

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-82-16 Noorullah and Noorzeya Qaemi

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 28, 2016 .

**CERTIFICATE OF SERVICE**

This is to certify that on October 24, 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

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

Petitioners: Noorullah and Noorzeya Qaemi

Appeal No.: V-82-16

Subject Property: Lot 20, Block A, Camelot Subdivision, being 12518 Guinevere Road, Glenn Dale,  
Prince George's County, Maryland

Witness: Sarah Wright, neighbor

Heard: September 7, 2016; Decided: September 28, 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 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 side yard at least 8 feet in width. Petitioners propose to construct a one-story addition and attached carport. A variance of 6.5 feet side yard width is requested.

**Evidence Presented**

1. The property was subdivided in 1979, contains 10,418 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits ("Exhs.") 2, 5, 9 and 10. The existing dwelling was built in 1984. Exh. 9.
2. The property is located within a cluster subdivision. Exh. 5.
3. The property is located on a cul-de-sac and has an odd shape, with an irregular front property line and an angled rear property line. Exhs. 2 and 11(A) thru (E).
4. Petitioners would like to construct an 8' x 11' one-story addition on the rear of the dwelling and a 12' x 33' attached carport over existing driveway area (Exh. 2), but a variance is needed to obtain a building permit. Since the carport would be located 1.5 from the side lot line, a variance of 6.5 feet side yard width was requested. Exh. 14.
5. The Board approved a variance for net lot coverage in 2006 (Appeal No. V-61-06) for construction of a driveway extension. Exh. 7.
6. Petitioner Noorullah Qaemi testified that the property, which was purchased in 2001, has only a one-car garage and he currently owns six cars, including a couple of classic cars. He explained that he would like to extend the garage farther to the rear, construct a new carport next to the garage (open only at the front) and relocate an existing shed back behind the carport. He further explained that the carport will be able to protect the vehicles. He stated that the side of the carport would be near his neighbor's fence.
7. Sarah Wright testified that her major concern is that the construction will pose a danger to her son, who is autistic and non-verbal with cortical blindness. She stated that her son must walk every day for the function of his heart, he is a "runner", and since Petitioners' carport would be so close to the fence and only open at the front, her son could end up in an unsafe situation.

8. Mr. Qaemi testified that there is no homeowners association.

9. In part in response to the concern of the neighbor, Petitioners revised the site and elevation plans.<sup>1</sup>

10. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and commented: Exhibit 2 correctly reflects the bearings, distances and lot size shown on the record plat of subdivision for Camelot Subdivision recorded in Plat Book NLP 103-23. The proposed development does not alter the land uses described in the Preliminary Plan of Subdivision and therefore conforms to the applicable record plat note. Section 27-229(b)(27) grants the Board the authority to grant variances for home improvements in cluster developments. Exh. 18.

11. The Historic Preservation Section of M-NCPPC commented that the subject property is located within 0.5 mile of Arthur G. Bowie House (Historic Site 70-021), Boxlee (Historic Site 70-039), Maple Shade (Historic Site 70-031), Grigsby Station Log Cabin (Historic Site 70-038), and Duvall Cemetery Site (Historic Site 7-022), and that the variance request will have no effect on Historic Site, Historic Resources or Historic Districts. Exh. 17.

#### 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 lot being located on a cul-de-sac, the unusual shape of the property, the need for additional covered parking area on the property, the proposed carport to be built over existing driveway area, the carport to be open at the front and left sides and partly open at the rear, 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 6.5 feet side yard width in order to construct an 11' x 14' one-story addition and 12' x 22.5' attached carport on the property located at Lot 20, Block A, Camelot Subdivision, being 12518 Guinevere Road, Glenn Dale, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in

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<sup>1</sup> The revised plans are for construction of a 12' x 22.5' attached carport (open at the front and left sides, and partially open at the rear) and an 11' x 14' one-story addition to enlarge the existing garage. Exhs. 22 and 23(a) thru (c). The side yard setback variance request remained unchanged.

compliance with the approved revised site plan, Exhibit 22, and the approved revised elevation plans, Exhibits 23(a) thru (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.