

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-114-13 Vivian Obianyo

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: January 15, 2014.

CERTIFICATE OF SERVICE

This is to certify that on February 10, 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
Palmer Park Civic Association
Other Interested Parties

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

Petitioner: Vivian Obianyo

Appeal No.: V-114-13

Subject Property: Lot 49, Block P, Palmer Park Subdivision, being 2007 Ray Leonard Road, Landover,
Prince George's County, Maryland

Witness: Prince Jones

Heard and Decided: January 15, 2013

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 side yard at least 8 feet in width. Petitioner proposes to construct a landing and steps to an existing deck on a semi-detached dwelling. A variance of 5.5 feet side yard width is requested.

Evidence Presented

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

1. The property was subdivided in 1957, contains 3,850 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 9 and 10. The existing semi-detached single-family dwelling was built in 1955. Exhs. 9 and 10.

2. The property is a long and narrow lot, being 110 feet deep and only 35 feet wide. Exh. 2. The property slopes upward from front to rear. Exhs. 5(A) and (C).

3. Petitioner would like to construct a 4' x 6' landing and steps to the existing deck on the rear of the house, but a variance is needed to obtain a building permit. Since the landing and steps would be located only 2.5 feet from the side lot line, a variance of 5.5 feet side yard width was requested. Exh. 14.

4. Petitioner testified that the previous steps, which were over 20 years old, had become unsafe and were removed. Exh. 19. She explained that by removing the old steps, she has lost a safety exit from the house and would like to build a new landing and steps in the same location. Exhs. 2, 3 and 5(A) through (C).

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 narrowness of the property, the sloping topography of the property, previous steps to the upper level deck being removed because they were unsafe, loss of a safety exit being caused by removal of the previous steps, the proposed replacement landing and steps to be built in the same location, 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 5.5 feet side yard width in order to construct a 4' x 6' landing and steps to an existing deck on a semi-detached dwelling on the property located at Lot 49, Block P, Palmer Park Subdivision, being 2007 Ray Leonard Road, Landover, 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.