



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-139-21 Deborah Douglas

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 9, 2022.

CERTIFICATE OF SERVICE

This is to certify that on March 7, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone". Below the signature, the name "Barbara J. Stone" is printed in a standard font, followed by the title "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: Deborah Douglas

Appeal No.: V-139-21

Subject Property: Lot 45, Clinton Gardens Subdivision, being 9107 Patrick Drive, Clinton,
Prince George's County, Maryland

Witness: Ifill Livingstone, Contractor, Long Fence

Heard: October 12, 2022; October 26, 2022

Decided: November 9, 2022

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

Anastasia T. Johnson, Member

William C. Isler, Member

Renee Alson, Member *voted only on November 9th meeting.

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 27-3303 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-4202(d)(2) of the Zoning Ordinance, which prescribes that each lot shall have a minimum lot frontage of 60 feet measured along the front street line and a side yard at least 8 feet in width. Petitioner proposes to validate existing conditions and obtain a building permit to construct a 10' x 10' gazebo on top of a 16' x 17' wooden deck. A variance of 8.15 feet lot frontage and 4.2 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 2005, contains 2841 square feet, is zoned RSF-95 (One-Family Detached Residential) and is improved with a single-family dwelling, vinyl privacy fence, and two gates. Exhibits (Exhs.) 2, 4, 5, and 9 (A) thru (E).

2. Petitioner would like to construct a 10' x 10' gazebo on top of a 16' x 17' wooden deck. Exhs. 2, 3 and (A) thru (K), 14.

3. The legal front of said property is Wade Avenue and the legal side is Patrick Drive. Exhs. 2, 3 (A) thru (C), and 9 (A) thru (E).

4. Mr. Ifill testified that the orientation of the property requires the deck to be within 3 feet of the property line. Additionally, the deck and gazebo would be approximately 13 to 15 feet away from adjoining neighbor's property. Exhs. 2, 9 (A) thru (E), and 14.

5. The applicant suffered a recent disability that requires extra space for her manual wheelchair to be able to independently maneuver between her deck and her home.

6. Clinton Gardens c/o Meredith Management Homeowner's Association (HOA) approved the applicant's plans on October 5, 2021. Exh. 15.

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 does/does not comply with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the orientation and size of property it would be difficult to adhere to Zoning Ordinance Section 27-4202(d)(2), specifically, the lot frontage on the front street line and the side yard width. The request would not substantially impair the intent, purpose, and integrity of the General Plan or Master Plan as its within the character of the surrounding community. The applicant has suffered health challenges that would make denying the request result in a peculiar and unusual practical difficult upon the owner of the property. Furthermore, the practical difficulty is not self-inflicted and is a result from the platting of the lot that have a disproportionate impact of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 8.15 feet front lot frontage and 4.2 feet side yard width in order to construct a 10' x 10' gazebo on top of a 16' x 17' wooden deck on the property located at 9107 Patrick Drive Clinton, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibit(s) 3 (A) thru (C).

BOARD OF ZONING APPEALS

By:


Bebbie 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 27-3613(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.

