

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

Petitioner: Stephen Vaughn

Appeal No.: V-52-19

Subject Property: Lot 20, Block C, Woodbridge Crossing Subdivision, being 8503 Bovelder Drive, Laurel, Prince George's County, Maryland

Witness: Sarah Vaughn, Daughter

Heard and Decided: July 3, 2019

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, 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. Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate an existing condition (dwelling) and construct a 12' x 20' deck with stairs and top rail cap. Variances of 2.8 feet rear yard depth/width and 1.4% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1988, contains 6,533 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2 4, 8, 9 and 10 (A) thru (F).

2. Petitioner would like to construct a 20' x 12' wooden deck with stair and top rail cap. In order to obtain a building permit for the proposed deck, the existing conditions of the property must be validated. Therefore, a rear yard setback and lot coverage variances were requested. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (M).

4. Petitioner testified that he would like to replace a rotten stoop on the rear of the dwelling. There is also a sliding glass door which is elevated off the ground by approximately 2.5'. The proposed deck will allow the Petitioners to utilize both the stoop and sliding glass doors as emergency exits. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (M).

5. Woodbridge Crossing HOA provided a letter of approval for the proposed construction and the concomitant variances. Exh. 6.

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 a the rear exit stoop being in disrepair, the exit being elevated off the ground, the need for a safe emergency exit from the rear of the dwelling, the overage related to the net lot coverage is de minimis, 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.

BE IT THEREFORE RESOLVED, unanimously, that variances of 2.8 feet rear yard depth/width and 1.4% net lot coverage in order to validate an existing condition (dwelling) and construct a 12'x 20' deck with stairs and top rail cap on the property located at 8503 Bovelder Drive, Laurel, 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, Exhibits 3 (a) thru (b).

BOARD OF ZONING APPEALS

(ORIGINAL SIGNED)

By: _____

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.

