



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

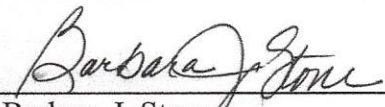
### *OF BOARD OF APPEALS*

RE: Case No. V-142-19 Cassandra Pean & Chonn Lacey

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: March 4, 2020.

## **CERTIFICATE OF SERVICE**

This is to certify that on September 14, 2020, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
Barbara J. Stone  
Administrator

cc: Petitioner  
Adjoining Property Owners  
Park and Planning Commission  
DPIE/Building Code Official, Permitting  
Heritage Glen Home Owners Association

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

Petitioners: Cassandra Pean and Chonn Lacey

Appeal No.: V-142-19

Subject Property Lot 19, Block B, Heritage Glen Subdivision, being 1201 Northern Lights Drive, Upper  
Marlboro, Prince George's County, Maryland

Heard: January 8, 2020; Decided: March 4, 2020

Board Members Present and Voting: 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, Petitioners request 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. Petitioners propose to obtain a building permit for the proposed construction of a composite wood deck. A variance of 11.5 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 2002, contains 9,674 square feet, is R-80 zoned (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The property line is curved as it is located within a cul-de-sac and has an unusual pie shape. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
3. Petitioners propose to construct a 25' x 13.8 composite deck. Because of the shape of the lot and the placement of the house, a variance of 11.5 feet rear yard depth is requested. The rear yard is very shallow and located on a slope Exhs. 2, 3 and 5 (A) thru (F).
4. Petitioner Chonn Lacey would like to install a 25' x 13.8' deck on the rear of his home. Because the house is located on a hill, the deck will provide a flat area where his family may enjoy their back yard. The house was constructed with an elevated sliding glass door where the proposed deck will be built. The deck will also provide an additional emergency exit. Exhs. 2, 3 and 5 (A) thru (F).
5. The Board of Directors of the Heritage Glen Home Owners Association has provided approval for the proposed deck and supports the requested variance. Exh. 16.

**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, the existing placement of the house creating a very shallow rear yard, the lot having a downhill slope 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Bobbie Mack absent, that a variance of 11.5 feet rear yard depth/width order to obtain a building permit for the proposed construction of a composite wood deck on the property located at 1201 Northern Lights Drive, Upper Marlboro, 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 plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: Albert C. Scott  
Albert C. Scott, Vice Chairman

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.



ORDERED BY:

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PROPERTY ADDRESS: 1201 NORTHERN LIGHTS DRIVE UPPER MARLBORO, MARYLAND 20774

SURVEY NUMBER: MD1810.0119

FIELD WORK DATE: 10/3/2018

REVISION HISTORY: (REV.0 10/9/2018)

