

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

Petitioner: Leslie Smallwood

Appeal No.: V-47-19

Subject Property: Lot 9, Block F, Townsend Subdivision, 8710 Delphi Drive, Clinton,
Prince George's County, Maryland

Witness: Ted Nydan, Patio Enclosures Representative

Heard and Decided: June 26, 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 variances 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 variances from The specific violation resides in the fact that Zoning Ordinance Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 100 feet measured along the front building line. Section 27-442(c)(Table II) which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Section 27-442(i)(Table VIII) which prescribes that dog houses shall be located 25 feet from any side or rear lot line. Petitioner proposes to validate existing conditions (property, dwelling and development) and enclose a new deck. Variances of 20 feet front building line width, 18.3 % net lot coverage, 25 feet from rear lot line, and 3.5 side yard for an accessory building (doghouse) are requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 11,932 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway, 1-story garage, shed and doghouse. Exhibits (Exhs.) 2, 4, 6, 7 and 8 (A) thru (F).
2. Petitioner would like to convert an existing deck into a 12' x 16' sunroom. In order to obtain a building permit for the sunroom, Petitioner must validate several deficiencies on the property. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (W).
3. Ted Naydan explained that the covered deck has been removed because the structure was failing and in dangerous disrepair. Patio Enclosures will replace the deck with a sunroom with steps. The sunroom will be the same size (and on the same footprint) as the deck. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (W).
4. Mr. Naydan further explained that the house is a split foyer, where the back door is on the second level and is elevated approximately 7 feet off the ground. He stated that the house opens up to the deck and without some structure to replace the damaged deck, Petitioner loses the emergency exit from the kitchen and from the second level. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (W).

5. Ms. Smallwood stated that the doghouse is no longer on the property.¹

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 prior deck being in disrepair, the sunroom will be on the same footprint as the deck, the need for a second level emergency exit 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 variances of 20 feet front building line width and 18.1 % net lot coverage in order to validate existing conditions (property, dwelling and development) and enclose a new deck on the property located at 8710 Delphi Drive, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exh. 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.

¹ Since the doghouse has been removed from the property, the requested variances of 25 feet rear yard setback and 3.5 feet side yard setback (accessory building) is no longer necessary. Lot coverage will be reduced from 18.3% to 18.1%. Exh. 2