

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-54-13 Hayder Qaadri, Humaira Syed & Atiya Qaadri

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: August 21, 2013 .

**CERTIFICATE OF SERVICE**

This is to certify that on September 13, 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  
Greenspring Homeowners Association

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

Petitioners: Hayder Qaadri, Humaira Syed & Atiya Qaadri

Appeal No.: V-54-13

Subject Property: Lot 12, Block B, Greenspring Subdivision, being 9509 Greenspring Court, Lanham,  
Prince George's County, Maryland

Heard and Decided: August 21, 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, 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 obtain a building permit for a screened porch. Variances of 2 feet rear yard depth/width and 1.1% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1983, contains 10,053 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 5, 9 and 10. The existing single-family dwelling was built in 2008. Exhs. 9 and 10.

2. The property is an odd-shaped lot located on a cul-de-sac within an approved cluster subdivision. Exhs. 2 and 5.

3. The Board approved a rear yard depth/width variance in 2012 (Appeal No. V-50-12) for construction of a 12' x 18' deck on the rear of the house. Exh. 7.

4. Petitioners would like to obtain a building permit for a 9'1" x 11'10" screened porch, but two variances are necessary. Since the porch is located 18 feet from the rear line, and construction of the screened porch adds to the amount of net lot coverage on the property beyond what is allowed, variances of 2 feet rear yard depth/width and 1.1% net lot coverage were requested.

5. Petitioner Hayder Qaadri testified that after a variance of 2 feet rear setback for the deck was granted last year by the Board, part of the deck, for which a permit had been obtained, was screened in but the builder failed to obtain a permit for the screened porch. Exhs. 6(A) through (C), 7.

6. He further testified that the screened porch provided protection from pests and two other houses in the development have screened porches.

7. Greenspring Homeowners Association had no objection to the variances as the screened porch/deck is not visible from the road. Exh. 23.

8. Letters of support from neighbors were entered into the record. Exhs. 24(A) through (F).
9. Oscar and Brij Majano, owners of the property directly behind Petitioners' property, opposed the granting of the request. Exh. 20.
10. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and stated that a variance in a cluster subdivision is limited to Home Improvements as defined in Section 27-107.01(a)(117.1). Based on available information, the subdivision was approved prior to the requirement for a detailed site plan for cluster developments which came into effect in 1986, and there are no additional restrictions on the record plat which would preclude the Board of Appeals from granting the requested variances. Exh. 19.

#### 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 unusual shape of the lot, the angle of the rear line of the existing house in relation to the rear property line, the property being located on a cul-de-sac within an approved cluster subdivision, a deck being considered a Home Improvement as defined in Section 27-107.01(a)(117.1), the screened porch having been built over an existing deck, the screened porch providing protection from pests, 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 2 feet rear yard depth/width and 1.1% net lot coverage in order to validate an existing condition and obtain a building permit for a 9'1" x 11'10" screened porch on the property located at Lot 12, Block B, Greenspring Subdivision, being 9509 Greenspring Court, Lanham, 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.