



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

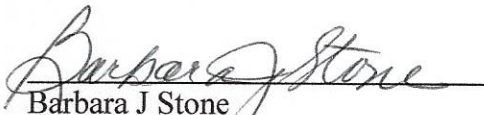
### *OF BOARD OF APPEALS*

RE: Case No. V-7-20 Cornell Jones

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 9, 2020

## **CERTIFICATE OF SERVICE**

This is to certify that on November 9, 2020, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
Barbara J Stone  
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***

Petitioner: Cornell Jones

Appeal No.: V-7-20

Subject Property: Lot 3, Block A, Clinton Woods Subdivision, being 6409 Willow Way, Clinton,  
Prince George's County, Maryland

Witness: Juan Swann; Inspector, Department of Permitting, Inspections and Enforcement

Heard and Decided: September 9, 2020

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, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) which prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-120.01(c) which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate an existing condition (side yard width) and obtain a building permit for the unauthorized construction of extended deck and replaced rotten decking. A variance of 1-foot side yard width and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1971, contains 8,609 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and deck. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).
2. Petitioner would like to validate an existing condition (side yard width) and obtain a building permit for the unauthorized construction of an extended deck and replacement of rotting deck boards. Because the deck was constructed only 3 feet from the left side yard, a variance of 5 feet side yard setback was requested. The waiver of the parking location is required as the driveway is preexisting and located in front of the dwelling. Exhs. 2, 3 (a) thru (e), and 5 (A) thru (F).
3. Mr. Cornell Jones testified that the deck was original to the house when he purchased the property 22 years ago. He explained that deck boards are rotten and unsafe to walk on. As a result, they were replaced, and he extended the deck 6 feet towards the rear of the property. He explained that the left side portion of the deck which is too close to the property line preexisted. He stated that the hardship is the lack of safety of the deck and he is currently trying to sell the house. In addition, his mother is elderly and entering the dwelling from the deck is easier than the front of dwelling, which has several steps. He stated that the deck has a sliding door which is wider for use by his mother and family. He stated that the door serves as an emergency exit from the dwelling.
4. He further testified that neighbors have no issues with the deck as it has existed for 22 years.

5. Inspector Juan Swann explained that the existing deck wraps around the house in an "L" shape. He agreed that the portion of the deck on the left side of the house is the issue that requires the variance. He further stated that the left side of the deck has a ramp that slopes to grade. Inspector Swann stated that he does not have an issue with the deck itself, although, when Mr. Jones replaced the boards, Inspector Swann noticed that structural members were also replaced underneath the deck that required a permit, which was his only concern. Exhs. 2 and 3 (a) thru (e).

#### 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

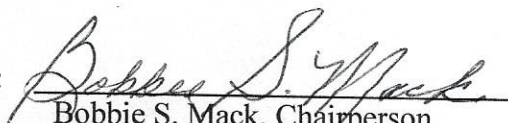
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the extremely unsafe structural condition of the deck, the need to validate preexisting location of the deck and driveway, the additional deck safety exit afforded from the dwelling 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 5-foot side yard width and a waiver of the parking area location requirement in order to validate an existing condition (side yard width) and obtain a building permit for the unauthorized construction of an extended deck and replace deck boards on the property located at 6409 Willow Way, 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 elevation plans Exhibit 3 (a) thru (e).

BOARD OF ZONING APPEALS

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.

