

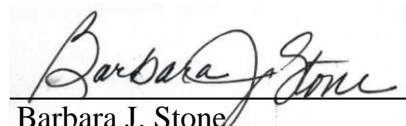
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-101-1 7 Ninette and Steven Beheler

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: September 27, 2017.

CERTIFICATE OF SERVICE

This is to certify that on October 24, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



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: Ninette and Steven Beheler

Appeal No.: V-101-17

Subject Property: Lot 43, Block A, Woodbridge Subdivision, being 11606 Clocktower Lane, Laurel,
Prince George's County, Maryland

Heard: September 13, 2017; Decided: September 27, 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 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 sunroom, an open deck and a deck with a pergola. Variances of 8.5 feet rear yard depth/width and .3% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1991, contains 6,980 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 8 and 9 (A) thru (F).
2. Petitioners would like to construct a 12' x 12' sunroom, 12' x 14 open deck and a 12' x 12' deck with pergola and steps. The deck steps would be located 11.5 feet from the rear lot line and construction of the sunroom and deck with pergola would exceed the amount of lot coverage allowed. Variances of 8.5 feet rear yard depth/width and .3% net lot coverage were requested. Exhs. 2, 3 (A) thru (C), and 12.
3. Petitioner Steven Beheler testified that they would like to replace the 26-year-old rear deck with a new deck, sunroom with pergola. He stated that the original deck is in disrepair and presents safety concerns. Exhs. 2, and 5 (A) thru (C), 23 and 24.
4. Petitioner explained that there will be an increase in square footage on the new deck as the current deck is 12' x 24' and the new deck at its largest will be 14' x 36'. The sunroom will be located on the north side of the property. The pergola will be located on the south side with the open deck in the center. Exh. 22.
5. The Woodbridge Crossing Board of Directors approved the proposed deck for 1106 Clocktower Lane.¹

¹ This approval was from Professional Community Management Company, Inc. Association Manager, Ms. Toni Sponheimer. Exh. 26.

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the deck being in disrepair, safety issues having been raised 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 variances of 8.5 feet rear yard depth/width and .3% net lot coverage to construct a 12' x 12' sunroom, 12' x 14 open deck and a 12' x 12' deck with pergola and steps on the property located at Lot 43, Block A, Woodbridge Subdivision, being 11606 Clocktower Lane, Laurel, 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 2 and approved revised elevation plan, Exhibit 22.

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.