

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-58-14 Carrella Jubilee & Julius Penn

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: November 19, 2014.

**CERTIFICATE OF SERVICE**

This is to certify that on December 5, 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: Petitioners  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
Sentry Management, Inc.

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

Petitioners: Carrella Jubilee and Julius Penn

Appeal No.: V-58-14

Subject Property: Lot 3, Block 0, Tantallon On The Potomac Subdivision, being 601 Bonhill Drive, Fort Washington, Prince George's County, Maryland

Heard: October 8, 2014; Decided: November 19, 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 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 validate an existing condition and construct a deck. Variances of 7 feet rear yard depth/width and 5.3% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1977, contains 9,500 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 9 and 10. The existing single-family dwelling was built in 2008. Exhs. 9 and 10.
2. Petitioners would like to construct a 12' x 26'6" x 8' deck on the rear of the existing dwelling, but variances are needed to obtain a building permit. Since the deck would be located only 13 feet from the rear lot line, a variance of 7 feet rear yard depth/width was requested. Exh.14.
3. A variance is also needed to validate an existing condition on the property. Since the allowed amount of net lot coverage is exceeded by existing development on the property, a variance of 5.3% net lot coverage was also requested. Exhs. 13 and 14.
4. Petitioner Julius Penn testified that they have a large family and want a deck for recreational purposes. He explained that the deck would be an open deck with crawl space underneath. He stated the deck would extend off of an existing sunroom and a now unusable door on one side of the sunroom would access the deck. Exhs. 5(A) through (L). He explained that the deck will be L-shaped because there is only 6 feet between the existing sunroom door and a dugout area with concrete walls. Exhs. 2 and 5(D) through (G).
5. He further testified that there exists only wooded parkland behind their property. Exhs. 5(M) and (N), 11(A) and (B).
6. Petitioner Carrella Jubilee testified that decks have been built on houses in the neighborhood. Exhs. 11(D) and (F).

7. Tantallon Estates Homeowners Association, Inc. approved the request. 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 there being an existing sunroom on the rear of the dwelling, the proposed deck to be accessed by a now unusable door on one side of the sunroom, the deck extending behind the sunroom due to the location of the sunroom door in relation to a dugout area with concrete walls, there being wooded parkland behind the property, 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 7 feet rear yard depth/width and 5.3% net lot coverage in order to validate an existing condition and construct a 12' x 26'6" x 8' deck on the property located at Lot 3, Block 0, Tantallon On The Potomac Subdivision, being 601 Bonhill Drive, Fort Washington, 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 2, and the approved elevation plans, Exhibits 3(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.