

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-138-16 Carlos and Mary Hernandez

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 30, 2016.

CERTIFICATE OF SERVICE

This is to certify that on December 8, 2016, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Anne F. Carter
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Cross Creek Homeowners Association

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

Petitioners: Carlos and Mary Hernandez

Appeal No.: V-138-16

Subject Property: Lot 59, Block P, Cross Creek Club Subdivision, being 4409 Harbour Town Drive, Beltsville, Prince George's County, Maryland

Witness: Lee Vines, Contractor (Maryland Deck Builders)

Heard and Decided: November 30, 2016

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(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to construct a screened porch and deck. A variance of 2.2% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1997, contains 10,493.75 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 8 and 9. The property is located within a Recreational Community Development Subdivision. Exh. 9.
2. Petitioners would like to construct a 14' x 20' screened porch and 13' x 16' deck on the rear of the existing dwelling. Exhs. 2, 3(a) and (b). Construction of the screened porch would exceed the amount of lot coverage allowed. A variance of 2.2% net lot coverage was therefore requested. Exh. 14.
3. Petitioner Carlos Hernandez explained the existence of a deck, but due to the heat from the sun, is unable to use it. Petitioners are proposing to construct a screened porch with an open deck attached. Exhs. 2 and 3(a) and (b).
4. Mr. Lee Vines, Maryland Deck Builders, explained the screened porch will be in the same footprint as the original deck. Stairs will be located off the screened porch. Exh. 2, 3(a) and (b), and 6.
5. On October 26, 2016, Cross Creek Club Architectural Review Committee approved Petitioners' proposal. 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 comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the inability to enjoy the existing deck where it is located because of the hot weather conditions, 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 2.2% net lot coverage in order to construct a 14' x 20' screened porch and 13' x 16' deck on the property located at Lot 59, Block P, Cross Creek Club Subdivision, being 4409 Harbour Town Drive, Beltsville, 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 the approved elevation plans, Exhibits 3 (a) and (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.