

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-54-17 Jennifer and John Epps

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: June 21, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on July 21, 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
Timber Ridge Homeowners Association

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

Petitioners: Jennifer and John Epps

Appeal No.: V-54-17

Subject Property: Lot 19, Block B, Timer Ridge Subdivision, being 10702 Black Locust Court, Clinton,
Prince George's County, Maryland

Witness: Jane McGee, Massey Fence and Deck Company

Heard and Decided: June 21, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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(e)(Table IV) of the Zoning Ordinance which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioner proposes to construct a deck with steps. A variance of 7 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 2004, contains 16,652 square feet, is zoned R-R (Rural Residential) and is improved with a single family detached dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8 and 10 (A) thru (E).
2. The property, which is located within a cluster subdivision, is irregular in shape and is located on a cul-de-sac. Exhs. 4.
3. Petitioners would like to construct an 18' x 20' deck with steps in the rear yard. The deck, which will have a bump out to the side and rear, will be located 13 feet from the rear lot line at the closest point. A variance of 7 feet rear yard depth/width was requested. Exhs. 2, 3 (a) thru (d).
4. Petitioner John Epps testified that because the subject property is a corner lot, irregularly shaped and the existing placement of the dwelling, the most suitable location of the proposed deck will not meet the current rear setback requirement. Exhs. 2 and 4.
6. The Subdivision Section of the Maryland-National Capital Park and Planning Commission stated that the site plan conforms to Plat Note No. 2 of Record Plat REP 204@64 being an approved Cluster Development. Exh. 4.
7. Timber Ridge Home Owners Association submitted an approval letter (with caveats). Exh. 6.
8. Contractor Jane McGee testified that the deck will be built with Trex composite and white vinyl rails. Exhs. 3 (a) thru (d).

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 owners 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 subject property being located within a cul-de-sac, the irregular shape of the property, the placement of the house on the lot 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(s) of the property.

BE IT THEREFORE RESOLVED, by majority vote, Mr. Al Scott absent, that a variance of 7 feet rear yard depth/width to construct an 18' x 20' deck with steps on the property located at Lot 19, Block B, Timer Ridge Subdivision, being 10702 Black Locust Court, Clinton, 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 approved elevation plans, Exhibits 3 (a) thru (d).

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.