18100119

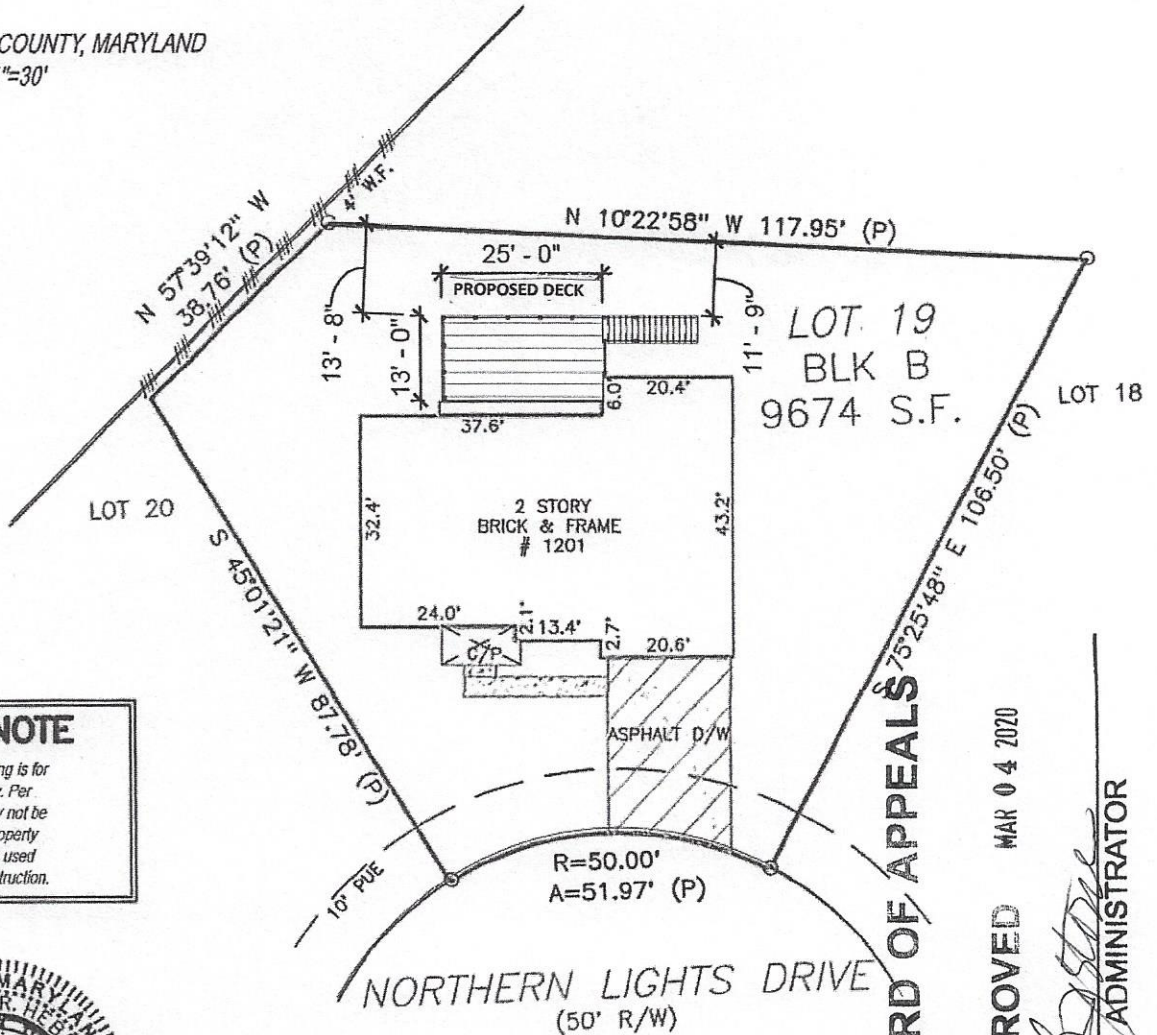
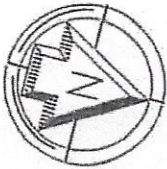
LOCATION DRAWING

LOT 19, BLOCK B

HERITAGE GLEN

PRINCE GEORGE'S COUNTY, MARYLAND

10-05-2018 SCALE 1"=30'

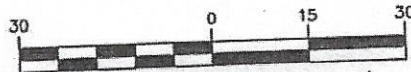


**PLEASE NOTE**

This House Location Drawing is for informational purposes only. Per Maryland State Code it may not be relied upon to determine property boundaries and may not be used for building permits or construction.



*William R. Herbert*  
EXPIRES 1-14-2019



GRAPHIC SCALE (In Feet)  
1 inch = 30' ft.

ACCURACY=3±

BOARD OF APPEALS

APPROVED MAR 04 2020

ADMINISTRATOR

EXHIBIT

Z

V-142-19

POINTS OF INTEREST:  
NONE VISIBLE

CLIENT NUMBER: 01122-7716

DATE: 10/09/18

BUYER: CASSANDRA PEAN & CHONN LACEY

SELLER: MAY E. REID

CERTIFIED TO:

CASSANDRA PEAN & CHONN LACEY, STEWART TITLE OF MARYLAND, INC.; STEWART TITLE GUARANTY COMPANY; CITIBANK, N.A.

A LICENSEE EITHER PERSONALLY PREPARED THIS DRAWING OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT.

