



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

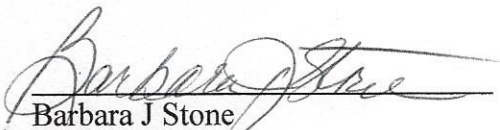
OF BOARD OF APPEALS

RE: Case No. V-47-20 Kellie and Hannibal Jackson

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: December 9, 2020

CERTIFICATE OF SERVICE

This is to certify that on March 19, 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: Kellie and Hannibal Jackson

Appeal No.: V-47-20

Subject Property: Lot 32, Mount Oak Estates Subdivision, being 3008 Westbrook Lane, Bowie, Prince George's County, Maryland

Counsel for Petitioners: Matthew Tedesco, Esq. McNamee Hosea

Witness: Greg Wilby, Chesapeake Custom Builders

Heard and Decided: December 9, 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 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 variances from the specific violation resides in the fact that Zoning Ordinance 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 proposed single family detached home. A variance of 2.13% 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 85,788 square feet, is zoned R-E (Residential-Estate) and is vacant. Exhibits (Exhs.) 3, 5, 10, 11 and 12 (A) thru (C).
2. The subject property is located on a cul-de-sac with Lot 32 being shaped as a rhomboid. Exhs. 3, 5, 10, 11 and 12 (A) thru (C).
3. Petitioners propose to obtain a building permit for a planned single-family dwelling. The allowable net lot coverage for R-E Zoned property is 10%. The lot coverage for the proposed development will be 2.13% over the allowable lot coverage. Exhs. 3, 5, 10, 11 and 12 (A) thru (C).
4. Counsel Matt Tedesco stated that the variance request for this property is for a modest 2.13%. He argued that a tree preservation area constitutes almost half the lot. He also stated that based on the approved subdivision that was platted in the early 80's, Lots 33 and 34, just to the east of the subject lot, both are landlocked. Their only access to Westbrook Lane is through a platted 22-foot-wide easement which runs across the subject lot. As such, Lot 32 is burdened by that easement and contributes to the net lot coverage problem. Exh. 3.
5. Counsel further stated that the driveway that navigates the easement is reflected in Exhs. 7 (A) and (C). The driveway counts toward the lot coverage for Lot 32, although it essentially serves Lots 33 and 34. He contended that the strict application of the 10% lot coverage requirement creates a practical difficulty for the proposed housing development by Petitioners. Exh. 3.

6. Counsel adds that the community is very professional and high-end, with large estate homes. He stated that the houses in this neighborhood range in size from 6,500 square feet to exceeding 10,000 square feet. (The house size apparently must comport with the square footage requirements of houses by the HOA.) He concluded that if Petitioners are required to strictly adhere to the net lot standard, they would have to build a substandard home which will be out of character with the homes in the community. He reiterated that but for the easement, and the prohibition for development in the Tree Preservation Area, the property would not need the variance. Exhs. 2, 3, 4 (a) thru (d), 7 (A) thru (C) and 8 (A) thru (E).

7. Woods of Woodmore Homeowners Association, Inc. supported the need for the variance. 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

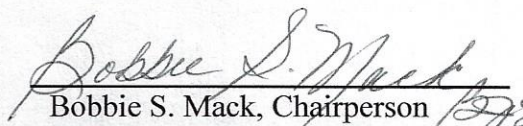
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subdivision creation of two adjoining landlocked lots, subject property's burden of the 22-foot platted easement for the necessity of those adjoining lots, the existence of the Tree Preservation Area on the subject property, the Homeowners Association's minimum square footage standards for houses, 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 2.13% net lot coverage in order to obtain a building permit for proposed single family detached home, porch w/roof, driveway, garage and inground pool on the property located at 3008 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, Exh. 3 and approved elevation plans, Exhs 4 (a) thru (d).

