

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-32-17 Sikiru and Feyisola Salami

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: May 24, 2017.

CERTIFICATE OF SERVICE

This is to certify that on June 19, 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

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

Petitioners: Sikiru and Feyisola Salami

Appeal No.: V-32-17

Subject Property: Lot 6, Block B, Greenspring Subdivision, being 7211 Greenspring Lane, Lanham,
Prince George's County, Maryland

Heard and Decided: May 24, 2017

Board Members Present and Voting: 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 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 rear yard at least 20 feet in depth/width and 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. Petitioners propose to construct a deck and (screened) gazebo. Variances of 4 feet rear yard depth/width and 2.7% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1986, contains 6,974 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is located within a cluster subdivision. Exhibit (Exhs.) 3, 5, and 8.

2. Petitioners would like to construct a 12' x 12' deck and 12' x 12' gazebo, which would be 16 feet from the rear lot line. The existing development, including the covered front porch, and the proposed construction of the gazebo exceeds the amount of lot coverage allowed. Variances of 4 feet rear yard depth/width and 2.7% net lot coverage were requested. Exhs. 2, 3, 4 and 6 (A) thru (D).

3. Sikiru Salami testified that because of poor drainage (grade) in the back yard, the area is always wet with pooling and standing water which does not allow use and enjoyment of the rear yard. He states that the wet back yard is a breeding area for mosquitoes causing a health hazard to his family, including their daughter who has special needs. Exhs. 2, 3 and 4.

4. The Subdivision Section of the Maryland-National Capital Park & Planning Commission found the bearing and distances and lot size are correctly noted on the site plan. In addition, comments stated that the site plan conforms to Plat Note 3 of the record plat NLP 130-24, being a cluster development. Exhs. 3 and 24.

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, because 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 the inability to utilize the back yard because of standing water, the need for a healthy and safe outdoor area for their special needs daughter 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, Ms. Bobbie Mack absent, that variances of 4 feet rear yard depth/width and 2.7% net lot coverage to construct a 12' x 12' deck and 12' x 12' gazebo on the property located at Lot 6, Block B, Greenspring Subdivision, being 7211 Greenspring Lane, Lanham, 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 3 and approved elevation plan, Exhibits 4.

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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.