



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-33-22 Candice and Rashad Perkins

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: May 25, 2022.

CERTIFICATE OF SERVICE

This is to certify that on June 22, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone". Below the signature, the name "Barbara J. Stone" is printed in a standard font, followed by the title "Administrator".

cc: Petitioner
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: Candice and Rashad Perkins

Appeal No.: V-33-22

Subject Property: Lot 25, Tax Map 123, Grid C3, Furgang-Farm Subdivision, being 11002 Aist Court,
Upper Marlboro, Prince George's County, Maryland

Heard and Decided: May 25, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Anastasia T. Johnson, Member

Board Member Absent: Albert C. Scott, Vice Chairman

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, Petitioner(s) request(s) 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 obtain a building permit to construct a walkout deck, and patio w/8' long seat wall. Variances of 17 feet rear yard depth/width for a patio sitting wall and a waiver of the rear yard location requirement for an accessory building (shed) are requested.

Evidence Presented

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

1. The property was subdivided in 2005, contains 17,240 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 7, 9, 11, 12 and 13 (A) thru (F).
2. The subject lot (Lot 25) is located within a cul-de-sac and is an irregular pie shape. The dwelling is positioned awkwardly towards the angled rear of the lot. Exhs. 2, 7, 9, 11, 12 and 13 (A) thru (F).
3. A storm drain easement exists on the right side of the property and a surface drain in the rear yard area. Exh. 2.
4. Petitioners would like to obtain a building permit to construct a walkout deck, and patio w/8' long seat wall in the rear of the property. Due to the configuration of the lot and the proposed construction, a variance of 17-feet rear yard setback is required. Exhs. 2, 7, 9, 11, 12 and 13 (A) thru (F).
5. Petitioner Candice Perkins testified that they are requesting to construct a rear deck (33' x 16') and a patio (10.8' x 16') with seating wall (8'long x 8' long). She stated that the property does not have the capacity to have a full back yard. With having 3 small children and with the deck with stairs being located at the back door, which is above ground, she stated that it would allow the family to have an exit in case of an emergency.¹ In addition, she stated that the proposed deck will provide an area where the children to be able to play safely.
6. The elevations are 3-D visual of exactly what the deck and patio will look like when completed. Exhs. 4 (a) thru (g), 5 (a) thru (g), 6 (A) thru (E).

¹ This request is mainly about safety as the only other exit is the front door.

7. Cherry Tree Association Inc. (HOA) approved the additions of the proposed door, deck, patio, fence and shed.² Exhs. 8 (A) thru (B).

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

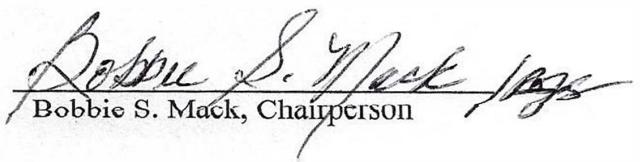
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the irregular pie shape of lot, the dwelling is positioned awkwardly towards the angled rear of the lot, the narrowness of the rear yard, a storm drain easement running on the right side of the property affecting any development, a surface drain easement directly in the rear yard area of the proposed construction, the need, therefore, for the proposed patio wall seating, the need for a rear yard emergency exit, the desire for their small children to have a safe rear yard area in which to play, 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, by majority vote, Mr. Albert Scott absent, that variances of 17 feet rear yard depth/width for a patio sitting wall in order to obtain a building permit to construct a walkout deck, and patio w/8' long seat wall on the property located at 11002 Aist Court, Upper Marlboro, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 4 (a) thru (g).

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By:


Bobbie S. Mack, Chairperson

² Petitioners agreed to remove the shed in the side yard from this variance request.

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.

