

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-79-08 Phillip & Gerrylyn Dickson

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: August 6, 2008.

CERTIFICATE OF SERVICE

This is to certify that on August 27, 2008, 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
DER, Building Code Official, Permit & Review Div.
M-NCPPC, Permit Review Section

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

Petitioners: Phillip & Gerrylyn Dickson

Appeal No.: V-79-08

Subject Property: Lot 29, Block G, Pete's Addition to North Forestville Subdivision, being 7609 Marion Street, District Heights, Prince George's County, Maryland

Heard and Decided: August 6, 2008

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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 8 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 2003, contains 8,199 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 2005. See Exhibits 2, 3 & 6.
2. The property is an odd-shaped lot located on a cul-de-sac. A storm drain easement covers most of the right side of the property. See Exhibits 2, 3 & 7.
3. Petitioners would like to construct a 12' x 16' deck on the rear of the existing dwelling. Since the deck would be located only 12 feet from the rear lot line, a variance of 8 feet rear yard depth/width was requested in order to obtain a building permit for the deck
4. Petitioner Gerrylyn Dickson testified that there is an unoccupied house to the rear of their house and a fence along the rear property line. See Exhibit 5. She explained that there is also a hill on the side of the house where the storm drain easement is located. She further testified that existing sliding doors on the second level will be used to access the deck. See Exhibit 5.

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, the right side of the property being sloped and consisting mostly of a storm drain easement, the proposed deck providing an additional safety exit from the house, 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, by majority vote, Mr. Scott absent, that a variance of 8 feet rear yard depth/width in order to construct a deck on the property located at Lot 29, Block G, Pete's Addition to North Forestville Subdivision, being 7609 Marion Street, District Heights, 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.