

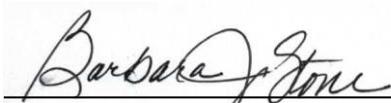
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-167-17 Niraj and Sangeeta Kumar

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: January 10, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on January 22, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Barbara J. Stone
Administrator

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

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

Petitioners: Niraj and Sangeeta Kumar

Appeal No.: V-167-17

Subject Property: Lot 36, Block A, Cross Creek Club Subdivision, being 13115 Crossview Court, Beltsville, Prince George's County, Maryland

Heard and Decided: January 10, 2018

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 rear yard at least 20 feet in depth/width. Petitioners propose to construct a deck. A variance of 7 feet 9 inches 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 2005, contains 6,868 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. The property is in a Recreational Community Development. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (G).

2. Petitioners would like to construct a 12' x 18' deck on the rear of the existing dwelling. The deck would be located 12 ' 10 " from the rear lot line. A variance of 7' 9" rear yard depth/width was requested. Exhs. 2, 3 and 5 (A) thru (F).

3. Petitioner Niraj Kumar testified that currently there is a rail across the rear door of the dwelling for safety; the door is 8' to 9' off the ground and adding the proposed deck will provide an emergency rear exit. Exhs. 2, 3, 5 (A) thru (F).

4. Cross Creek Club Homeowners Association approved the proposed development. Exhs. 6 and 17.

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 need for an emergency exit on the rear of the house 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 7' 9" rear yard depth/width to construct a 12' x 18' deck on the property located at Lot 36, Block A, Cross Creek Club Subdivision, being 13115 Crossview Court, 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 approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

ORIGINAL SIGNED

By: _____

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.