

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

Petitioners: Victoria and Frederick Marsh Jr.

Appeal No.: V-113-19

Subject Property: Lot 15, Queen Anne Knolls Plat Two Subdivision, being 11602 Bonaventure Drive,
Upper Marlboro, Prince George's County, Maryland

Heard and Decided: November 20, 2019

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), which 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 to install ground mounted solar panels. A variance of 9% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 2007, contains 98,881.2 square feet, is zoned R-A (Residential-Agricultural) and is improved with a single-family dwelling, driveway, detached garage, deck, pool, pool house and shed. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (G).
2. The property is located on a cul-de-sac and is irregular in shape. Exhs. 2, 3, 6, 7 and 8 (A) thru (G).
3. A large septic tank reserve area (13,000 sf) is located in the rear yard of the lot. Exh. 2.
4. Petitioners would like to install ground mounted solar panels in the rear yard. As the property is located within the R-A (Residential Agricultural), the maximum allowable net lot coverage is 10%. With the addition of the solar panels, the current net lot coverage increases from 17% to 19%, with an overage of 9%. Therefore, a variance of 9% net lot coverage is requested. Exhs. 2 and 4 (A) thru (G).
5. Petitioner Frederick Marsh testified that he would like to install ground mounted solar panels behind the fence because panels cannot be installed on the roof of the dwelling because of the obstruction of trees. He stated that the solar panel company stated that the panels will be suitably located on the property in the rear at the arch of the sun. He stated that the panels will be located behind the house and behind the pool fence. Exhs. 2 and 4 (A) thru (G).
6. Petitioner further stated that when the property was purchased (one year ago) he was not aware of the lot overage issue related to the previous owner's over developing the property in terms of net lot coverage. Exhs. 2, 4 (A) thru (G) and 10.

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 inability to install the solar panels on the roof of the dwelling, the over development of the property by the previous owner, 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 9% net lot coverage in order to install ground mounted solar panels on the property located at 11602 Bonaventure Drive, Upper Marlboro, 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 2.

BOARD OF ZONING APPEALS

By:

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ORIGINAL SIGNED)
Bobbie S. Mack, ChairpersonNOTICE

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.