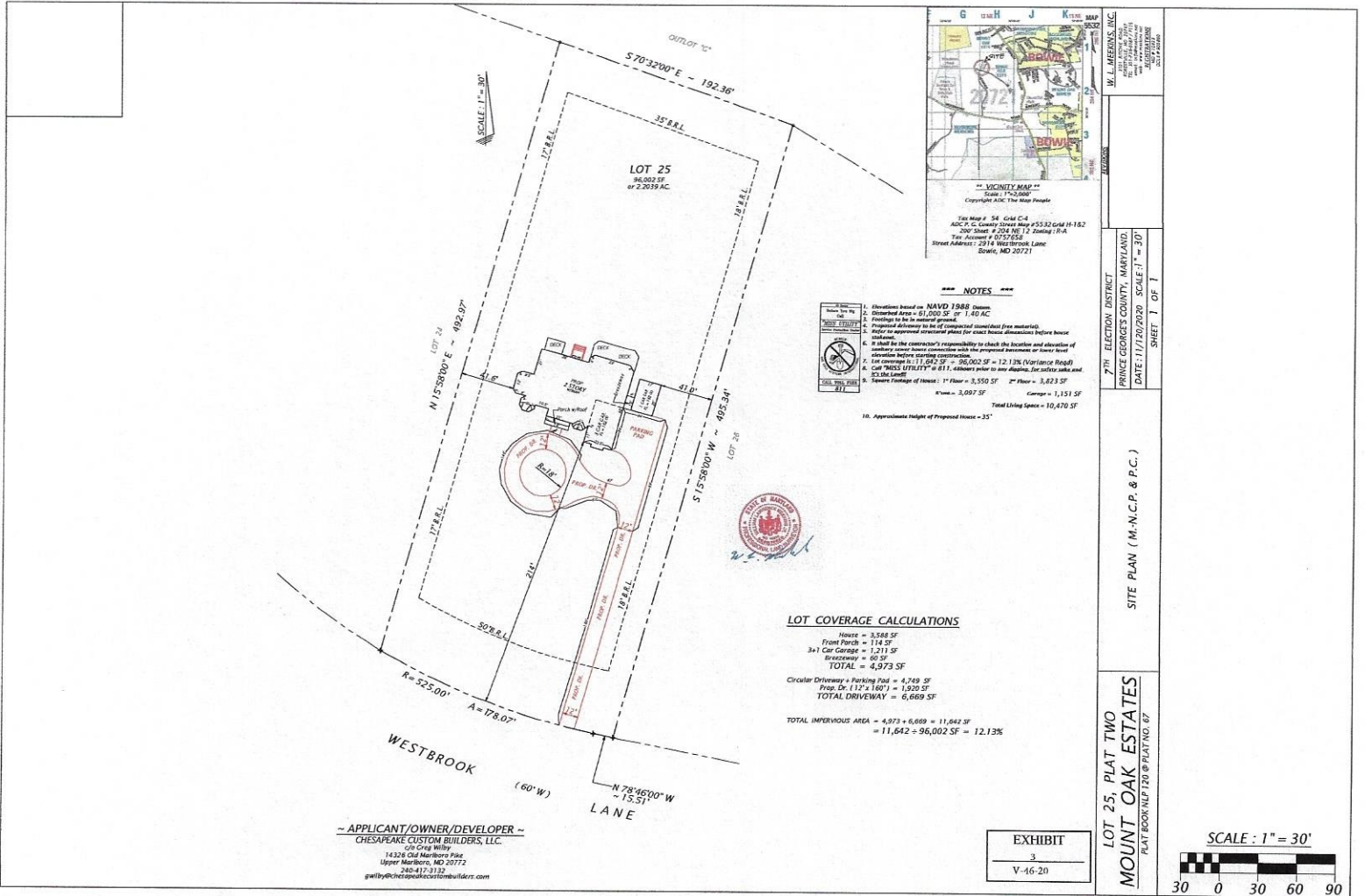

Bobbie S. Mack, Chairperson

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 27-233(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 JAN 13 2021

[Signature]
 ADMINISTRATOR



(a)

