

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-109-13 Carlisa Miles

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: January 15, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on January 29, 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
Other Interested Parties

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

Petitioner: Carlisa Miles

Appeal No.: V-109-13

Subject Property: Lot 6, Block N, Tantallon on the Potomac Subdivision, being 602 Bonillo Drive, Fort Washington, Prince George's County, Maryland

Witness: Ryan Baldwin, Ameribuilt, LLC

Heard and Decided: January 15, 2014

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 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. Petitioner proposes to validate an existing condition and construct a deck and screened porch. Variances of 10 feet rear yard depth/width and 4.6% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1977, contains 9,640 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing single-family dwelling was built in 2008. Exhs. 8 and 9.

2. The property has an asymmetrical configuration with side lot lines of different lengths, creating a rear yard that is shallower on one side of the property than the other side. The right rear corner of the house extends to the required 20-foot rear setback. Exh. 2.

3. Petitioner would like to construct a 10' x 15' deck and 10' x 15' screened porch on the rear of the existing dwelling, but variances are needed in order to obtain a building permit. Since the screened porch would be located 10 feet from the rear lot line at the closest point, a variance of 10 feet rear yard depth/width was requested. In addition, since the allowed amount of net lot coverage allowed (30%) is already exceeded by existing development on the property, construction of the porch would cause that amount to be further exceeded and a variance of 4.6% net lot coverage was also requested. Exhs. 2, 13 and 14.

4. There is an existing sliding door on the rear of the house that would access the porch and deck. Exh. 5.

5. Petitioner testified that she has lived at the property for six years.

6. Ryan Baldwin, Petitioner's contractor, testified that the location of the house is so close to the building restriction line in the rear that it prevents construction of anything without a variance. Exh. 5. He added that there is a hill that slopes to a gully in back of the house. Exhs. 10(C) through (E).

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 asymmetrical configuration of the property, the shallowness of the rear yard, the sloping topography behind the house, existing development on the property exceeding the allowed amount of net lot coverage, the proposed porch and 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 10 feet rear yard depth/width and 4.6% net lot coverage in order to validate an existing condition and construct a 10' x 15' deck and 10' x 15' screened porch on the property located at Lot 6, Block N, Tantallon on the Potomac Subdivision, being 602 Bonhill Drive, Fort Washington, 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 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.