**Carmen Zuniga**



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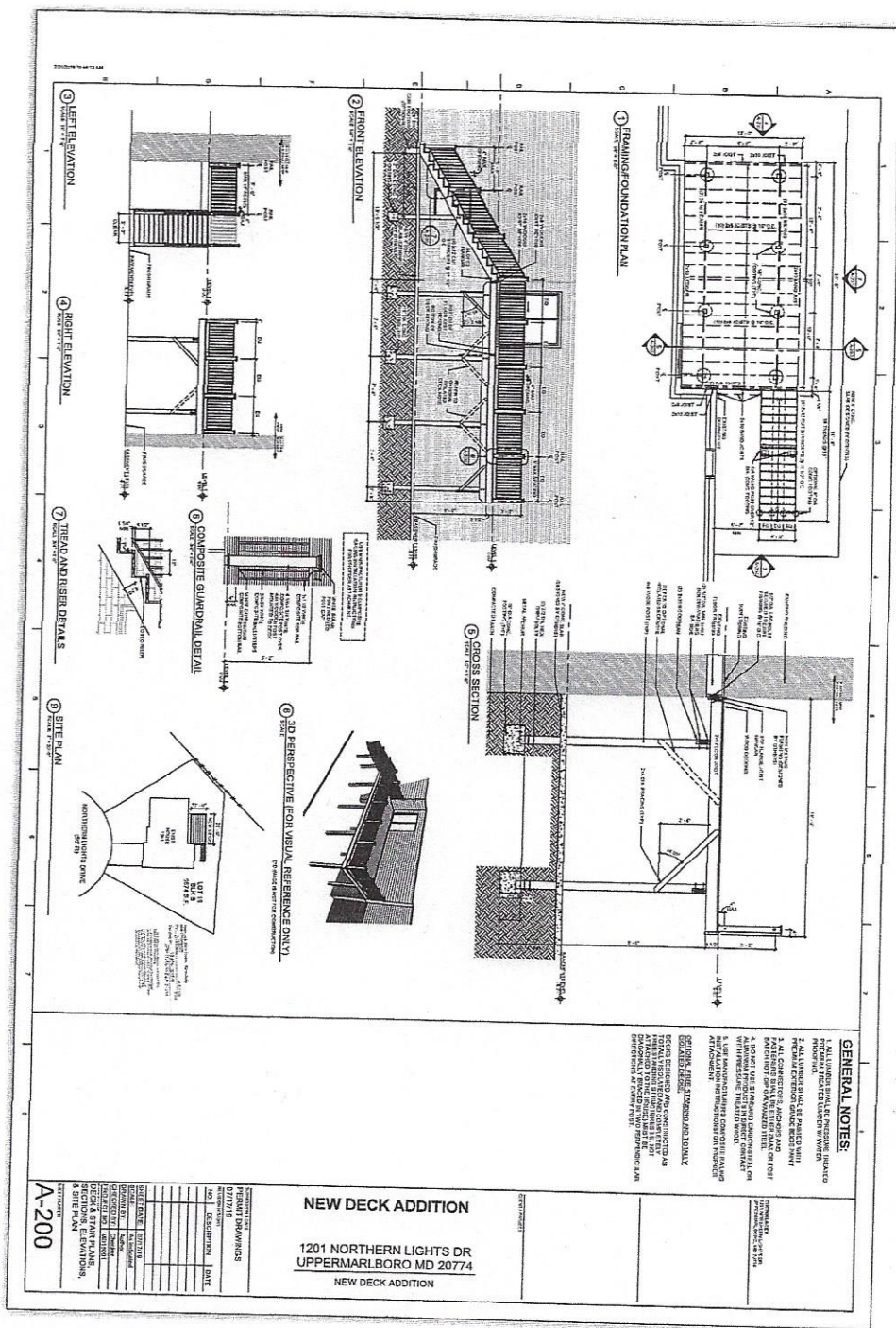
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THIS IS A TWO PAGE DOCUMENT. THE ADVICE FOUND ON THE AFFIXED PAGE (PAGE 2 OF 2) IS AN INTEGRAL PART OF THE PLAT.



Review Redact Measure Publish

APPROVED SITE PLAN(12356-2019-0).pdf V1



BOARD OF APPEALS

MAR 04 2020

ADMINISTRATOR