BOARD OF ZONING APPEALS

By:

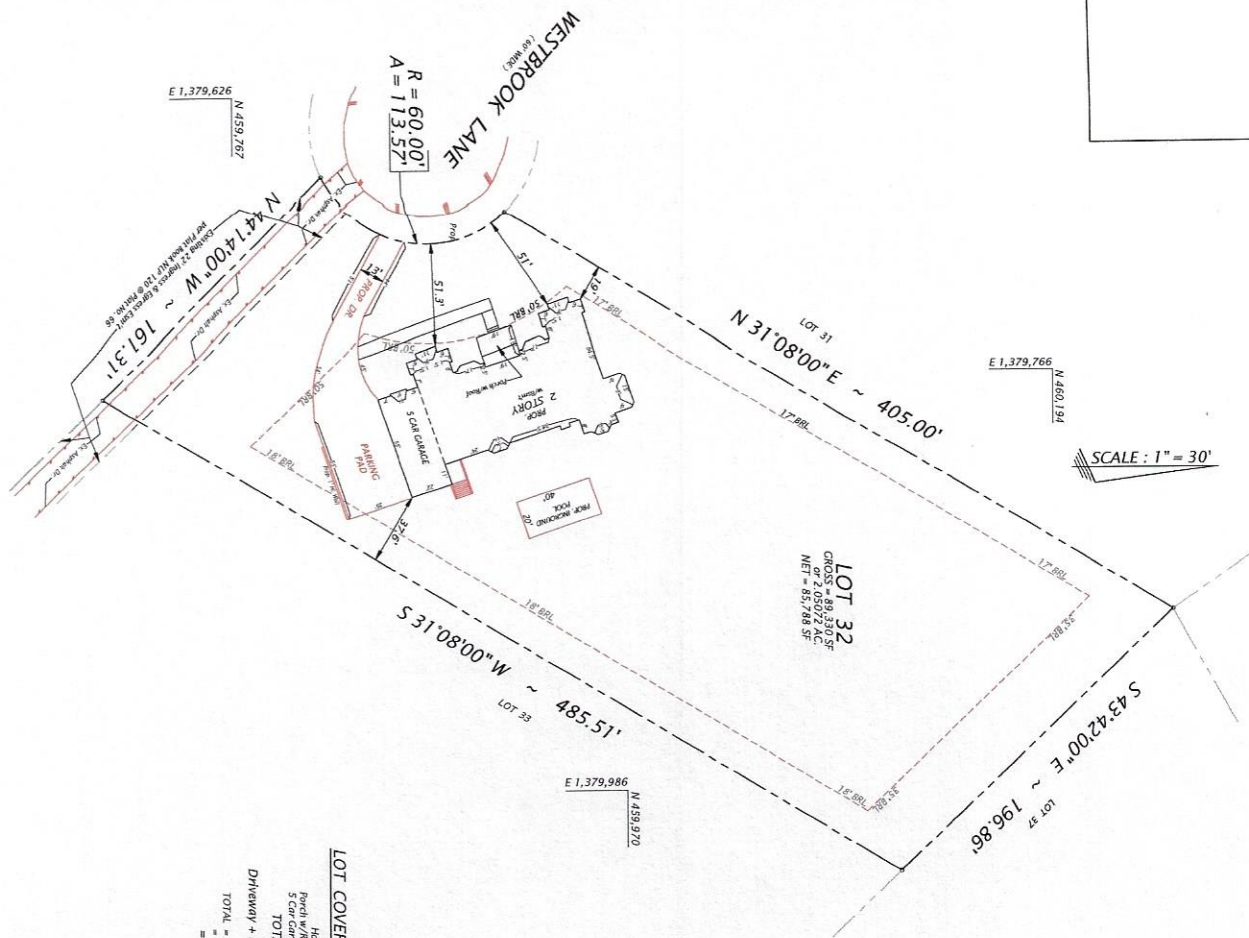

Bobbie S. Mack, Chairperson

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.



LOT COVERAGE CALCULATIONS

House = 5,235 SF
 Porch = 1,219 SF
 5 Car Garage = 12,198 SF
TOTAL = 19,652 SF

Driveway + Parking Pad = 3,914 SF
 TOTAL = 6,729 + 3,914 = 10,643 SF
 = 12.42%



- NOTES**
1. Dimensions based on NAVD 1985 Datum.
 2. All dimensions are in feet and inches (1/4" = 0.25').
 3. All dimensions are to the center of the line.
 4. All dimensions are to the center of the lot.
 5. All dimensions are to the center of the driveway.
 6. All dimensions are to the center of the parking pad.
 7. All dimensions are to the center of the house.
 8. All dimensions are to the center of the porch.
 9. All dimensions are to the center of the garage.
 10. All dimensions are to the center of the lot.
 11. The property lies within the ABA of Freeway Airport.