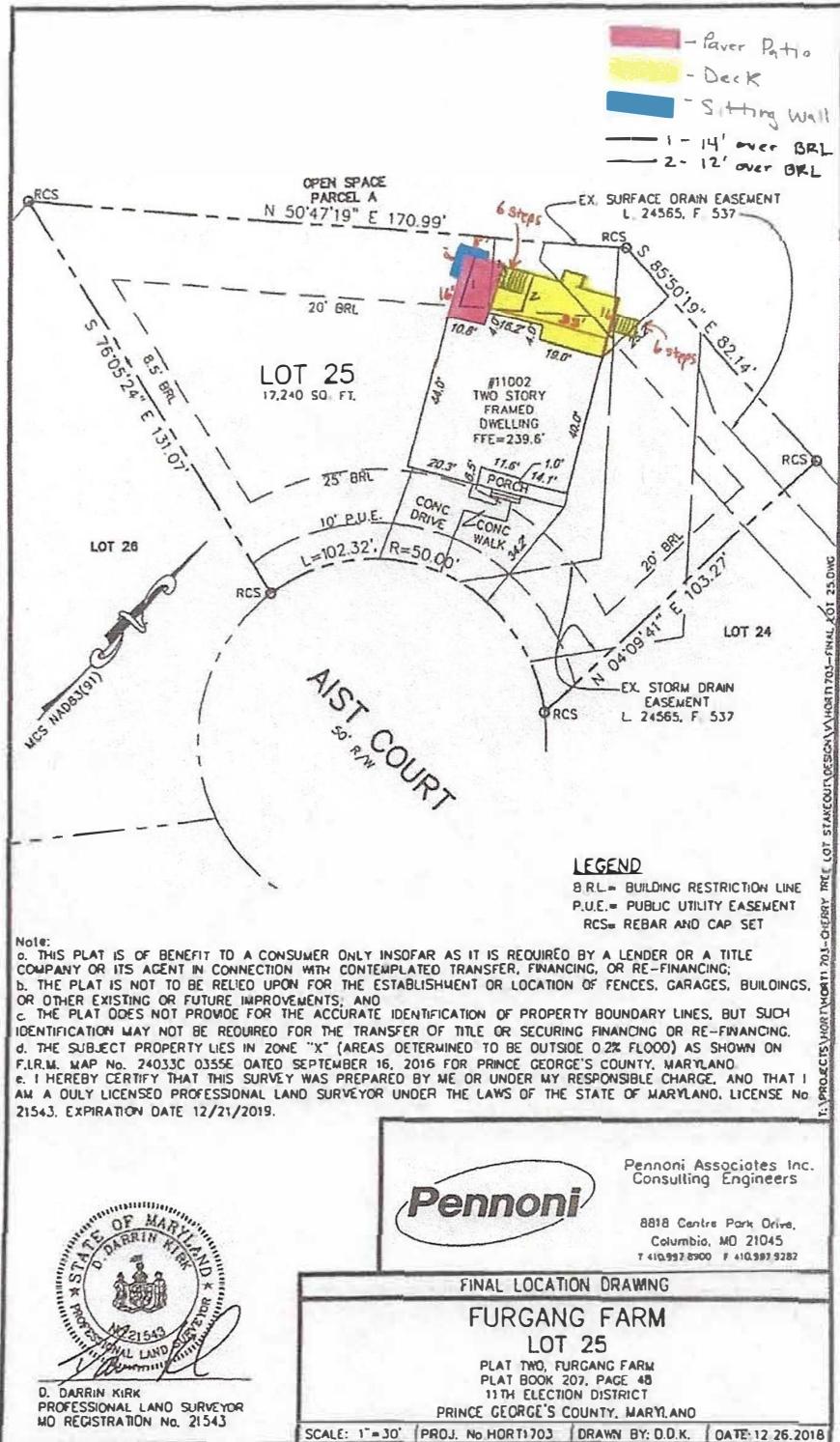
Further, Section 27-233(a) of the Prince George's County Code states:

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.

