

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

Petitioners: Lynn and Jazmin Leeks

Appeal No.: V-147-19

Subject Property: Lot 34, Mount Oak Estates Subdivision, being 3011 Westbrook Lane, Bowie,
Prince George's County, Maryland

Counsel for Petitioners: Clifford B. Glover, III, Esq. McNamee, Hosea

Witnesses: Greg Wilby, Chesapeake Custom Builders, LLC

Heard and Decided: January 22, 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, Petitioner(s) request(s) that the Board approve variances 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 a proposed dwelling with a two-story, basement and porch with roof. A variance of 2.53% 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 99,782 square feet, is zoned R-A (Residential-Agricultural) and is undeveloped. Exhibits (Exhs.) 3, 5, 9, 10 and 11 (A) thru (F).

2. The lot is uniquely shaped in the form of a kite. Due to the lack of access to Lot 34, a 22-foot easement from Westbrook Lane connects to Lot 34, approved under Record Plat NLP 102 @ 66. Exhs. 3 and 5.

3. The lot and dedicated easement were created in this configuration to access to the public right-of-way. Because this resulted in a an unusually long and large driveway, a variance of 2.53% lot coverage is now requested. Exh. 2.

4. Petitioners Lynn and Jazmine Leeks would like to construct a two-story dwelling with basement, driveway, 1 car attached garage, 2 car attached garage and covered porch. Petitioner Lynn Leeks testified that their dream home is being built by Chesapeake Custom Builders. Exhs. 2, 3, 4 (A) thru (D) and 6 (A) thru (D).

5. Mr. Greg Wilby, the General Manager of Chesapeake Custom Builders, LLC., stated that the custom home will be 6,356 square foot; the exterior will be stone and stucco on all 4 sides; and will have two garages, multiple roof lines, wrought iron balconies and gates. He stated the development will be in keeping with the character of the neighborhood. He stated that the property is 2.29 acres, irregularly shaped with a 321-linear foot private drive within a 22-foot-wide easement.

6. Mr. Wilby stated that without the variance and despite all the efforts to meet the 10% lot coverage threshold and in light of the extraordinary circumstances, the owner would not be able access both of their

garages with a scaled back driveway. He opined that the only other option would be to severely curtail the driveway and/or reduce the size of the house and the house footprint which would be out of character for the neighborhood.¹ He stated that without the variance and despite all the efforts to meet the 10% lot coverage threshold and in light of the extraordinary circumstances, the owner would not be able access both of their garages with a scaled back driveway.

7. He stated that to minimize lot coverage, the house was sited as close to the front building restriction line as possible.

8. He added that the practical difficulty was not created by the applicant but can be traced back to the creation of the lot. Because of the existing topography of the lot with a downward slope from east to west it, the only suitable site is for the house with the garages to be on the high side (left side), thereby adding additional square foot to the driveway than would not have been the case if the lot were flat and the garages were on the right side. Exhs. 2, 3, 4 (A) thru (D) and 6 (A) thru (D).

9. Mount Oak Estates Home Owners Association supported the variance request on November 11, 2019. 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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the extremely odd shape of the lot, the topography of the land affected location of the development, the property being landlocked with accessed only by an easement, the elongated driveway paralleling the easement to access the dwelling and garages, the development being in character with the community, 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 2.53% net lot coverage in order to obtain a building permit for a proposed two-story dwelling with basement and covered porch on the property located at 3011 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 plans, Exhibits 4 (A) thru (D).

¹ He stated that The Mount Oak Estates Home Owners Association requires a minimum house size of 4,000 square feet. However, many of the homes in the development are much larger.

BOARD OF ZONING APPEALS

(By: ORIGINAL SIGNED)
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.