EXHIBIT
 3
 V-47-20

APPLICANT/OWNER/DEVELOPER
 CHESAPEAKE CUSTOM BUILDERS, LLC
 14325 Old Marlboro Pike
 Upper 240-472-3132
 gully@chesapeakecustombuilders.net

LOT 32, PLAT ONE MOUNT OAK ESTATES PLAT BOOK NLP 120 @ PLAT NO. 66	SITE PLAN (M. - N. C. P. & P. C.)	7 TH ELECTION DISTRICT PRINCE GEORGE'S COUNTY, MARYLAND. DATE: 11/12/2020 SCALE: 1" = 30' SHEET 1 OF 1	W. L. MECKINS, INC. 3301 MITCHELL ROAD FORT MYERS, FL 33907 TEL: 202-748-5177 FAX: 202-748-5177 email: info@meckins.net www: www.meckins.net REGISTERED TOOLS REG # 10011 REG # 10000
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BOARD OF APPEALS

APPROVED **DEC 09 2020**

[Signature]
ADMINISTRATOR





EQUAL HOUSING
OPPORTUNITY

MHBR # 8282

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www.chesapeakecustombuilders.net (301) 574-7199

Scale: 1/8" = 1'-0" (1/4" = 1'-0")
(1/4" = 1'-0" (1/4" = 1'-0"))

FRONT ELEVATION



(a)

BOARD OF APPEALS

APPROVED

DEC 09 2020

[Signature]

ADMINISTRATOR

EXHIBIT
4 (a-d)
V-47-20

REVISED	02/14/2020
DATE	02/14/2020
CHESAPEAKE CUSTOM BUILDERS, LLC	
DRAWN BY	HANNIBAL & KELLIE JACKSON
DATE	02/17/2020
SCALE	AS SHOWN
SHEET NO.	04



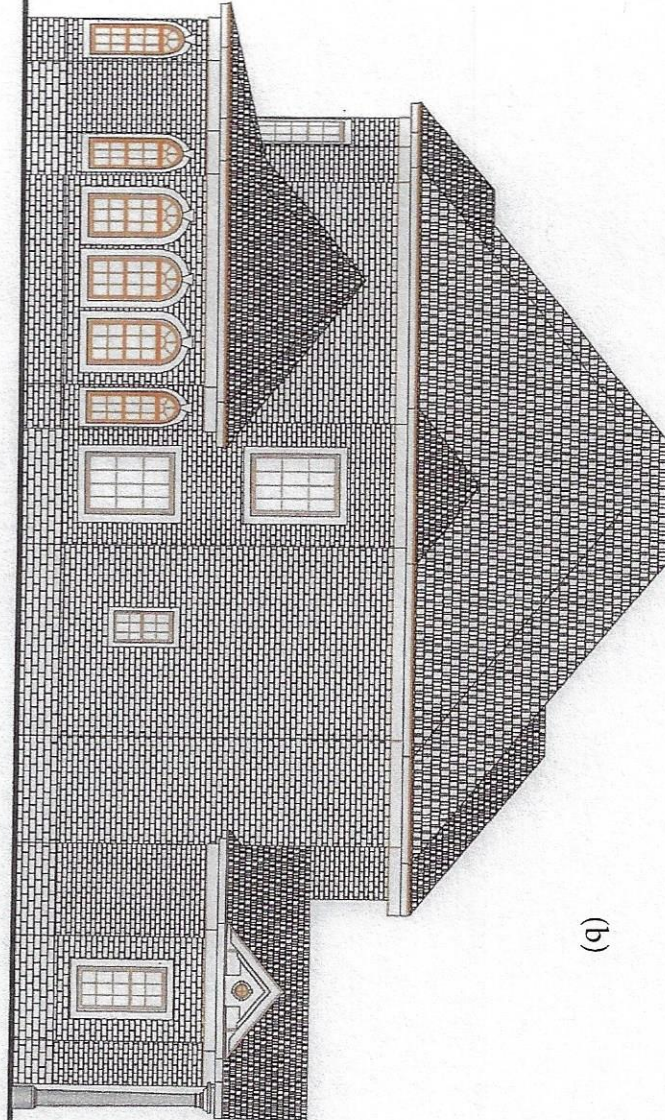
EQUAL HOUSING
OPPORTUNITY

MHBR # 5282

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LEFT ELEVATION

SCALE: 1/8" = 1'-0" (1/4" = 1'-0" for 48" wide sheet)



