

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-65-17 Jose Figueroa and Vicky Mayoral

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 21, 2017.

**CERTIFICATE OF SERVICE**

This is to certify that on July 21, 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  
Bond Mill Station Homeowners Association, LLC

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

Petitioners: Jose Figueroa and Vicky Mayoral

Appeal No.: V-65-17

Subject Property: Lot 12, Block A, Bond Mill Station Subdivision, being 16309 Education Court, Laurel,  
Prince George's County, Maryland

Witnesses: Dan Watts, Land Art Associates

Heard and Decided: June 21, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance which prescribes that each lot shall have a side yard at least 8 feet in width and a rear yard at least 20 feet in depth/width; and Section 27-420(a), which prescribes that fences and walls more than 6 feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings. Petitioner proposes to validate an existing condition and construct a deck, patio and retaining wall. Variances of 5 feet rear yard depth/width for the deck and 5 feet right side yard width and 16 feet rear yard depth/width for an existing retaining wall are requested.

Evidence Presented

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

1. The property was subdivided in 2006, contains 14,366 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4 and 6.
2. The property lies within an approved Cluster development within a cul-de-sac. Exh. 4.
3. Petitioners would like to validate an existing condition and construct a deck, patio and retaining wall. Variances of 5 feet rear yard depth/width for the deck, 5 feet right side yard width and 16 feet rear yard depth/width for an existing retaining wall were requested. Exhs. 2, 3 (a) thru (c)
4. Dan Watts testified that the proposal is for a deck with a patio and retaining wall that will elevate the patio. He testified that the rear yard slopes down and will require a retaining wall under the patio to flatten it out. Exhs. 2, 3 (a) thru (c), 5 (A) thru (E) and 8 (A) thru (F).
5. He further testified that the rear yard slopes toward adjoining HOA property. Exh. 4.
6. Mr. Watts stated that because of the way the dwelling has been positioned so close to the rear property line, Petitioners cannot build a usable sized deck (as neighbors have been able to do). He also added that with the rear yard being sloped, there is not much usable back yard. Exhs. 2, 5 (A) thru (E) and 8 (A) thru (F).
7. Petitioner Jose Figueroa testified that most of the neighbors have decks, some with two tiered decks with swimming pools. Exhs. 8 (A) thru (F).
8. Bond Mill Station Home Owner's Association approved the proposal. Exh. 18

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 owners 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 the topography (slope) of the rear yard, the property being located on a cul-de-sac, the house position on the lot being close to the rear property line 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, by majority vote, Mr. Al Scott absent, that a variance of 5 feet rear yard depth/width for the deck and 5 feet right side yard width and 16 feet rear yard depth/width for an existing retaining wall in order to validate an existing condition and construct a deck, patio and retaining wall on the property located at Lot 12, Block A, Bond Mill Station Subdivision, being 16309 Education Court, Laurel, 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 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.