FRONT ELEVATION

EXH. # 4(a-d)
V-46-20



EQUAL HOUSING
OPPORTUNITY

MHR # 8282

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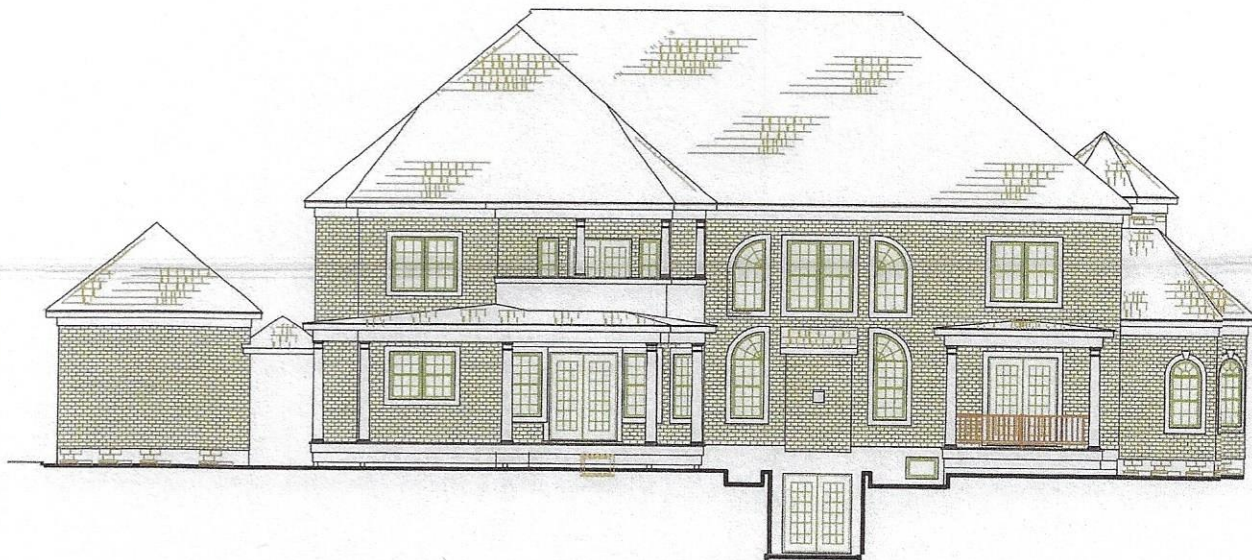
X

DESIGNER CHESAPEAKE CUSTOM BUILDERS INC.	 CHESAPEAKE CUSTOM BUILDERS INC. <small>1000 W. BROAD STREET, SUITE 100, NORFOLK, VA 23510</small>	MARK & SHARON RIDLEY		04
DATE COORDINATOR COMPARISON		SCALE AS SHOWN	2"=1'-0"	

BOARD OF APPEALS

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[Signature]
ADMINISTRATOR



REAR ELEVATION

(b)



EQUAL HOUSING
OPPORTUNITY

MHBR # 8282

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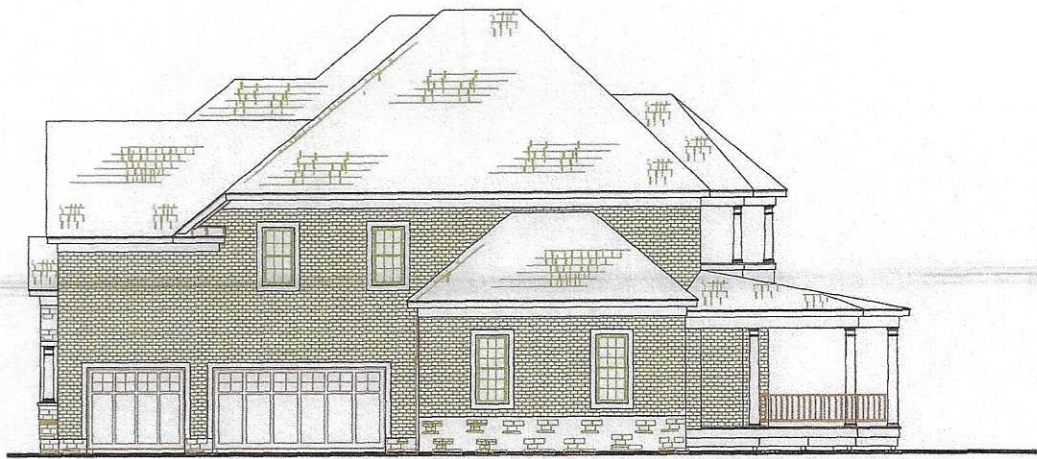
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DESIGNED		MARK & SHARON RIDLEY	05
DRAWN BY			
CHECKED			
DATE			

BOARD OF APPEALS

APPROVED JAN 13 2021

[Signature]
ADMINISTRATOR



RIGHT ELEVATION

Notes: 1. SEE 11/21/17 1/2 sheet
2. SEE 11/21/17 1/2 sheet



EQUAL HOUSING
OPPORTUNITY

MHBR # 8282

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(c)

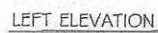
EXHIBIT TO: [blank] DATE: [blank]	 CHESAPEAKE CUSTOM BUILDERS, LLC 11111 11111 11111 11111	MARK & SHARON RIDLEY 11111 11111 11111 11111 DATE: 01/13/2021 AS SHOWN SHEET NO.	06
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BOARD OF APPEALS

APPROVED JAN 13 2021

[Signature]

ADMINISTRATOR



total: 1/5" = 1'-0" (1 x 17 sheets)
1/4" = 1'-0" (24 x 36 sheets)



EQUAL HOUSING
OPPORTUNITY

MHBR # 8202

MHBR # 8282

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RECEIVED DELIVERED RETURNED	 VERMONT CUSTOM INSURANCE, LLC <small>VERMONT CUSTOM INSURANCE, LLC IS AN EQUAL OPPORTUNITY LENDER.</small>	MARK & SHARON RIDLEY DEBENTURE ID# DATE CODE05000 BUILD 1 05 Nov 2006	07
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APPROVED JAN 13 2021

ADMINISTRATOR