

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

Petitioners: Mostafiz and Farida Chowdhury

Appeal No.: V-159-18

Subject Property: Lot 3, Greenbelt Forest Subdivision, being 9305 Starmist Court, Lanham,
Prince George's County, Maryland

Heard and Decided: February 27, 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 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 construct a deck. A variance of 3 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 2009, contains 9510 square feet, is zoned R-80 (One Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).
2. The topography of the rear yard is a downward slope which abuts a storm water management pond. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (F).
3. Petitioners would like to construct a 10' x 12' deck with a 4' x 4' landing and steps. A variance of 3 feet rear yard depth is required. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (F).
4. Petitioner Mostafiz Chowdhury testified that the deck is the second level, so an elderly parent may have access and enjoyment. He stated that the deck also provides an additional safety exit in case of an emergency. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (F).

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 downhill slope of the rear yard, the proximity of the storm management pond to the rear yard, the additional need for a fire 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 3 feet rear yard depth/width in order to construct a 10' x 12' deck with a 4' x 4' landing and steps on the property located at Lot 3, Greenbelt Forest Subdivision, being 9305 Starmist Court, Lanham, 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 plans, Exhibits 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.