

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-53-09 Yesica & Gesler Sanchez

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 23, 2009 .

CERTIFICATE OF SERVICE

This is to certify that on October 19, 2009 , 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
DER, Building Code Official, Permits & Review Div.
DER, Licenses & Inspections Div.
Other Interested Parties

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

Petitioners: Yesica & Gesler Sanchez

Appeal No.: V-53-09

Subject Property: Lot 21, Block 1, Oak Orchard Subdivision, being 9413 Caldran Drive, Clinton,
Prince George's County, Maryland

Interpreter: Glenda Guerrero

Heard: September 9, 2009; Decided: September 23, 2009

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 validate an existing condition and obtain a building permit to complete enclosure of an attached carport into a garage. A variance of 2 feet side yard width is requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 11,813 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, attached carport, driveway, shed and in-ground swimming pool. The existing house was built in 1969. See Exhibits ("Exhs.") 2, 4 & 7.
2. The property widens from front to rear and the front of the existing house is not parallel to the street. See Exhs. 2, 4 & 8.
3. Because Petitioners began construction to enclose an attached carport into a garage without obtaining a building permit, in June 2009 the Department of Environmental Resources, Licenses and Inspections Division, issued Violation Notice No. 19847-2009-1. See Exhs. 6 & 16.
4. Petitioners propose to complete the conversion of a 20' x 22' attached carport into a garage, but because the converted carport will be located 6 feet from the side lot line, a variance of 2 feet side yard width is necessary and was requested. See Exh. 9.
5. Petitioner Yesica Sanchez testified that the garage enclosure has not been completed, see Exh. 5, and the finished garage will have siding to match the house. Ms. Sanchez further stated that carports have been converted to one- and two-car garages at properties next door and two doors up from them.

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 property widening from front to rear, there being an existing carport, Petitioners intending to convert the carport into a garage, the carport being at least six feet from the side property line, 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, by majority vote, Ms. Mack abstaining, that a variance of 2 feet side yard width in order to validate an existing condition and obtain a building permit to complete enclosure of an attached carport into a garage on the property located at Lot 21, Block 1, Oak Orchard Subdivision, being 9413 Caldran Drive, Clinton, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(A)-(C).

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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.