

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-64-16 Daysi Gaitan and Mauricio Campos

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: September 7, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on September 28, 2016 , 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Other Interested Parties

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

Petitioners: Daysi Gaitan and Mauricio Campos

Appeal No.: V-64-16

Subject Property: Lot 2, Block 1, White Oak Manor Subdivision, being 9812 26th Avenue, Adelphi,
Prince George's County, Maryland

Witnesses: Brenda Campos, Petitioners' daughter
Keiry Viera, Petitioners' niece

Heard: July 13, 2016; September 7, 2016

Decided: September 7, 2016

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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard 8 feet in width, and Section 27-120.01(c), which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioners propose to validate existing conditions and construct an attached carport. A variance of 5 feet side yard width and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1955, contains 11,424 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1954. Exh. 7.
2. The property is an odd-shaped lot that narrows from front to rear. Exh. 2.
3. Petitioner Daysi Gaitan would like to construct a 12' x 24' attached carport (Exh. 2), but variances are required to obtain a building permit. Since the carport would be located 3 feet from the side lot line, a variance of 5 feet side yard width was requested. Exh. 11.
4. In addition, since part of Petitioners' driveway is located in the area of the front yard prohibited by Section 27-120.01(c), a waiver of the parking area location requirement was also requested.
5. Daysi Gaitan testified that the carport will be built over the existing driveway. *See* Exhs. 5(A) and (B).

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 lot, the lot narrowing from front to rear, the desire for covered parking area, the proposed carport to be built over preexisting driveway area, 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 5 feet side yard width and a waiver of the parking area location requirement in order to validate existing conditions and construct a 12' x 24' attached carport on the property located at Lot 2, Block 1, White Oak Manor Subdivision, being 9812 26th Avenue, Adelphi, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17, and the approved elevation plans, Exhibits 3(a) and (b).

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.