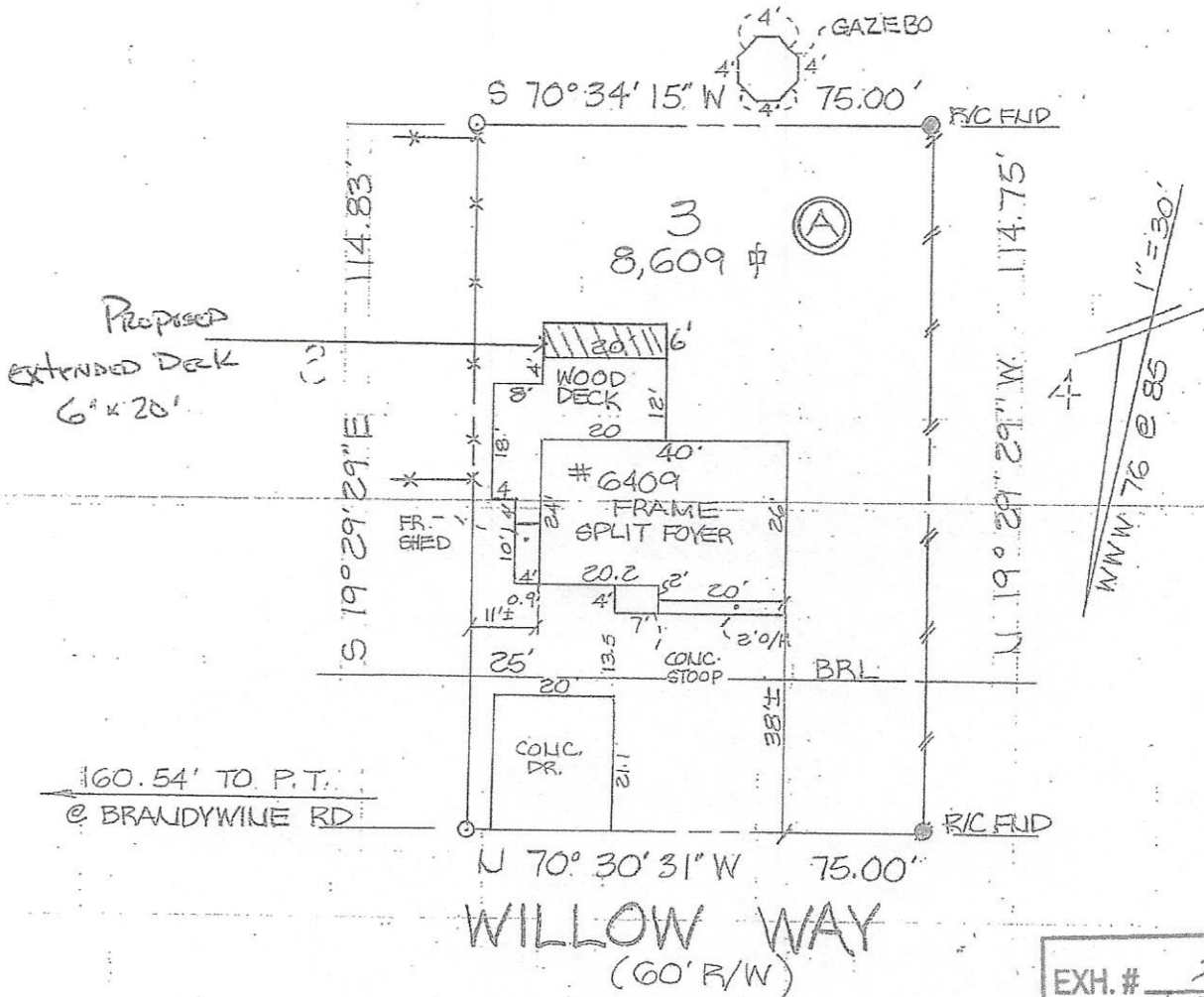
# BOARD OF APPEALS

APPROVED SEP 9 2020

*By Stone*  
ADMINISTRATOR N/A

L.1596 F.520

The plat is to be used only in connection with a title insurance policy or its agent's re-insurance; and the plat is not to be relied upon for the establishment or location of fences, gates, buildings, or other existing or future improvements; and the plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.



EXH. # 2  
V-7-20

## NOTES

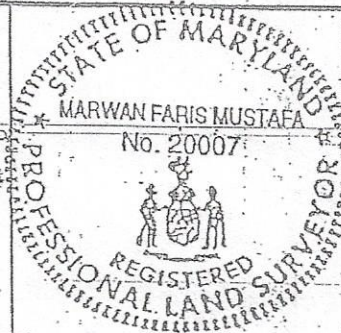
NOT located in a HUD designated Flood Hazard Zone as per FEMA Community Panel No: 245208 0080 C  
Prepared without the benefit of a title report.  
Information shown hereon should not be relied upon for construction of improvements.

F.B. 2937/13

I hereby certify that I have surveyed the property shown hereon for the purpose of locating the improvements only, and the improvements are located as shown. Exact property corners have not been established or set, unless otherwise noted. We assume no responsibility or liability for any rights-of-ways or easements recorded or unrecorded not appearing on the record plat.

*Marwan F. Mustafa*  
MARWAN FARIS MUSTAFA  
Reg. Prof. Land Surveyor, Md. "20007"

8-13-97  
Date



LOT IMPROVEMENT SURVEY  
6409 WILLOW WAY  
LOT 3 BLOCK "A" SEC. ONE  
CLINTON WOODS

SURRATTS (9TH) Election District  
PRINCE GEORGE'S County, Maryland

LIGHT, ELLIOTT & ASSOCIATES, INC.  
8508 Adelphi Road  
Adelphi, Maryland 20783  
Phone 301-422-0080  
Fax 422-0086



ENGINEERS  
PLANNERS  
SURVEYORS

Draft JCS  
CHK

Job No. 16891

Plot Book / Page  
WWW 76 @ 85

Libert / Folio

Case No. 97602  
SCHNEIDER

File Number  
CH 83269