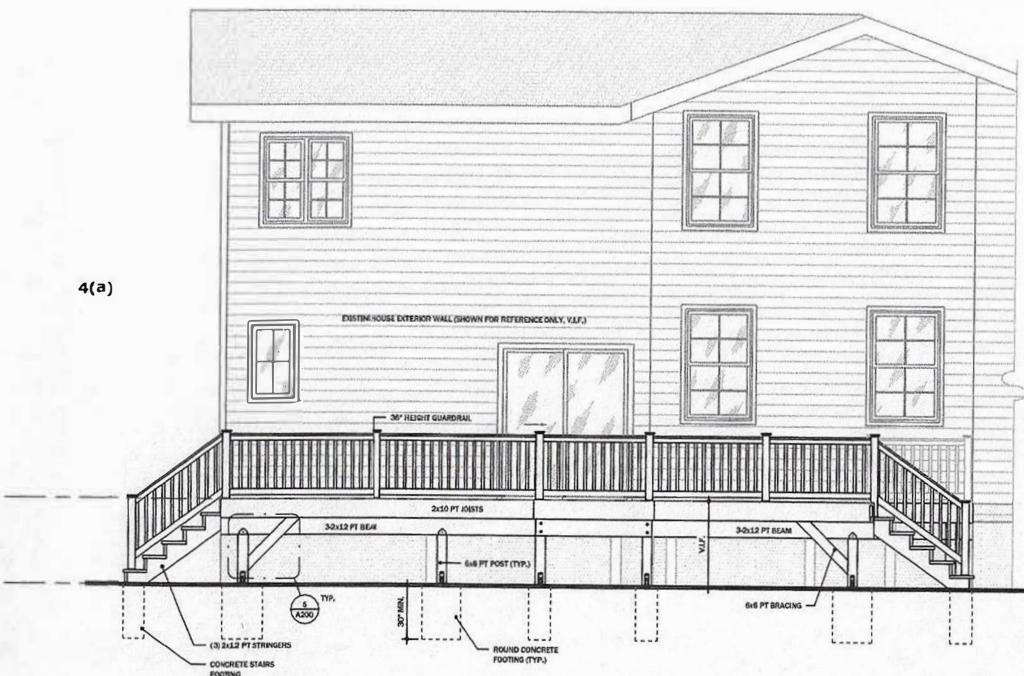
BOARD OF APPEALS

APPROVED MAY 25, 2012

D. Darrin Kirk
ADMINISTRATOR

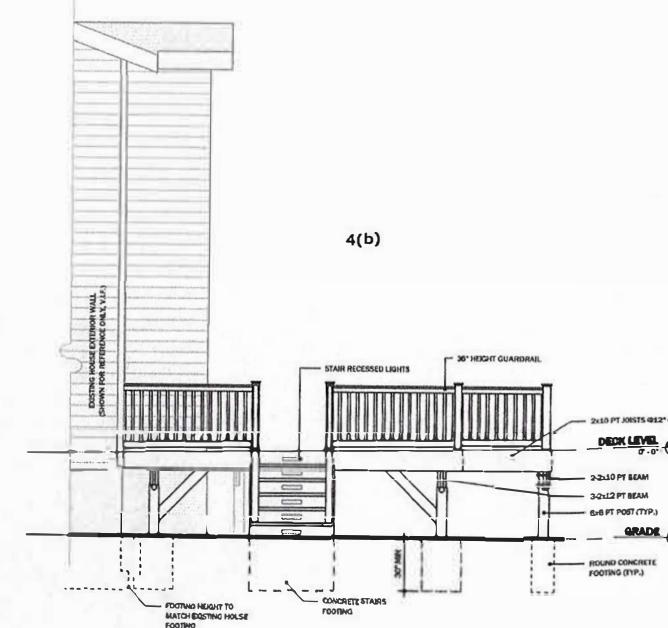


EXH. # **2**
V-33-22



① REAR ELEVATION

SCALE: 3/8" = 1'-0"



② SIDE ELEVATION

SCALE: 3/8" = 1'-0"

EXH. # 4(a-g)
V-33-22

RIGHT
ENGINEERING

Permit # 201-011



DECK
ADDITION

11002 AUST CYPRESS
MARIANO RD 3073

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DATE: 08/04/22

DECK
ELEVATIONS

10002 3073 00000000000000000000000000000000

5/8" = 1'-0"

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APPROVED MAY 25 2022


Administrator

A101

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Front view



Overhead



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Administrator



Sideview graphic



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Administrator



BOARD OF APPEALS

APPROVED **MAY 25 2022**


ADMINISTRATOR