

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-20-08 Erin Shaffer & Susan Lee

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: April 2, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on April 16, 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
Cross Creek Club Homeowners Association

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

Petitioners: Erin Shaffer & Susan Lee

Appeal No.: V-20-08

Subject Property: Lot 42, Block A, Cross Creek Club Subdivision, being 13103 Crossview Court,
Beltsville, Prince George's County, Maryland

Heard and Decided: April 2, 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 construct a deck. A variance of 6 feet rear yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 2005, contains 9,463 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. The property is located within an approved Recreational Development Community (Exhibit 4, Note 11).

2. The property is a pie-shaped lot located on a cul-de-sac, with a curved front property line. The house sits at an unusual angle to the street line and does not face the center of the cul-de-sac (Exhibits 2 & 4). A Washington Suburban Sanitary Commission easement runs along the right side of the property to the rear (Exhibit 2).

3. Petitioners would like to construct a 26' x 12' deck on the rear of the existing dwelling. Since the proposed deck would be located 14 feet from the rear lot line at the closest point, a variance of 6 feet rear yard depth/width was requested.

4. Petitioner Erin Shaffer testified that there is a severe drop-off behind the house which limits use of the rear yard. She also stated that there is a tree buffer and golf course located to the rear of the property. She explained that an existing door on the second level of the house that previously could not be used will now be used to access the deck.

5. The Cross Creek Club Homeowners Association's Architectural Control Board approved the request (Exhibit 6).

6. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request with regard to the description of the property contained on the record plat of

subdivision for Cross Creek Club (REP 206 @ 17 – Lot 42, Block A). The Subdivision Section stated that the proposed building development and requested variance are not in conflict with the subject record plat or the Plan of Development as approved under Detailed Site Plan DSP-03013 (Exhibit 12).

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 property being located on a cul-de-sac within an approved Recreational Development Community, the angle of the house on the lot, the location of a Washington Suburban Sanitary Commission easement along the entire right side of the property, the sloping topography behind the house limiting use of the rear yard, there being a tree buffer and golf course to the rear of the property, an existing second-level door being used to access the proposed 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 6 feet rear yard depth/width in order to construct a deck on the property located at Lot 42, Block A, Cross Creek Club Subdivision, being 13103 Crossview Court, Beltsville, Prince George's County, Maryland, be and is hereby APPROVAL. 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.