

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-94-13 Wesley & Monica Minter

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: October 23, 2013.

**CERTIFICATE OF SERVICE**

This is to certify that on November 13, 2013, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

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Anne F. Carter  
Administrator

cc: Petitioners  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
Potomac Ridge Homeowners Association

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

Petitioners: Wesley & Monica Minter

Appeal No.: V-94-13

Subject Property: Lot 8, Block E, Potomac Ridge Subdivision, being 300 Major King Lane, Fort  
Washington, Prince George's County, Maryland

Heard and Decided: October 23, 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, 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 deck. A variance of 3 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 2004, contains 10,213 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 5, 8 and 9. The existing single-family dwelling was built in 2005. Exhs. 8 and 9.

2. The property is an odd-shaped corner lot with the house facing the legal front street. Exh. 3. A bump-out on the rear of the dwelling extends to within approximately 20 feet of the rear property line. Exh. 3.

3. Petitioners would like to construct a 14' x 26' deck on the rear of the existing dwelling, but a variance is needed to obtain a building permit. Since the deck would be located 17 feet from the rear lot line at the closest point, a variance of 3 feet rear yard depth/width was requested. Exh. 11.

4. Petitioner Wesley Minter testified that there is a ravine approximately 40 feet behind and lower than his house and his yard slopes down into the ravine where the proposed deck will be located. Exhs. 10(B) through (E). He explained that the extra 3 feet will allow stairs to be built in the future that will safely come off the deck (and not encroach on the 20-foot setback).

5. There is a sliding door one story above ground level which would access the proposed deck. Exhs. 2 and 19

6. Potomac Ridge Homeowners Association approved the request. Exh. 6.

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 property being a corner lot, the unusual shape of the lot, the rear yard sloping down to a ravine behind the house, a bump-out on the rear of the house extending to within 20 feet of the rear property line, the proposed deck to extend 3 feet beyond the bump-out to allow stairs to descend safely from the deck, construction of the deck 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 a variance of 3 feet rear yard depth/width in order to construct a 14' x 26' deck on the property located at Lot 8, Block E, Potomac Ridge Subdivision, being 300 Major King Lane, Fort Washington, 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 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.