

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-58-09 Khalid Abdel-Rahman

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: October 7, 2009 .

CERTIFICATE OF SERVICE

This is to certify that on November 4, 2009 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Anne F. Carter

Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DER, Building Code Official, Permits & Review Div.
Summerwood Community Association
Accokeek Development Review District Commission

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

Petitioner: Khalid Abdel-Rahman

Appeal No.: V-58-09

Subject Property: Lot 34, Block A, Summerwood Subdivision, being 17101 Valence Court, Accokeek,
Prince George's County, Maryland

Heard: September 23, 2009; Decided: October 7, 2009

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, Petitioner requests 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. Petitioner proposes to construct a deck. A variance of 4 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 2004, contains 10,197 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. The property was developed in 2008. See Exhibits ("Exhs.") 2, 4 & 6.
2. The property is an odd-shaped corner lot with the house facing the legal side street, Valence Court. The lot is located in the Accokeek Development Review District in an approved cluster subdivision. See Exhs. 2, 4 & 7.
3. Petitioner would like to construct a 12' x 32' deck on the rear of the existing dwelling. Because the proposed deck's steps, extending off the rear of the deck, would be located 16 feet from the rear lot line at the closest point, a variance of 4 feet rear yard depth/width was requested. See Exhs. 2 & 8.
4. Petitioner testified that the need for the variance is created by how the house is situated on the lot at an odd angle to the property line. See Exh. 2. He noted that the proposed deck will not protrude as far as the existing basement steps. He also pointed out that behind his lot is a grassy area of community property that will not be developed. See Exh. 5(A).
5. Summerwood Community Association supported approval of the request. See Exh. 17.
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 Plat Five, Summerwood Subdivision (REP 198 @ 75 – Lot 34, Block A). The Subdivision Section stated that the proposed development and requested variance are not in conflict with the record plat or the Plan of

Development as approved under Cluster Preliminary Plan 4-99038, if the proposed development meets the definition contained in Section 27-107.01(a) (117.1) of the Zoning Ordinance. See Exhs. 4 & 14.

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 a corner lot, the existing house sitting at an angle to the property line behind the house, there being designated open space behind the property, 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 rear yard depth/width in order to construct a deck on the property located at Lot 34, Block A, Summerwood Subdivision, being 17101 Valence Court, Accokeek, 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.