

*NOTICE OF FINAL DECISION*


*OF BOARD OF APPEALS*

RE: Case No. V-29-08 Deoram & Gaythree Deonrine

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: May 7, 2008.

**CERTIFICATE OF SERVICE**

This is to certify that on May 20, 2008, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
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Anne F. Carter  
Administrator

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

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

Petitioners: Deoram & Gaythree Deonarine

Appeal No.: V-29-08

Subject Property: Lot 22, Block 8, Hynesboro Park Subdivision, being 9201 5th Street, Lanham,  
Prince George's County, Maryland

Witnesses: Ronan Deonarine, resident of subject property

Adelio Batres, adjoining property owner

Fidel Lucero, adjoining property owner

Heard: April 23, 2008; Decided: May 7, 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, 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 front yard at least 25 feet in depth and a side yard at least 8 feet in width, and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side lot line and generally be located only in the rear yard. Petitioners propose to validate existing conditions and obtain a building permit for a covered front porch, garage and deck. Variances of 10 feet front yard depth, 7 feet side yard width; and 8 feet front street line setback, .5 foot side lot line setback and a waiver of the rear yard location requirement for an existing shed are requested.

Evidence Presented

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

1. The property was subdivided in 1961, contains 8,939 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, attached garage, driveway and shed. The existing house was built in 1962. See Exhibits 2, 3 & 6.
2. The property is a corner lot, with the house facing the corner. The existing driveway enters the property from 5th Street, the legal front street. See Exhibits 2, 7 & 12.
3. The Department of Environmental Resources, Licenses & Inspections Division, issued Violation Notice BVN 35473-2007-01 to Petitioners, requiring them to obtain a building permit for the existing garage, front porch and deck or remove the structures.
4. To obtain a building permit for the structures in violation, existing conditions must be validated. Since the attached garage is located 15 feet from the front street line and 1 foot from the side lot line,

variances of 10 feet front yard depth and 7 feet side yard width were requested. In addition, since an existing 6.5' x 9.6' shed is located in the side yard, 52 feet from the front street line and 1.5 feet from the side lot line, variances of 8 feet front street line setback, .5 foot side lot line setback and a waiver of the rear yard location requirement were requested.

5. Ranon Deonarine testified that the front porch, shed, garage and deck existed when Petitioners bought the property nine years ago. He stated that the County issued the violation notice when Petitioner was replacing his garage door and some siding. He explained that there is approximately 2 feet between the closest corner of the garage and a fence, and that there is a driveway between the fence and the next-door neighbor's house. He further stated that the shed is needed for storage.

6. Adelio Batres, owner of adjoining property next to Petitioners' garage, did not oppose the request. Mr. Batres stated that his house is about 7 feet from the fence.

7. Fidel Lucero, owner of adjoining property across the street, did not oppose the request.

#### 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 property being a corner lot with the house facing the corner, the existing conditions on the property, the structures needing a building permit being built by a previous owner of the property, Petitioners needing to retain the shed for storage purposes, 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 variances of 10 feet front yard depth, 7 feet side yard width; and 8 feet front street line setback, .5 foot side lot line setback and a waiver of the rear yard location requirement for an existing shed in order to validate existing conditions and obtain a building permit for a covered front porch, garage and deck on the property located at Lot 22, Block 8, Hynesboro Park Subdivision, being 9201 5th Street, Lanham, 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.