

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-42-15 Thomas Varghese and Mercy Thomas

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: May 27, 2015.

CERTIFICATE OF SERVICE

This is to certify that on June 5, 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
Greenspring Homeowners Association

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

Petitioners: Thomas Varghese and Mercy Thomas

Appeal No.: V-42-15

Subject Property: Lot 10, Block A, Greenspring Subdivision, being 7200 Greenspring Lane, Lanham,
Prince George's County, Maryland

Witness: Roshni Thomas, Petitioners' daughter

Heard and Decided: May 27, 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 variances 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 variances 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, and Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to construct a deck and screened porch. Variances of 13 feet rear yard depth/width and 1.8% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1986, contains 7,243 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 3, 5, 8 and 9. The property is located within a cluster subdivision. Exh. 5. The existing dwelling was built in 2009. Exhs. 8 and 9.

2. The property has an irregular shape. The rear property line is sharply angled, the left side of the rear yard is shallow and the house sits at an angle to the front street line. Exhs. 3, 10(A) through (E).

3. Petitioners would like to construct a 12' x 18' deck and 14' x 16' screened porch, but variances are needed to obtain the required building permit(s). Since the deck would be located only 7 feet from the rear lot line at the closest point and construction of the screened porch would cause the allowed amount of net lot coverage to be exceeded, variances of 13 feet rear yard depth/width and 1.8% net lot coverage were requested. Exhs. 13 and 14.

4. Petitioners stated that they both suffer physical impairments from degenerative spine disease and because of pain require therapeutic respite, relaxation and exercise which they believe their property, with the new construction, will provide. Exh. 2.

5. Petitioner Thomas Varghese testified that a portion of the deck would be covered and made into a screened porch. It was explained that there is woods behind the property. Exhs. 6(D), 10(A) through (E).

6. Petitioners' contractor and neighbor, Lee Vines, who lives two houses down from Petitioners, testified that the subject property slopes down in the rear and there is a drop-off from a currently unusable door on the rear of the house. Exhs. 6(E) and (F). He stated that the door, however, will be used to access the proposed porch and deck from the house and that there will be steps built from the deck down to the rear yard. He also noted that the door accessing the proposed deck and porch will provide an additional safety exit from the house.

7. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and commented: Exhibit 3 correctly reflects the bearings, distances and lot size shown on the record plat (Lot 10, Block A in Greenspring Subdivision, Plat Book NLP 130-24). The property is subject to Preliminary Plan of Subdivision 4-80121 for a cluster development. The proposed development does not alter the land uses described in the Preliminary Plan and, therefore, conforms to Note 3 of the record plat. Section 27-229(b)(27) grants the Board of Appeals the authority to grant variances for home improvements in cluster developments. Exh. 19.

8. Greenspring Homeowners Association approved the proposed construction. Exh. 21.

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 comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the unusual shape of the property, the rear property line being sharply angled, the left side of the rear yard being shallow, the house sitting at an angle to the front street line, the proposed construction providing an additional safety exit from the house, 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 variances of 13 feet rear yard depth/width and 1.8% net lot coverage in order to construct a 12' x 18' deck and 14' x 16' screened porch on the property located at Lot 10, Block A, Greenspring Subdivision, being 7200 Greenspring Lane, Lanham, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(a) through (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.