



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-62-23 Debra Dickerson

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: December 13, 2023.

CERTIFICATE OF SERVICE

This is to certify that on February 15, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature of Barbara J. Stone is shown above a horizontal line.

Barbara J Stone
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: Debra Dickerson

Appeal No.: V-62-23

Subject Property: Lot 1, Block M, Marlow Heights Subdivision, being 2701 Keating Street, Temple Hills,
Prince George's County, Maryland

Witness: Omar Gardner, Landscape Therapy Home Garden. LLC

Heard and Decided: December 13, 2023¹

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Carl Isler, Acting Vice Chair

Renee Alston, Member

Board Member Absent: Teia Hill, Member

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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-4202(f)(1) which prescribes that a lot shall have a minimum width of 60 feet at the front building line. The petitioner proposes to validate an existing condition (lot width at the front building line) and obtain a building permit for the proposed sunroom on top of the existing deck (11.6' x 19.6'). A variance of 14 feet lot width at the front building line is requested.

Evidence Presented

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

1. The property was subdivided in 1953, contains 4,779 square feet, is zoned RSF-A (Residential, Single-Family - Attached), and is improved with a single-family dwelling, driveway, deck, chain link fence, and shed. Exhibits (Exhs.) 3, 4, 7, 8, 9 (A) thru F and 16.
2. The subject property is irregular in shape (asymmetric rectangular) with the front property line being 49 feet in width and the rear property line being only 33 feet in width. The dwelling is an attached duplex with a party wall. Exhs. 3, 4, 7, 8, 9 (A) thru F and 16.
3. Petitioner proposes to validate an existing condition (lot width at front building line) and obtain a building permit for the proposed sunroom on top of the existing deck (11.6' x 19.6'). A variance of 14 feet lot width at the front building line is requested. Exhs. 3 and 16.
4. Petitioner Debra Dickerson testified that she is ready to retire and wishes to add a 4-season sunroom on the back of her house. During the winter or summer, she will have a place to sit and relax and enjoy her backyard, keeping her from the inclement weather and heat of the summer. Also, during the summer she can have cookouts with her family, and she can be in the sunroom out of the heat. The room will allow her to sit and enjoy the weather. This sunroom will be constructed on top of an existing deck.

¹ This case was rescheduled from November 8, 2023, due to an incorrect hearing notice stating the incorrect hearing notice and the need for lot coverage which was also incorrect. Petitioner has submitted revised site plan to help clarify the lot coverage determination. (Exh. 16)

This room will also keep the bugs and mosquitoes from biting and spreading diseases. Exhs. 3, 5 (A) thru (F) and 16.

5. Ms. Dickerson stated that she has children, grandchildren, and great-grandchildren who would utilize the enclosed sunroom, and it would allow her whole family to enjoy the sunroom during gatherings as well as provide protection from the elements for her whole family. Exhs. 3, 5 (A) thru (F) and 16.

6. Mr. Gardner testified that there is an existing deck, and they are simply adding the room and the flooring. The room will be insulated, and the size or footprint will not expand, just utilize the existing structure. This will be a 4-season room, so there will be windows that can open for air. Exhs. 3, 5 (A) thru (F) and 16.

7. Ms. Dickerson clarified that there are two sets in the back. One set of steps leads from the sunroom to the backyard, and the second set of steps leads from the backyard to her basement. She further noted that several of her neighbors have sunrooms, so it would not be out of character for the neighborhood. Exhs. 3, 5 (A) thru (F), 10 (A) thru (C) and 16.

A motion was made by Board Member Alston to approve the variance and seconded by Chair Mack. Motion carried 3/0 (Mack, Isler, and Alston).

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

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 outlined in Section 27-3613(d), more specifically:

Due to the need for the retiring Petitioner to have an area to enjoy outside to relax and enjoy her property out of the weather and elements, an area for family gatherings away from biting insects, a safe place

for her great-grandchildren, the property being irregular in shape 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. Further, the size of the Petitioner's would utilize the preexisting deck ensuring that the variance is the minimum reasonably necessary to overcome the exceptional physical conditions of the property. Additionally, the Petitioner stated that her neighbors have sunrooms, and this request is not out of the neighborhood's character nor substantially impair the use and enjoyment of adjacent properties. Lastly, the irregular shape of the Petitioner's property caused the need for the variance so practical difficulty was not self-inflicted.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Hill and Ms. Johnson absent, that a variance of 14 feet lot width at the front building line in order to validate existing conditions (lot width at front building line) and obtain a building permit for the proposed sunroom on top of existing deck (11.6' x 19.6') on the property located at 2701 Keating Street, Temple Hills, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 16, and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

Bobbie S. Mack
By: _____

Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By: *Ellis Watson*

Ellis Watson, Esq.

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 27-3613(c)(10)(B) 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.

