

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-95-13 Lindel & Irish Reid

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 6, 2013 .

CERTIFICATE OF SERVICE

This is to certify that on November 19, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Campfire Hills Homeowners Association, Inc.

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

Petitioner: Lindel and Irish Reid

Appeal No.: V-95-13

Subject Property: Lot 12, Block A, Campfire Hills Subdivision, being 7507 Starshine Drive, District Heights, Prince George's County, Maryland

Heard and Decided: November 6, 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, 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 rear yard at least 20 feet in depth/width. Petitioner proposes to construct a deck with steps. A variance of 6 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 2006, contains 12,774 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 2013. Exhs. 7 and 8.
2. The lot is triangular in shape with almost no left side yard where two sides of the triangle come to a point. The rear yard behind the house is extremely shallow and the rear lot line runs at an angle to the rear line of the house. Exh. 2.
3. Petitioners would like to construct a 13' x 24' deck, with two sets of steps, on the rear of the dwelling, but a variance is needed to obtain a building permit. Since the deck would only be 14 feet from the rear lot line at the closest point, a variance of 6 feet rear yard depth/width was requested. Exhs. 2 and 11.
4. Petitioner Lindel Reid testified that he wants to build a wooden deck in the back yard, but the lot is so narrow that certain areas of any deck built on the rear without a variance would not be useable. He further explained that the majority of the land is to the left of the house and a sliding glass door that is currently not useable would access the proposed deck. Exhs. 2, 5(B) and (D). He stated that a trench runs across the back yard, making it difficult to enjoy the rear yard without a deck. Exhs. 5(A) through (D).
5. Campfire Hills Homeowners Association, Inc. approved the proposed development. Exh. 15.

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 unusual shape of the property, the angle of the rear lot line, a trench running across the rear yard, the shallowness of the yard behind the house preventing construction of a useable 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 6 feet rear yard depth/width in order to construct a 13' x 24' deck with steps on the property located at Lot 12, Block A, Campfire Hills Subdivision, being 7507 Starshine Drive, District Heights, 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.