

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

Petitioners: John and Lera Rickling

Appeal No.: V-85-18

Subject Property: Lot 45, Rose Valley Subdivision, being 2801 Melisa Drive, Fort Washington,
Prince George's County, Maryland

Heard and Decided: September 12, 2018

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, 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 side yard at least 8 feet in width. Petitioners propose to construct a deck. A variance of 3.3 feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 2003, contains 11,338 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. The property is a corner lot with the dwelling facing the legal side street. Exhibit (Exhs.) 2, 8, 9 and 10 (A) thru (F).

2. The property is located in a cluster subdivision as well as Aviation Policy Area 6. Exhs.4 and 9.

3. Petitioners would like to construct a 12' x 32' deck on the rear of the dwelling. The deck would be located 4.7 feet from the side lot line. A variance of 3.3 feet side yard depth was requested. Exhs. 2, 3, 5 (A) thru (E) and 11.

4. Petitioner noted that the original hearing notice stated 3.3 feet side yard setback, although, because the house is not perfectly parallel to the side lot line, the requested setback should be 4 feet which is an adjustment of 7/10 of a foot. With no opposition and no response from the Home Owners Association, the Board determined that an adjustment of the side yard setback be allowed. Exhs. 2, 3, 5 (A) thru (E) and 11.

5. Petitioner John Rickling stated that they wish to construct a deck on the rear of the property. He explained that because the front and rear of the house faces the legal side yards, the homes "backyard" is very narrow. He added that the deck will also provide an emergency exit to the rear of the house. Exhs. 2, 3 and 5 (A) thru (E).

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 house being on a corner lot with the house facing the legal front, the "back yard" being very narrow, the need for an additional 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 4 feet side yard width in order to construct a 12' x 32' deck on the property located at Lot 45, Rose Valley Subdivision, being 2801 Melisa Drive, Fort Washington, 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: (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.

