

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-6-15 Daniel and Winifred Walker

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: February 25, 2015.

CERTIFICATE OF SERVICE

This is to certify that on March 25, 2015, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

1 (Original Signed)
Anne F. Carter
Administrator

cc: Petitioner
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: Daniel and Winifred Walker

Appeal No.: V-6-15

Subject Property: Lot 14, Block G, The Woods Subdivision, being 4505 Sprucewood Court, Temple Hills,
Prince George's County, Maryland

Witness: Jim Garner, Great Day Improvements/ Patio Enclosures

Heard and Decided: February 25, 2015

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(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 construct a sunroom. A variance of 7 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 1969, contains 9,665 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1972. Exhs. 7 and 8.

2. The property is an odd-shaped lot located on a cul-de-sac. Exhs. 2, 4 and 9(A). The front property line is curved and the dwelling faces the center of the cul-de-sac. Exhs. 2 and 9(A), (B) and (D). The house sits at an angle to the rear property line and the right rear corner of the house extends to the minimum 20-foot rear yard setback. Exh. 2.

3. Petitioners would like to construct a 14' x 31' sunroom on the rear of the existing dwelling, but a variance is needed to obtain a building permit. Since the sunroom would be located 13 feet from the rear lot line at the closest point, a variance of 7 feet rear yard depth/width was requested. Exh. 10.

4. Mr. Walker explained that there is insufficient area behind the house to add a sunroom without obtaining the variance. He stated that an existing house is located about 60 feet behind his house.

5. Petitioner Daniel Walker testified that he has lived at the property for 42 years and his wife has desired a sunroom for 30 years. He further stated that the sunroom will be accessed through an existing door on the back of the house. Exh. 5.

6. Jim Garner, Petitioners' contractor, testified that the sunroom will be put on a concrete foundation with a short brick knee wall. He stated that the sunroom will have double-hung windows of tempered glass and the sunroom would neither be heated nor air conditioned.

7. Mr. Garner further testified that runoff water will not be an issue because of the construction of a retaining wall with a corrugated pipe and placement of gravel.

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 located on a cul-de-sac, the existing house facing the center of the cul-de-sac, the angle of the rear property line relative to the rear line of the house, the right rear corner of the house extending to the minimum 20-foot rear yard setback, 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 7 feet rear yard depth/width in order to construct a 14' x 31' sunroom on the property located at Lot 14, Block G, The Woods Subdivision, being 4505 Sprucewood Court, Temple Hills, 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 plans, Exhibits 3(a) and (b).

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.