

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-71-17 Barbara and Raymond Zanin

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: July 26, 2017.

CERTIFICATE OF SERVICE

This is to certify that on August 9, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
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: Barbara and Raymond Zanin

Appeal No.: V-71-17

Subject Property: Lot 1, Block 5, Walbrooke Manor Subdivision, being 8601 Magnolia Drive, Lanham,
Prince George's County, Maryland

Witness: Bill Cusick, Contractor, Remodel USA

Heard and Decided: July 26, 2017

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(e) (Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioners propose to validate an existing condition and construct a wooden deck under an existing roof. A variance of 3 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 1960, contains 10,564 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is a corner lot with the dwelling facing the legal side street. Exhibits (Exhs.) 2, 4, 5 (A) thru (K) and 9.

2. Petitioners would like to construct a 10' x 10' deck under an existing 10' x 24' roof. The covered deck would be located 5 feet from the side lot line. A variance of 3 feet side yard width was requested. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (K).

3. Petitioner Raymond Zanin testified that the proposal is to replace a concrete deck with a new wooden 10' x 10' deck.¹ Exhs. 2, 3 (a) thru (d) and 5 (A) thru (K).

4. Petitioner Raymond Zanin explained that (a) the existing concrete deck is cracking and (b) the deck, which has constituted a trip/fall hazard for himself and his wife, will be raised 10" higher to be level with the house. Exhs. 5 (A) thru (K).

5. Contractor Cusick revised the site plan to demonstrate the full 10' x 24' dimension of the covered roof. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (K).

¹ Contractor Bill Cusick explained the deck will be actually constructed with composite decking, not wood. Exhs. 2 and 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 a corner lot, the deck being in the side yard of the corner lot, the proposed new wooden replacing (in the same location) a concrete deck which is in disrepair, the need to raise the height of the new deck to eliminate steps to avoid a fall/trip hazard, 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 3 feet side yard width in order to validate an existing condition and construct a 10' x 10' deck under an existing roof on the property located at Lot 1, Block 5, Walbrooke Manor Subdivision, being 8601 Magnolia Drive, Lanham, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 17 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.