Signature: Ellis F. Watson
Ellis F. Watson (Feb 12, 2024 13:50 EST)

Email: efwatson@co.pg.md.us

THIS DOCUMENT IS CERTIFIED TO



CASE #: ****



KEATING STREET

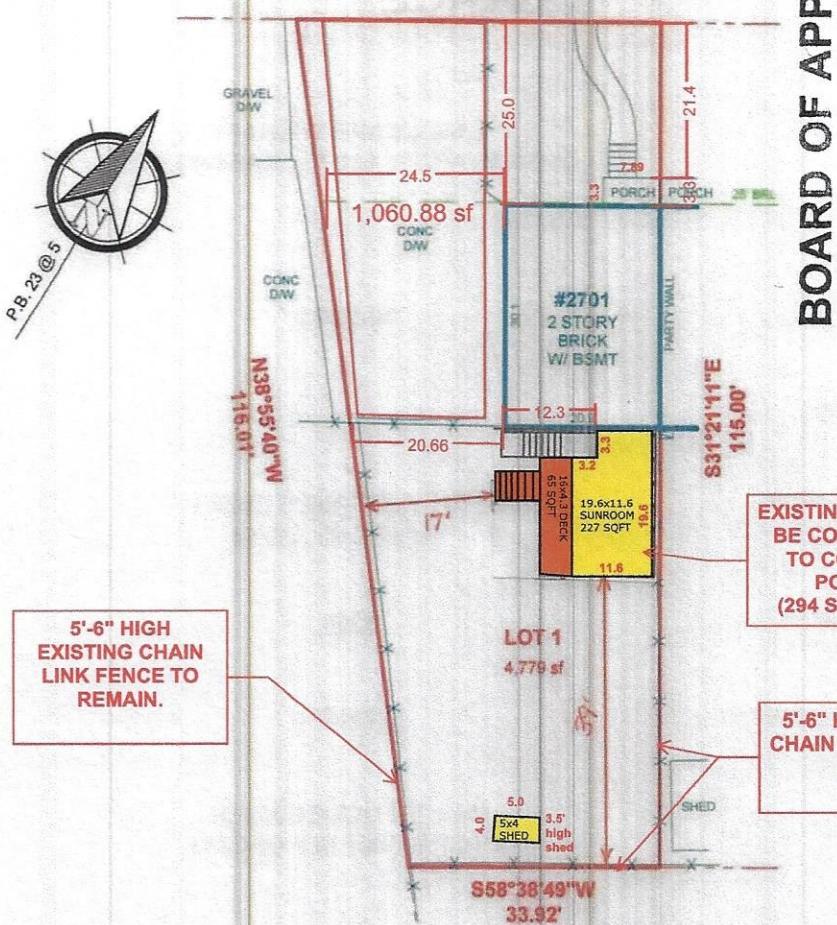
N58°38'49"E
49.21'

BOARD OF APPEALS

DEC 13 2023

Administrator

Approved



LOCATION DRAWING OF:

#2701 KEATING STREET

LOT 1

BLOCK M

MARLOW HEIGHTS

PLAT BOOK 23, PLAT 5

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"-20' DATE: 05-08-2023

DRAWN BY: JG FILE #: 233624-200

LEGEND:

- FENCE
- BASEMENT ENTRANCE
- B/W - BAY WINDOW
- BRICK
- BLDG RESTRICTION LINE
- BSMT - BASEMENT
- CONCRETE STOOP
- C/S - CONCRETE SIDEWALK
- DW - DRIVEWAY
- EX - EXISTING
- FR - FRAME
- MAC - MACADAM
- NF - NOW OR FORMERLY
- OH - OVERHANG
- PUE - PUBLIC UTILITY EMT
- PIE - PUBLIC IMPROVEMENT EMT

COLOR KEY:

- REDFIELD
- GREENFIELD
- BLUEFIELD
- ORANGEFIELD
- PURPLEFIELD
- WHITEFIELD

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SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED THEREIN. I COULD NOT BE IDENTIFIED AS A SURVEYOR OR LAND SURVEYOR UNLESS REGULATION 12 CHAPTER 09 13.09 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INSOFAK AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR AGENT TO CONFIRM THE EXISTENCE OF UNDEMINDED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS NO MORE REASONABLELY FURNISHED THAN THAT FOR WHICH THIS COMPANY SOLD PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

DULEY & ASSOC.
WILL GIVE YOU A 100%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.

(EXCLUDING D.C. & BALTIMORE CITY)

<p>Mutual Enterprise CAD Services</p> <p>Email: mutual@newtron.net Oxon Hill, Maryland 20745 Tel: (301) 894-3313</p>									
<p>CONSTRUCTION LANDSCAPE THERAPY HG</p>									
<p>Project PROPOSED DECK / SUNROOM DICKERSON RESIDENCE 2701 KEATING STREET TEMPLE HILLS, MARYLAND</p>									
<p>Consultants</p>									
<p>Sheet Title</p>									
<p>ARCHITECTURAL PLANS</p>									
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