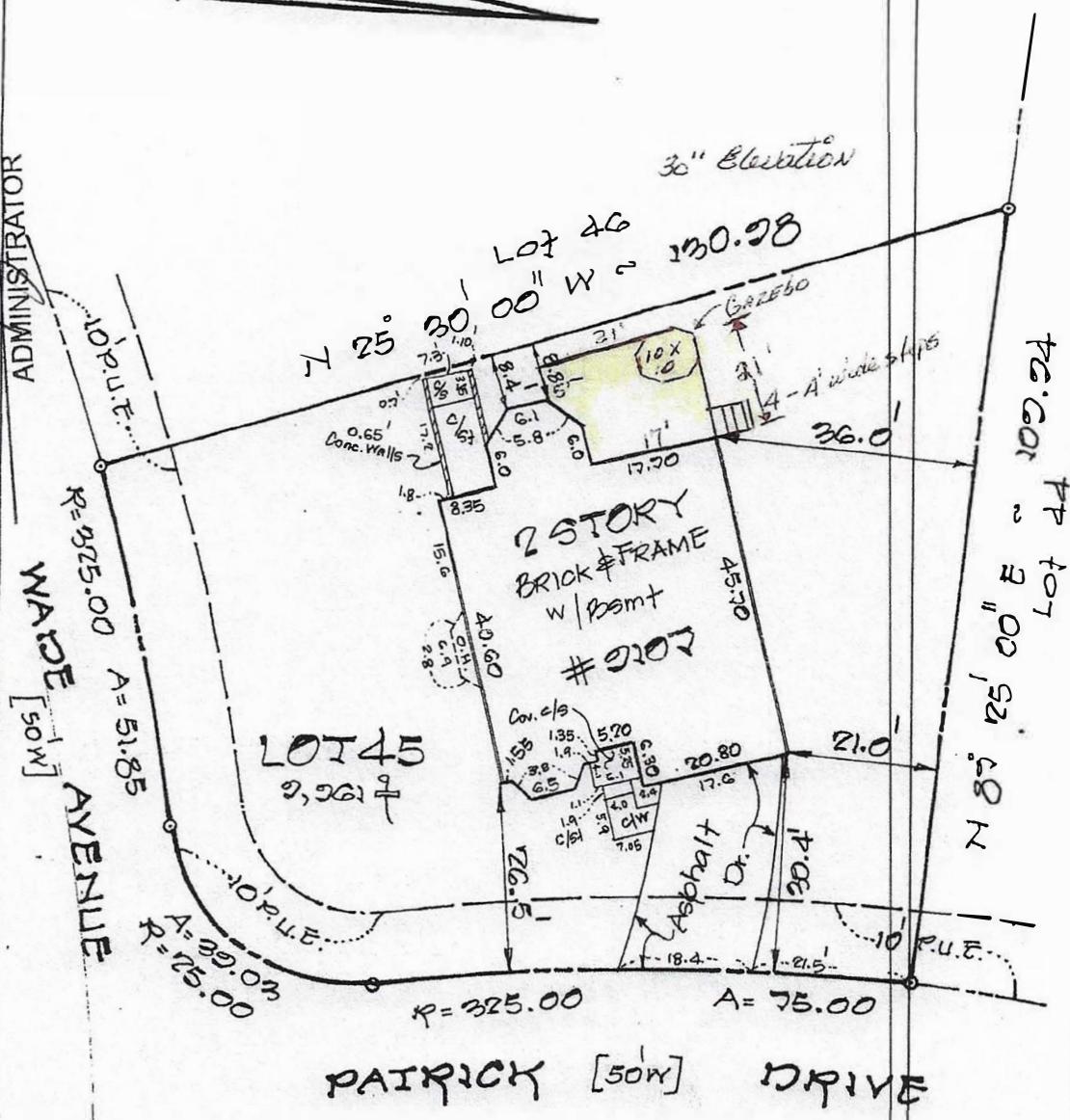
APPROVED NOV 09 2022

LOCATION DRAWING

LOT 45, PLAT 3
CLINTON GARDENS

PLAT BOOK REP 209 @ PLAT NO. 51
9TH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MD.

SCALE: 1" = 20'



SURVEYOR'S CERTIFICATES :

I hereby certify that the position of the existing improvements on the above described property has been established by a field survey and that unless otherwise shown there are no visible encroachments, if any.

This location drawing is not to be relied for establishing boundary lines.

DATE: 28th June 2021 W.L.M

I hereby certify that I have carefully surveyed the property shown by this plat and Permanent Survey Markers are in place as shown.

NOTE: Location drawing does NOT include Permanent Survey Markers at property lines.

NO TITLE REPORT FURNISHED
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS

PLAT SUBJECT TO RESTRICTIONS & EASEMENTS
AS RECORDED OR OTHERWISE

IN A SUBJECT, OR THE AMOUNT OF THE DEBT, OR
OF RECORD OR OTHERWISE.



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REGISTRATIONS
MD # 10833
DCL # 000050

EXHIBIT

2

V-139-21

