

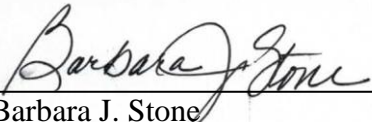
*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-189-17 Ruben and Tajuana Turner

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: February 14, 2018 .

**CERTIFICATE OF SERVICE**

This is to certify that on February 22, 2018 , 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  
Vineyards Homeowners Association

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

Petitioners: Ruben and Tajuana Turner

Appeal No.: V-189-17

Subject Property: Lot 15, Block B, Buckler Subdivision, being 6301 Spunky Heart Place, Clinton,  
Prince George's County, Maryland

Heard and Decided: February 14, 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 and steps. A variance of 10 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 8,367 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is a corner lot with the dwelling facing the legal front street. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. Petitioners would like to construct a 12' x 35' deck with steps on the rear of the dwelling. The deck would be located 10 feet from the rear lot line. A variance of 10 feet rear yard depth/width was requested. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (H).
3. Petitioner Ruben Turner stated that the house has a double walk out door on the back of the house but is elevated 4 feet above grade. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (H).
4. He stated that the proposed deck will allow emergency exit from the rear of the house. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (H).
5. Vineyards Homeowners Association supported the request. Exhs. 15.

**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 from 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 10 feet rear yard depth/width to construct a 12' x 35' deck and steps on the property located at Lot 15, Block B, Buckler Subdivision, being 6301 Spunky Heart Place, 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. Exhs. 3 (a) thru (b).

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.