

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

Petitioner: Mariella Arias

Appeal No.: V-11-19

Subject Property: Lot 1, Brandywine Field Subdivision, being 6403 Addie Court, Clinton, Prince George's County, Maryland

Witnesses: Juan Swann, Inspector, Department of Permitting, Inspections and Enforcement (DPIE)
Edwardo Valdez, Petitioner's husband

Heard and Decided: April 3, 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 side yard at least 8 feet in width and each corner lot shall have a side yard along the side street at least 25 feet in depth. Petitioner proposes to validate existing condition (dwelling) and validate a 41' x 14' new deck in order to obtain a building permit. Variances of 2 feet side yard width and 9.9 feet side street yard depth are requested.

Evidence Presented

1. The property was subdivided in 2005, contains 11,371 square feet, is zoned R-80 (Single-Family Detached Residential) and is improved with a single-family dwelling, wood deck and driveway. Exhibits (Exhs.) 2, 4, 12, 13 and 14 (A) thru (F).

2. Petitioner would like to validate a new 41' x'14' deck which was constructed on the rear of the dwelling being in the legal side yard.

3. The property is a corner lot (Brandywine Road and Addie Court), with a portion of the lot arched taking the shape of the cul-de-sac. With the odd shape of the lot, the dwelling is facing the legal side street (Addie Court) creating a very narrow "backyard". Exhs. 2, 4, 12, 13 and 14 (A) thru (F).

3. Department of Permitting, Inspection and Enforcement issued a Stop Work Order and Correction Order on July 9, 2018, for Petitioner to obtain required permits for rear deck. Exhs. 6 and 7.

4. Edwardo Valdez testified that the deck is already constructed and covered with a trellis structure. Exhs. 2, 3, 4 (A) thru (F).

5. Inspector Swann stated he is not opposed to the deck, but a permit is required for the construction.

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 property being odd-shaped and a corner lot, the dwelling facing the legal side street, the legal rear of the dwelling being extremely narrow 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 2 feet side yard width and 9.9 feet side street yard depth in order to validate an existing condition (dwelling) and validate an existing deck on the property located at 6403 Addie Court, Clinton, 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 plan, Exhibit 3.

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.

