

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-119-13 Syed Ahmad

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: March 26, 2014.

CERTIFICATE OF SERVICE

This is to certify that on May 29, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Greenspring Homeowners Association

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

Petitioner: Syed Ahmad

Appeal No.: V-119-13

Subject Property: Lot 11, Block B, Greenspring Subdivision, being 9507 Greenspring Court, Lanham,
Prince George's County, Maryland

Heard and Decided: March 26, 2014

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, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioner proposes to validate an existing condition and obtain a building permit for a new screened porch and landing with steps. A variance of 8 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 1986, contains 9,952 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 10 and 11. The existing single-family dwelling was built in 2011. Exhs. 10 and 11.

2. The property is an odd-shaped lot, widening from front to rear, and is located on a cul-de-sac. Exhs. 2, 4 and 12(A). The property is located in an approved cluster subdivision. Exhs. 4, 19.

3. Petitioner would like to obtain a building permit for a new 10' x 12' screened porch and 4' x 4' landing with steps on the rear of the dwelling, but a variance is needed to obtain the permit. Since the landing is located 12 feet from the rear lot at the closest point, a variance of 8 feet rear yard depth/width was requested. Since the screened porch, constructed over an existing deck, is located 16 feet from the rear lot line at the closest point, the requested variance would validate the porch and deck if approved.

4. Petitioner stated that the screened porch is covered with a shingle roof, has screen at the top and composite railing at the bottom, and is not closed in.

5. Greenspring Homeowners Association commented that it has no objection to the construction of the deck and screened porch as it is not visible from the road. Exh. 6.

6. The Subdivision Section of the Maryland-National Capital Park and Planning Commission ("M-NCPPC") commented that Exhibit 2 (site location drawing) correctly reflects the bearings, distances, and lot size, with the exception of the radius shown on the front lot line curve which is reflected on the record plat as 50 feet.¹ The Subdivision Section further commented that the property is subject to

¹ The error in the site plan was acknowledged at the hearing on March 26, 2014, but was not corrected until the matter was brought up as a discussion item at the Board's meeting on April 9, 2014, and a Board motion instructed revision of site plan.

Preliminary Plan of Subdivision 4-80121 for a cluster development, the proposed development does not alter the land uses described in the Preliminary Plan of Subdivision, and that it was determined by the Supervisor of the Application Section, M-NCPPC, that no other plans of development are applicable and/or have no impact on the review of this request. 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the unusual shape of the property, the property being located on a cul-de-sac, the house being set back so far from the street, the shallowness of the rear yard, the deck and screened porch not being visible 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 8 feet rear yard depth/width in order to validate an existing condition and obtain a building permit for a new 10' x 12' screened porch and 4' x 4' landing with steps on the property located at Lot 11, Block B, Greenspring Subdivision, being 9507 Greenspring Court, Lanham, 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 the approved elevation plan, Exhibit 3.

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.