



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

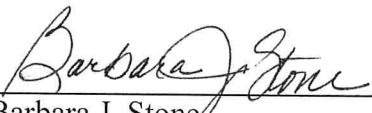
OF BOARD OF APPEALS

RE: Case No. V-90-17 Paul Oriaifo

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 23, 2017.

CERTIFICATE OF SERVICE

This is to certify that on October 24, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division

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

Petitioners: Paul Oriaifo

Appeal No.: V-90-17

Subject Property: Lot 2, Block A, Botley Estates Subdivision, being 8714 Fort Foote Road, Fort Washington, Prince George's County, Maryland

Witnesses: Betty Jean Oriaifo, daughter of Petitioner

Alonzo Malone, nephew of Petitioner

Stephanie Mohr, DPIE Inspector

Heard and Decided: August 23, 2017

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(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 be set back 60 feet from the front street line, 30 feet from the side street line, 2 feet from any side or rear lot line and 10 feet from the rear lot line if not 60 feet from the side street line. Petitioner proposes to validate and obtain a building permit for a deck, driveway area and two detached carports. Variances of 13.8% net lot coverage, 9 feet rear lot line setback for one accessory building and 1 foot rear lot line setback for a second accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1963, contains 10,547 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway area, two detached carports and a 4-foot fence and gate. The dwelling was built in 1965. Exhibits (Exhs.) 2, 7, 11 and 13 (A) thru (F).
2. The property is a corner lot at the intersection of Fort Foote Road and Dover Street. The existing dwelling faces the legal front street (Fort Foote Road). Driveway access is off the front street (Dover Street). Exhs. 2, 7 and 10 (A) thru (F).
3. Petitioner would like to validate certain conditions and obtain a building permit for a 16' x 12'8" deck, 18'6" x 18'6" detached carport, 15'2" x 18'6" detached carport and driveway area, but variances are needed prior to obtaining the permit. Since construction of driveway area and the carports have caused the allowable amount of net lot coverage to be exceeded, a variance of 13.8% net lot coverage was requested. Exhs. 2, 3, 4, 5, 8 (A) thru (G) and 10 (A) thru (F).

4. Variances are also necessary to validate the location of the following two accessory structures. Because one carport is located 47 feet from the side street line and 1 foot from the rear lot line and the other carport is located about 67 feet from the side street line and 1 foot from the rear lot line, variances of 9 feet rear lot line setback for one carport and 1 foot rear lot line setback for the other carport were requested, respectively. Exhs. 2 3, 8 (A) thru (G) and 10 (A) thru (F).

5. New concrete now completely encircles the dwelling. Petitioner proposes to place planters on the concrete area and use designated parts of the area as a driveway. Although the concrete area extends to the property line along both streets, no driveway apron yet exists on the Dover Street side of the property. Petitioner proposes to prevent the use of one gate and driveway apron on the Fort Foote Road side of the property extremely close to the intersection and put in a driveway apron along Dover Street to access the existing concrete area and provide alternate access to the two existing detached carports. Exhs. 2, 4, 8 (A) thru (G), 10 (A) thru (F), 24, 26, 28 and 29.

6. Petitioner was issued Building Violation Notice No. 34295-14-00, dated August 20, 2014, by the Department of Permitting, Inspections and Enforcement, Inspections Division for the construction of the driveways, retaining walls, carports, concrete slabs, a chimney and a deck without building permit(s). Exh. 9.¹

7. Petitioner testified that since the opening of MGM the amount of traffic on Fort Foot Road which is an incline and the dwelling being located on corner of Fort Good Road and Dover street has worsened. He explained that vehicles parked on the street are being swiped, so to resolve this his vehicles are parked in the rear of the subject property. Exhs. 2 and 10 (A) thru (F).

8. Inspector Mohr testified that all that is remaining for petitioner to do is to put the second entrance driveway apron on Dover Street and relocate the two carports 1-foot away from the property line. Thereafter a building permit may be obtained and (final) inspect may be conducted. Ms. Mohr further observed that Petitioner has placed 10 rain barrels on the property per Appeal V-83-14, but they are not all arranged in their designated locations. Specifically, there are 10 barrels, but not in five sets of two and must therefore be rearranged to satisfy the plan. Exh. 25.

9. Mr. Oriafio testified that he will comply with the plan.

10. Ms. Betty Jean Oriafio testified that the planters are all in place and a secondary gate has been moved to Dover Street as requested. The apron has also been removed. Exhs. 24, 26, 27, 28 and 29.

11. Ms. Mohr stated that remaining work for completion: installation of the rain barrels; moving both carports forward 1 foot off the rear lot line; and installing an apron and driveway entrance off Dover Street. Exh. 2.

12. Indian Head Highway Action Council requested assurances that the conditions required in V-83-14 will be fully met by the Petitioner before the current variances are approved.

13. Petitioner Oriafio offered photographs to demonstrate that the requested changes referenced in the comments provided by HHAC have been met. Exhs. 24, 26, 27, 28 and 29.

¹ The Board approved lot coverage and rear lot line setbacks in Appeal No. V-83-14 to validate existing conditions to allow permits to be obtained. Exh. 9. Petitioner Paul Oriafio testified that the concomitant permits expired prior to completion of the construction. Exh. 10.

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to expiration of a prior valid permit to complete work granted under V-83-14, the need to satisfy the requirements of Building Violation Notice No. 34295-14-00 and obtain a building permit to complete unfinished work 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 13.8% net lot coverage, 9 feet rear lot line setback for one accessory building and 1 foot rear lot line setback for a second accessory building in order to validate and obtain a building permit for a 16' x 12'8" deck, 18'6" x 18'6" detached carport, 15'2" x 18'6" detached carport and driveway area on the property located at Lot 2, Block A, Botley Estates Subdivision, being 8714 Fort Foote Road, Fort Washington, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3, 4, 5 and 6.

BOARD OF ZONING APPEALS

By: 
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.



Car port

APPROVED

Debra J. Stone
BOARD OF APPEALS

DATE:

8/23/17

EXH. #

3

V-90-17



Drive way

APPROVED

BOARD OF APPEALS

DATE:

James B. Stone
8/23/17

EXH. #

4

V-90-17



APPROVED
James Stone
BOARD OF APPEALS
DATE: 8/23/17

EXH. # 5
V-90-17



APPROVED
Duhaime
BOARD OF APPEALS
DATE: 8/23/17

Play Ground

EXH. # 4
V-90-17