

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-80-10 Shirley Malone

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: January 5, 2011 .

**CERTIFICATE OF SERVICE**

This is to certify that on January 25, 2011 , 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 Group

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

Petitioner: Shirley Malone

Appeal No.: V-80-10

Subject Property: Lot 11, Crandall Stream Subdivision, being 4708 Margie Court, Lanham,  
Prince George's County, Maryland

Witness: David Allen

Heard and Decided: January 5, 2011

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 variances 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 variances 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; Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall generally be located only in the rear yard. Petitioner proposes to validate existing conditions and construct a sunroom and deck. Variances of 12 feet rear yard depth/width, an additional 2% net lot coverage, and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

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

1. The subject property was subdivided in 1996, contains 6,540 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. See Exhibits ("Exhs.") 2, 4, 10-11. The property was improved with a single-family dwelling in 1998. See Exh. 10.

2. The property is an odd-shaped lot located on a cul-de-sac. The front street line is curved and the rear yard behind the house is extremely shallow. See Exh. 2.

3. In 2000, the Board approved a variance of 8 feet rear yard depth/width for construction of a deck (Appeal No. V-101-00). See Exh. 8. In 2002, the Board approved variances of 12 feet rear yard depth/width and 1.4% lot coverage for construction of a sunroom (Appeal No. V-138-02). See Exh. 9.

4. Petitioner would like to construct a 9' x 12' sunroom on the rear of the existing dwelling, but variances must be approved before a building permit may be obtained for the proposed construction. Specifically, because the sunroom would be located 8 feet from the rear lot line, an additional lot coverage excess would occur with construction of the sunroom, and construction of the sunroom would cause the existing shed to be partially located in the side yard, variances of 12 feet rear yard depth/width, an additional 2% net lot coverage, and a waiver of the rear yard location requirement for an accessory building are respectively sought. See Exhs. 2, 15.

5. David Allen, Petitioner's design consultant, testified that the proposed sunroom will mirror the sunroom on the opposite side of the house and the proposed deck would be constructed between the two sunrooms. He stated that there will be exit doors to the outside in both sunrooms.

6. Petitioner testified that she has lived at the property since 1999. She stated that the back yard is not usable, the yard slopes with woods to the rear, and that copperhead snakes are common in the back yard. She further stated that both rear additions will continue to be used as sunrooms. She explained that a deck is being removed where the proposed sunroom and deck will be constructed. She also testified that the older sunroom on the left side of the house is accessed from her dining room and the new sunroom on the right side would be accessed from her kitchen.

7. Petitioner testified that there is a sunroom on a house on a smaller lot three houses away.

#### 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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the unusual shape of the property, the location of the house on the lot, the location of an existing shed in the rear yard, the shallowness of the rear yard, the proposed deck and sunroom extending no farther into the rear yard setback than the existing addition on the opposite side of the house, the rear yard being unusable due to its sloping topography, an existing deck being removed from the rear of the house, the proposed sunroom providing a means of enjoying the rear yard and providing protection from the weather and poisonous snakes, 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 12 feet rear yard depth/width, an additional 2% net lot coverage, and a waiver of the rear yard location requirement for an accessory building in order to validate existing conditions and construct a 9' x 12' sunroom and 8' x 8' deck on the property located at Lot 11, Crandall Stream Subdivision, being 4708 Margie Court, Lanham, Prince George's County, Maryland, be and are 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.