

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-99-13 Wanda Thomas

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 20, 2013 .

CERTIFICATE OF SERVICE

This is to certify that on December 2, 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: Wanda Thomas

Appeal No.: V-99-13

Subject Property: Lot 2, Block A, Central Hills Subdivision, being 987 Central Hills Lane, Landover,
Prince George's County, Maryland

Witnesses: Paul Buckler, R-F Metals Inc.
Latisha Porter

Heard and Decided: November 20, 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(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 construct a screened room over an existing deck on a semi-detached single-family dwelling. A variance of 2.7% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1988, contains 3,571 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 1988. Exhs. 7 and 8.
2. Petitioner would like to construct a 15' x 16' screened room over an existing deck on the rear of the existing semi-detached dwelling (Exhs. 1 and 2), but a variance is needed in order to obtain a building permit. Since construction of the screened room would cause the allowed maximum amount of net lot coverage to be exceeded, a variance of 2.7% net lot coverage was requested. Exh. 12.
3. Paul Buckler, Petitioner's contractor, explained that Petitioner would like to add 52 square feet to the existing deck and construct a screened room on the deck (with adjustable window panels). Exhs. 5(A) thru (C).
4. Petitioner testified that she is visually impaired and desires a place that provides outdoor safety and shade. She testified that neighbors did not object to the proposed home improvement.

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to there being an existing deck on the rear of the house, the proposed screened room to be built over the existing deck, Petitioner being visually impaired, the proposed room providing a protected place to enjoy the outdoors, 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 a variance of 2.7% net lot coverage in order to construct a 15' x 16' screened porch over an existing deck on a semi-detached single-family dwelling on the property located at Lot 2, Block A, Central Hills Subdivision, being 987 Central Hills Lane, Landover, 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) thru (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.