

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

Petitioner: Andrea Jackson

Appeal No.: V-141-19

Subject Property: Lot 17, Block A, Timber Ridge Subdivision, being 10911 Hackberry Court, Clinton,  
Prince George's County, Maryland

Heard and Decided: December 4, 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 a variance from Section 27-442(i)(Table VIII) which prescribes that accessory buildings be generally located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces the side street. Petitioner proposes to obtain a building permit for a proposed shed in the side yard. A waiver of the rear yard location requirement for an accessory building (a shed in the left side of the house) is requested.

**Evidence Presented**

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

1. The property was subdivided in 2004, contains 12,575 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (E).

2. The subject property is located within a cul-de-sac creating an odd shaped lot with a curved front property line and an angled side property line. Exhs. 2, 4, 7, 8 and 9 (A) thru (E).

3. Petitioner would like to construct a 23' x 15' shed in the left side yard. Because the shed is proposed in the side yard, a waiver of the rear yard location requirement for an accessory building is requested. Exhs. 2, 3 and 5.

4. Petitioner Andrea Jackson explained that because the rear yard only measures 21 feet in depth, there is insufficient space for the shed. In addition, she stated that the rear yard has an 8-foot drop or slope. She further stated that her neighbor has no issue with the proposed location of the shed. Exhs. 2, 3 and 5.

5. The Homeowners Association, Sigma Real Estate Service has approved the placement of the shed in the side yard. Exh. 10.

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 unusual shape of the property, the topography of the rear yard having an 8 foot drop making it unsuitable for the location of the shed 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 waiver of the rear yard location requirement in order to obtain a building permit for a proposed shed in the side yard on the property located at 10911 Hackberry Court, Clinton, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exh. 2 and approved elevation plan, Exh. 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.

