

NOTICE OF FINAL DECISION


OF BOARD OF APPEALS

RE: Case No. V-204-07 Saul Prudencio

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: February 13, 2008 .

CERTIFICATE OF SERVICE

This is to certify that on March 6, 2008 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
DER, Building Code Official, Permit & Review Div.
DER, Licenses & Inspections Division
M-NCPPC, Permit Review Section

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

Petitioner: Saul Prudencio

Appeal No.: V-204-07

Subject Property: Lot 27, Block G, Langley Park Subdivision, being 8403 14th Avenue, Hyattsville,
Prince George's County, Maryland

Witness: Mon Min, Adjoining Property Owner

Heard: January 16, 2008; Decided: February 13, 2008

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 front yard at least 25 feet in depth and a side yard at least 9 feet in width, and 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. Petitioner proposes to validate existing conditions and obtain a building permit for a new attached carport. Variances of 3 feet front yard depth, 8 feet side yard width and 1.9% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 6,162 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, attached carport, driveway and shed.
2. Petitioner testified that when he purchased the property in 2004, an attached carport on the left side of the house had been partially constructed. He stated that his contract with the seller required completion of the carport, but he was unaware that the seller did not obtain a permit until he received Violation Notice No. BVN 677-2007 by the Licenses and Inspections Division of the Department of Environmental Resources (Exhibit 5). Petitioner applied for a building permit on November 9, 2007 (Exhibit 6), but was informed by the County that variances had to be obtained before he could proceed with the permit process.
3. To obtain a building permit for the 14.5' x 29' attached carport, existing conditions must be validated. Since the carport is only one foot from the left side lot line, and the right side yard is only 8 feet in width, a variance of 8 feet side yard width was requested. Since the covered front stoop on the house is only 22 feet from the front street line, a variance of 3 feet front yard depth was requested. Since the allowable amount of net lot coverage on the property is exceeded by existing development, a variance of 1.9% net lot coverage was requested.

4. Petitioner testified that he wants to complete construction of the carport to protect his vehicles from the weather and retain the wall on the outer side of the carport, keeping the carport open on the front and back only.

5. Mr. Mon Min, owner of a corner lot across the street from Petitioner's property, appeared at the hearing and did not object to validation of the carport.

6. Mr. Suntharee Rodbhajon, who stated that his property is to the right of Petitioner's property, opposed the request (Exhibit 12).

7. There are other similar carport structures in the immediate area.

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 existing conditions on the property, the carport providing protection for vehicles from the weather, there being other similar carport structures in the immediate area, issuance of a permit allowing the County inspector to address any structural issues with regard to the carport, 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 3 feet front yard depth, 8 feet side yard width and 1.9% net lot coverage in order to validate existing conditions and obtain a building permit for a new attached carport on the property located at Lot 27, Block G, Langley Park Subdivision, being 8403 14th Avenue, Hyattsville, 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.

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.