

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

Petitioners: Harold and Veronica Adams, Michael Gore and Tammy Adams-Gore
Appeal No.: V-139-18
Subject Property: Lot 2, Cedars of Nottingham Subdivision, being 16805 Nottingham Road, Upper
Marlboro, Prince George's County, Maryland
Witnesses: Joseph Windsor, Neighbor
Vincent Payne, Real Estate Agent
Heard and Decided: January 9, 2018
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 a variance 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 5% of the net lot area shall be covered by buildings. Petitioners propose to construct a one-story dwelling, with attached garage and covered front porch, and driveway. A variance of 5.73% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 2005, contains 93,320 square feet (2.14 acres), is zoned O-S (Open Space) and is to be improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 5, 7, 8 and 9 (A) thru (D).

2. Petitioners would like to construct a 58' x 100' one-story dwelling, a 24.5' x 60' attached garage, 10.87' x 12.33' covered front porch and 10' x 111'30" x 52' driveway. Construction of the dwelling and driveway would exceed the amount of lot coverage allowed. A variance of 5.73% net lot coverage was requested. Exhs. 2 and 3 (a) thru (c).

3. Petitioner Tammy Adams Gore explained that she would like to construct a new single-family dwelling for herself, her husband and her elderly parents for retirement. The new home will be a one-story dwelling due to the lack of mobility of the elderly parents. Because of the one-story footprint and the front building restriction line being 100', per Record Plat (REP 208@27), the driveway length of approximately 163 feet was necessary. These factors contributed to the overage of lot coverage. Exhs. 2, 3 (a) thru (c) and 4.

4. Mr. Windsor (17312 Nottingham Road) testified that he owns 56 acres across the street from the Petitioner and is concerned that the proposed a larger home will increase his tax requirements.

5. Mr. Payne, who is a real estate agent and represents the sale of the 12 lots within the Cedars of Nottingham, testified the lot guidelines were developed using varying lot sizes in accordance with 27-442 (b) Table 1, Footnote 15. He stated that there is on-site storm water management, in addition, a rain garden will

be created as well as afforestation. On-site water control is being addressed and a septic reserve exists which cannot be disturbed. Exhs. 2, 3 (a) thru (c) and 4.

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 Petitioner requiring a one-story single-family home to accommodate elderly parents, the 100-foot building restriction line, 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 5.73% net lot coverage in order to construct a 58' x 100' one-story dwelling, a 24.5' x 60' attached garage, 10.87' x 12.33' covered front porch and 10' x 111'30" x 52' driveway on the property located at Lot 2, Cedars of Nottingham Subdivision, being 16805 Nottingham Road, Upper Marlboro, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and approved elevation plans, Exhibits 3 (a) thru (c).

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.