

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-81-13 Darrin Brown

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 20, 2013, 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: Darrin Brown
Appeal No.: V-81-13
Subject Property: Lot 10, Hidden Pines Subdivision, being 2806 White Pine Court, Temple Hills,
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 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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance which prescribes that each lot shall have a front yard at least 25 feet in depth and a rear yard at least 20 feet in depth/width. Petitioner proposes to validate existing conditions and construct a deck. Variances of 1 foot front yard depth and 8.5 feet rear yard depth/width are requested.

Evidence Presented

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

1. The property was subdivided in 1986, contains 10,557 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 1987. Exhs. 7 and 8.
2. The property is an odd-shaped lot located on a cul-de-sac. Exhs. 2, 4, 9(A) through (E).
3. Petitioner would like to construct a 12' x 16' deck on the rear of the dwelling next to an existing 12' x 16' sunroom (Exhs. 1 and 2), but variances are needed to obtain a building permit. Although the deck would be located 12 feet from the rear lot line, the sunroom is located 11.5 feet from the rear lot line at the closest point, and a variance of 8.5 feet rear yard depth/width was requested. In addition, since the existing dwelling is located only 24 feet from the front street line, a variance of 1 foot front yard depth is needed and was requested to validate this existing condition. Exh. 10.
4. Petitioner testified that steps from the sunroom were torn down because they had deteriorated.¹ Exhs. 5(A) and (B). He does not plan to replace the steps, but the door from the sunroom, which now goes nowhere, will lead to the proposed deck. Exhs. 5(A) and (C). He testified that the deck will be the same size as the sunroom. Exh. 2. He stated that there is a privacy fence along the property lines behind and beside where the deck would be built.
5. Petitioner further testified that his lot is wide, but not deep. Exh. 2.
6. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and commented that the lot is subject to a 25-foot building restriction line (BRL)

¹ County records show that a permit was obtained for construction of the sunroom in 1992. Exh. 6.

parallel to the front street line along White Pine Court, but no structure is proposed within the recorded BRL. It was noted that any new structures that are subject to a building setback are subject to the BRL. Exh. 18.

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 property being located on a cul-de-sac, the unusual shape of the lot, the angle of the rear and side property lines in relation to the position of the existing house, the shallowness of the lot, the proposed deck being built where deteriorating stairs were removed, the proposed deck extending out from the house the same distance as the existing sunroom, 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 variances of 1 foot front yard depth and 8.5 feet rear yard depth/width in order to validate existing conditions and construct a 12' x 16 deck on the property located at Lot 10, Hidden Pines Subdivision, being 2806 White Pine Court, Temple Hills, 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 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.