

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-43-17 Lloyd and Gwendolyn Hoover

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: June 7, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on June 20, 2017 , 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
LLG Recreation Association, Inc.

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

Petitioners: Lloyd and Gwendolyn Hoover

Appeal No.: V-43-17

Subject Property: Lot 5, Block G, Lottsford Community Subdivision, being 4309 Saddle River Drive,
Bowie, Prince George's County, Maryland

Witness: James Hagens, VP LLG Recreation Association
Ashley Hoover, Petitioner's son

Heard and Decided: June 7, 2017

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, Petitioners request that the Board approve a variance 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. Petitioners propose to construct a deck. A variance of 6 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 1988, contains 12,350 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. The property is located within a cluster subdivision. Exhibits (Exhs.) 2, 4 and 8.

2. Petitioners would like to construct a 23' x 36' deck on the rear of the existing dwelling. The deck would be located 14 feet from the rear lot line. A variance of 6 feet rear yard depth/width was requested. Exhs. 2, 3 (a) thru (b), 5, (A) thru (B), 10 (C) and 12.

3. Petitioner Gwendolyn Hoover testified that she would like to replace a deck that is falling apart. The wood is rotten and dangerous to walk on. Exhs. 2, 3 (a) thru (b), 5, (A) thru (B), 10 (C) and 12.

4. James Hagens (LLG Recreation Association, Inc., "the Association") stated the Association originally approved the deck when it was built over 25 years ago. The Petitioner advised the Association that it will rebuild the deck in kind. Mr. Hagens also stated that in speaking with several neighbors, they have no issue with the deck replacement. The Association's response from the Architectural Control Board, was that the deck is in full compliance with the Association's Bi-laws and they are in full support.

5. The Subdivision Section of The Maryland-National Capital Park and Planning Commission reviewed the request and commented that the site plan submitted (Exh. 2) correctly reflects the lot as described in Plat NLP 137@31, Lot 13, Block C in Lottsford Community Subdivision, and although the site plan reflects the correct distances and lot size, the bearings are slightly different and must be corrected. Exhs. 11 and 17.

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

Due to an aging deck being in disrepair, unsafe, and dangerous to walk on, the deck being replaced in kind 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 6 feet rear yard depth/width to construct a 23' x 36' deck on the property located at Lot 5, Block G, Lottsford Community Subdivision, being 4309 Saddle River Drive, Bowie, 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 approved elevation plans, Exhibits 3 (a) thru (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.