(b)

BOARD OF APPEALS

APPROVED DEC 09 2020

[Signature]
ADMINISTRATOR

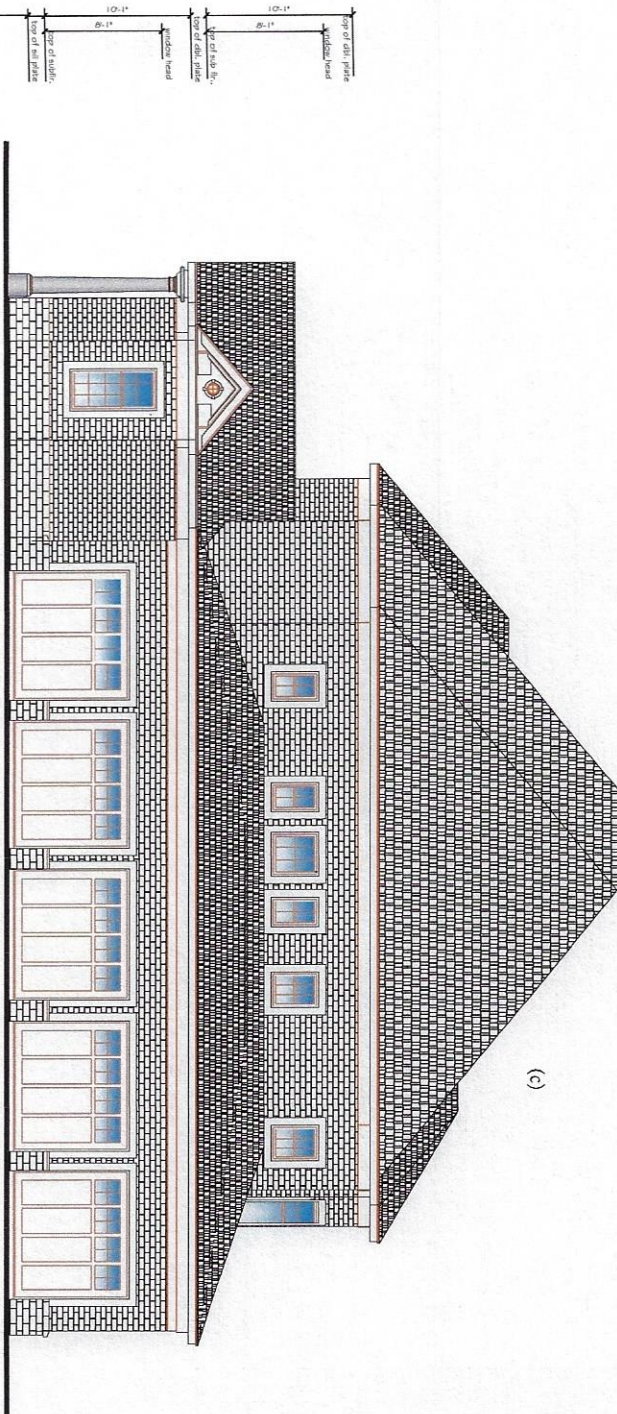
REVISIONS	DATE	BY	DESCRIPTION
001	07/15/2020		CHANGES TO ELEVATION
002	08/25/2020		CHANGES TO ELEVATION
CHESAPEAKE CUSTOM BUILDERS, LLC			
1000 W. 10TH ST. SUITE 100, CHESAPEAKE, VA 23041			
TEL: (301) 574-7199 FAX: (301) 574-7198			
WWW.CHBUILDERS.NET			
DATE	08/25/2020	SCALE	AS SHOWN
DRAWN BY			HANIBAL & KELIE JACKSON
SHEET NO.			07

APPROVED DEC 09 2020

DEC 09 2020

APPROVED

ADMINISTRATOR



RIGHT ELEVATION

scale: 1/8"=1'-0" (1 x 7 sheet)
1/4"=1'-0" (24 x 36 sheet)

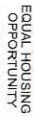


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scale: 1/8"=1'-0" (1 x 7 sheet)
1/4"=1'-0" (2 x 36 sheet)

ADMINISTRATOR

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