


NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-5-08 Jose Araujo

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 27, 2008.

CERTIFICATE OF SERVICE

This is to certify that on March 26, 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 Div.
M-NCPPC, Permit Review Section

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

Petitioner: Jose Araujo

Appeal No.: V-5-08

Subject Property: Lot 30, Block B, Knollwood Estates Subdivision, being 10523 Truxton Road,
Hyattsville, Prince George's County, Maryland

Witness: Benilda Araujo

Heard and Decided: February 27, 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(i)(Table VIII) of the Zoning Ordinance, which prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard. Petitioner proposes to validate and obtain a building permit for a new detached carport. A variance of 4 feet front street line setback and a waiver of the rear yard location requirement for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1957, contains 13,589 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, detached carport, shed and driveway (see Exhibit 2).
2. The existing house was built in 1962 (Exhibit 7).
2. The property is a long and relatively narrow lot, almost 200 feet deep and only 70 feet wide (Exhibit 2).
3. Petitioner testified that he purchased the property in 2000 and later discovered water in his basement, causing him to repave the driveway and construct the carport. He explained that since he constructed the carport, the water problem has been abated.
4. Petitioner was cited with Violation Notice No. BVN 44597-2007-1 by the Department of Environmental Resources, requiring him to either obtain a building permit for construction of the carport or remove it (Exhibit 6). Petitioner testified that he did not realize that a building permit was required prior to construction of the carport.
5. To obtain a building permit for the carport, the following variances are required. Since the accessory carport, considered to be detached, is 56 feet from the front street line and is not located in the legal rear yard, a variance of 4 feet front street line setback and a waiver of the rear yard location requirement for an accessory building were requested.

6. Petitioner testified that a raised edge on the driveway directs storm water to his back yard and water runoff from his carport roof next to the side property line falls onto a garden strip just inside his fence, not onto his neighbor's property. See Exhibits 5 & 11.

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 the narrowness of the property, the existing conditions on the property, the carport not being located behind the overhang on the rear of the house, the location of the carport helping to keep runoff water from entering Petitioner's basement, 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 4 feet front street line setback and a waiver of the rear yard location requirement for an accessory building in order to validate and obtain a building permit for a new detached carport on the property located at Lot 30, Block B, Knollwood Estates Subdivision, being 10523 Truxton Road, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.

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.