

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-140-16 Patricia Mayo

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 30, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on December 22, 2016 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
Acting Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Camp Springs Civic Association

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

Petitioner: Patricia Mayo

Appeal No.: V-140-16

Subject Property: Lot 26, Block A, Westchester Estates Subdivision, being 5600 Avon Court, Temple Hills,
Prince George's County, Maryland

Heard and Decided: November 30, 2016

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), which prescribes that each lot shall have a rear yard at least 20 feet in depth/width and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall generally be located only in the rear yard. Petitioner proposes to validate an existing condition and construct a deck. A variance of 12 feet rear yard depth/width and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1960, contains 11,983 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8 and 9. The property is located on a cul-de-sac and falls within the proposed Military Installation Overlay Zone. Exhs. 1 and 4.
2. Petitioner would like to construct a 12' x 14' vinyl deck with a 5' x 5' landing and steps (replacing the existing deck) which would be located 8 feet from the rear lot line. A variance of 12 feet rear yard depth/width was requested. Exhs. 2, 3, 5(C) and (D).
3. An existing shed is located to the side of the dwelling for which a waiver of the rear yard location requirement for an accessory building was requested. Exh. 2.
4. Petitioner Patricia Mayo explained that the proposed deck will be the exact footprint as the existing deck and will not be covered. Exhs. 2, 5(C) and (D).
5. Petitioner also stated that because her house is on a pie shaped lot on a cul-de-sac her rear yard area is very shallow. Exhs. 2 and 4.
6. Petitioner advised the Board that she has lived at the residence since 1978 and that the original deck was built in 1987.
7. Petitioner explained that the lots behind her house are at a higher elevation, so rainwater run-off falls to her lot, keeping her rear yard wet. She stated that her solution was to build a deck. Exhs, 2, 4, 5(C) and (F).

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 property being a pie-shaped corner lot, the shallowness of the rear yard, the property sitting at a lower elevation than adjoining lots to the rear, water run-off creating a perpetual wet rear yard when it rains making it unusable, 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 12 feet rear yard depth/width and a waiver of the rear yard location requirement for an accessory building in order to validate an existing condition and construct a 12' x 14' deck with a 5' x 5' landing and steps on the property located at Lot 26, Block A, Westchester Estates Subdivision, being 5600 Avon Court, 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 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.