

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-90-11 Carmeyia Gillis

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 19, 2011.

CERTIFICATE OF SERVICE

This is to certify that on November 1, 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
Other Interested Parties

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

Petitioner: Carmeyia Gillis

Appeal No.: V-90-11

Subject Property: Lot 1, Block D, Tantallon South Subdivision, being 12705 Lampton Lane, Fort
Washington, Prince George's County, Maryland

Witness: Carol Shepard, sales representative for T & A Contractors, Inc.

Heard and Decided: October 19, 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 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 with steps. A variance of 12 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 1975, contains 10,144 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 3, 5 9-10. The existing single-family dwelling was built in 1983. Exh. 10.

2. The property is a corner lot which is almost square in shape. The existing house sits at an angle on the lot and faces the corner slightly more to the legal side street side. The driveway accesses the property from the legal side street, Lampton Lane. The angle of the house creates a triangular back yard behind the house. Exh. 3.

3. Petitioner would like to construct a 17' x 24' deck on the rear of the dwelling, but a variance is needed in order to obtain a building permit. Since the deck's steps would extend to within 8 feet of the rear lot line at the closest point, a variance of 12 feet rear yard depth/width was requested. Exh. 13.

4. Petitioner testified that the existing deck is at least 20 years old and needs to be replaced. Photographs highlighted damage to the deck. Exhs. 6(4) & (5). Petitioner stated that the only real change in the replacement deck would be the direction of the steps coming off the deck. Exh. 3.

5. Carol Shepard testified that the new deck would be 2 feet wider, but would extend no further out from the house than the existing deck.

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 house sitting at an angle on the lot facing the intersection, the angle of the house creating a triangular yard behind the house, a deck at least 20 years old needing to be replaced, the proposed deck being only 2 feet wider and extending no further out from the house 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 12 feet rear yard depth/width in order to construct a 17' x 24' deck with steps on the property located at Lot 1, Block D, Tantallon South Subdivision, being 12705 Lampton Lane, Fort Washington, 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 3, and the approved elevation plans, Exhibits 4(a)-(c).

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.