


*NOTICE OF FINAL DECISION  
OF BOARD OF APPEALS*

RE: Case No. V-68-08 Anthony & Miriam Scafidi

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: July 16, 2008 .

**CERTIFICATE OF SERVICE**

This is to certify that on July 30, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
\_\_\_\_\_  
Anne F. Carter  
Administrator

cc: Petitioners  
Adjoining Property Owners  
DER, Building Code Official, Permit & Review Div.  
M-NCPPC, Permit Review Section  
Oaklands Citizens Association  
Montpelier Community Association  
Other Interested Parties

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

Petitioners: Anthony & Miriam Scafidi

Appeal No.: V-68-08

Subject Property: Lot 62, Block A, Woodbridge Subdivision, being 8812 Admiral Drive, Laurel,  
Prince George's County, Maryland

Witness: Dan Moore

Heard and Decided: July 16, 2008

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 validate an existing condition and construct a sunroom over a portion of an existing deck. A variance of 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 1988, contains 8,188 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The existing house was built in 1991. See Exhibits 2, 4 & 6.
2. The property is a corner lot, with the house facing the legal front street. See Exhibits 2 & 7.
3. Petitioners would like to construct an 11' x 16' sunroom over a portion of an existing 22' x 16' deck. Since the deck is, and the sunroom would be, located 15 feet from the rear lot line, a variance of 5 feet rear yard depth/width was requested.
4. Dan Moore, Petitioners' contractor, testified that the existing deck would be refurbished somewhat before the sunroom is built on top of it. He stated that Petitioners had no reason to believe that a variance was necessary to construct the sunroom: a permit was issued to a previous owner to construct the deck, a property survey done by Petitioners' certified engineer indicated only an 8-foot building restriction line in the yard where the deck was constructed, and the proposed sunroom would extend no closer to the property line than the deck is now.
5. The Oaklands Citizens Association and Montpelier Community Association provided no comments on Petitioners' request.

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 property being a corner lot, the existing conditions on the property, a deck having been built in the legal rear yard only 15 feet from the rear property line, Petitioners' site plan incorrectly depicting an 8-foot building restriction line in the rear yard rather than a 20-foot building restriction line, the proposed sunroom to be built over and to extend no closer to the property line than the existing deck, 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 5 feet rear yard depth/width in order to validate an existing condition and construct a sunroom over a portion of an existing deck on the property located at Lot 62, Block A, Woodbridge Subdivision, being 8812 Admiral Drive, Laurel, 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 the 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.