

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

Date: December 5, 2016

Petitioners: William and Kimberly Hall

Appeal No.: V-110-16

Subject Property: Lot 36, Tantallon on the Potomac Subdivision, being 12528 Monterey Circle, Fort Washington, Prince George's County, Maryland

Action by the Board: November 30, 2016

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Anastasia T. Johnson, Member

RESOLUTION

This appeal was 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 requested 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 proposed to construct a deck on the subject property. A variance of 7 feet rear yard depth/width was requested.

The variance request was heard and approved by the Board on October 5, 2016. Following the vote by the Board to approve the variance, it was determined that since the property is located within the Chesapeake Bay Critical Area, pursuant to Zoning Ordinance Sections 27-229(b)(22) and (23), the Board of Appeals does not have the authority to decide the request and the matter is required to be heard by the Planning Board of the Maryland-National Capital Park and Planning Commission.

The matter was brought back before the Board on November 30, 2016, at which time the Board found that the October 5, 2016 decision of the Board should be vacated.

THE BOARD THEREFORE RESOLVED, by majority vote, Mr. Scott abstaining, that the previous decision of the Board to approve a variance of 7 feet rear yard depth/width to construct a deck on the subject property be and hereby is VACATED.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

cc: Petitioners
Adjoining Property Owners
Park and Planning Commission
Tantallon Civic Association