

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

Petitioner: Latoya Abbott

Appeal No.: V-1-19

Subject Property: Lot 30, The Vineyards Subdivision, being 6101 Summersweet Drive, Clinton,
Prince George's County, Maryland

Heard: February 27, 2019; Decided: March 6, 2019

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) of the Zoning Ordinance which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioner proposes to construct a deck. A variance of 11 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 2015, contains 9,561 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, deck and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The lot is located on a cul-de-sac with the rear lot line following the outline of the Tree Conservation Area. Exh. 4 and 16.
3. Petitioner would like to expand the existing 8' x 10' open deck by adding an additional 10' x 10' open deck. Exhs. 2, 3 (a) thru (c).
4. Petitioner Latoya Abbott testified that she wishes to extend the existing deck because of the shallowness of the rear yard and the location of a Tree Conservation Area. She explained that she can only extend the deck along the rear of the dwelling. She added that the extended deck provides an emergency rear exit from the house. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (F).
5. Lennar Home Owners Association provided a letter of support. Exh. 19.

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 shallowness of the rear yard, the close proximity of the Tree Conservation Area in the rear 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 11 feet rear yard depth/width in order to construct a 10' x 10' deck on the property located at Lot 30, The Vineyards Subdivision, being 6101 Summersweet Drive, 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, Exhibits 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.