

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-63-15 Lee and Rosa Burch

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: August 5, 2015.

CERTIFICATE OF SERVICE

This is to certify that on August 14, 2015, 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: Petitioners
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: Lee and Rosa Burch

Appeal No.: V-63-15

Subject Property: Lot 68, Block B, Clinton Woods Subdivision, being 6105 Willow Way, Clinton,
Prince George's County, Maryland

Witnesses: Lee Burch, Jr., Petitioners' son

Timothy Deming, Petitioners' contractor

Heard and Decided: August 5, 2015

Board Members Present and Voting: 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(e)(Table IV) of the Zoning Ordinance which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioners propose to validate an existing condition and construct a sunroom topped with a wood deck. 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 1983, contains 9,736 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing dwelling was built in 1987. Exhs. 8 and 9.
2. The property is an odd-shaped corner lot. The house faces, and driveway access is off of, the legal side street (Willow Way). Exh. 2.
3. The existing dwelling is located 12 feet from the rear lot line. Exh. 2.
4. Petitioners would like to construct a 12' x 13' sunroom, topped with a wood deck, on the rear of the existing dwelling, but a variance is needed. Since the existing dwelling is located 12 feet from the rear lot line, a variance of 8 feet rear yard depth width was requested to validate this existing condition. Exh. 12.
5. Lee Burch, Jr. testified that the proposed addition would provide privacy for his father who is disabled.
6. Rosa Burch explained her husband has a health condition that is worsening because of the lack of Vitamin D which can be provided from sunlight in the proposed sunroom. She stated that he is presently confined to a hospital bed in the den on the lower level of the house.
7. She stated that a decision was made to build the sunroom with a deck on top of the sunroom to avoid blocking the sun.

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 lot, the property being a corner lot, the house facing the legal side street, the existing dwelling being located only 12 feet from the rear lot line, the proposed sunroom providing a private space on the ground level for a disabled family member to be exposed to needed sunlight, 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, by majority vote, Chairperson Bobbie Mack being absent, that a variance of 8 feet rear yard depth/width in order to validate an existing condition and construct a 12' x 13' sunroom topped with a wood deck on the property located at Lot 68, Block B, Clinton Woods Subdivision, being 6105 Willow Way, Clinton, 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)
Albert C. Scott, Vice Chairman

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.