

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-79-14 Catherine Bussie

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 5, 2014.

CERTIFICATE OF SERVICE

This is to certify that on November 18, 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

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

Petitioner: Catherine Bussie

Appeal No.: V-79-14

Subject Property: Lot 47, Block D, Whitfield Gardens Subdivision, being 8913 Crandall Road, Lanham,
Prince George's County, Maryland

Witness: Keith Bussie

Heard and Decided: November 5, 2014

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 deck. A variance of 2 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 1965, contains 6,952 square feet, is zoned R-55 (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 1971. Exhs. 7 and 8.

2. Petitioner would like to construct an L-shaped 12' x 20⁷/₄' x 26' deck along the right side and rear of the existing dwelling to replace an existing 8' x 8' deck on the side of the house, but a variance is needed to obtain a building permit. Since the deck would be located 6 feet from the side lot line, a variance of 2 feet side yard width was requested. Exh. 11.

3. Keith Bussie testified that Petitioner would like to replace an existing deck that is beginning to rot (Exhs. 5(A) and (B)). He further explained that there is a door to the kitchen on the side where the new deck would be built and Petitioner would like to build a 4-foot-wide walkway deck along that side to continue to use that door. Exh. 2. He stated that the relocation of the main deck and a narrower deck on the side will leave more open space in the side yard. Exh. 2.

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 an existing deck beginning to rot and needing to be replaced, there being an existing door that Petitioner would like to continue to use to access a new deck on the rear of the house, the proposed 4-foot-wide walkway deck extending fewer feet into the side yard than the deck being removed, 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, by majority vote, Ms. Johnson absent, that a variance of 2 feet side yard width in order to construct a 12' x 20¹/₄' x 26' deck on the property located at Lot 47, Block D, Whitfield Gardens Subdivision, being 8913 Crandall Road, Lanham, 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.