

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

Petitioners: David and Gloria Perry

Appeal No.: V-60-19

Subject Property: Lot 23, Block N, Andrew Hills Subdivision, being 7101 Murphy Court, Temple Hills,
Prince George's County, Maryland

Witness: Bill Cusick, Builder

Heard and Decided: October 9, 2019

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioners propose to validate an existing condition (dwelling) and construct a screened porch. A variance of 13 feet rear yard depth/width is requested.

Evidence Presented

1. The property was subdivided in 1964, contains 10,158 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, carport and shed. Exhibits (Exhs.) 2, 4, 7, 8, 9 and 19.

2. The subject property is located within a cul-de-sac and is an odd shaped elongated triangle. Creating a very narrow rear yard. Exhs. 2, 4, 7, 8, 9 and 19.

3. Petitioners would like to construct an 11' x 13' screened-in porch on the rear of the house. Because the porch will encroach the rear yard setback, a variance of 13 feet rear yard depth/width is required. Exhs. 2, 4, 7, 8, 9 and 19.

4. Petitioner Gloria Perry stated that they wanted to build a sunscreen porch on the rear of their home. The porch will allow the Petitioners to enjoy their backyard without having to fight off the bugs and mosquitoes. They are also building the porch in memory of their son who has passed. She further stated that the rear yard is very small due to the shape of the property. Currently, there is a stoop/stair at the back-sliding glass doors. Exhs. 2, 3 (a) thru (b), 5 (A) thru (F) and 19.

5. Bill Cusick stated that the screened-in porch is needed because they cannot enjoy the backyard because of the mosquitoes. The site plan is indicating an incorrect location for the porch¹. The porch will be constructed over the existing stoop/stairs. Exhs. 2, 3 (a) thru (b), 5 (A) thru (F) and 19.

¹ The Site plan has been revised to identify the correct location of the proposed porch, which does not affect the requested variance. 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 odd shape of the lot which is located within a cul-de-sac, the narrowness of the rear yard 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a variance of 13 feet rear yard depth/width in order to validate an existing condition (dwelling) and construct a screen porch deck on the property located at 7101 Murphy Court, Temple Hills, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 19 and approved elevation plans, Exhibits 3 (a) thru (b).

BOARD OF ZONING APPEALS

(ORIGINAL SIGNED)

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.