

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-108-13 Minram & Shielwatie Deonarain

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: January 15, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on January 29, 2014 , 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
DPIE/Building Code Official, Permitting

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

Petitioners: Minram & Shielwatie Deonarain

Appeal No.: V-108-13

Subject Property: Lot 1, Rolfes Addition to Greencastle Manor Subdivision, being 4711 Greencastle Road,
Laurel, Prince George's County, Maryland

Witnesses: Orvell Deonarain, Petitioners' son
Kevin McGhee, neighbor

Heard and Decided: January 15, 2014

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 corner lot shall have a minimum side yard along the side street at least 25 feet in depth. Petitioners propose to validate an existing condition and construct a one-story addition (with upper dormer windows). A variance of 6 feet side street yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1988, contains 48,489 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 12 and 13. The existing single-family dwelling was built in 1987. Exhs. 12 and 13.
2. The property is a long, narrow lot, being 422 feet deep at the longest point and 119 feet wide at the widest point. Driveway access to the property is off of a private right-of-way which is considered to be a street. The house faces and is setback more than 180 feet from Greencastle Road, the legal front street. Exhs. 2, 4, 6 and 10.
3. Petitioners are parties to a private right-of-way use agreement and no private right-of-way resolution is needed to access the property from the 25-foot ingress/egress. Exhs. 8 and 9.
4. Petitioners would like to construct a 25' x 55' one-story addition, but a variance is needed in order to obtain a building permit. Since the existing dwelling is located only 19 feet from the property line abutting the private right-of-way which is the legal side street, a variance of 6 feet side street yard depth was requested to validate this existing condition. Exhs. 2, 10 and 17. The proposed addition would meet all setback requirements.
5. Petitioner Minram Deonarain testified that he has lived at the property for 23 years. He stated the proposed addition would be built on the right side of the house replicating the appearance of the garage on the left side of the house. Exhs. 3(b); 5(A), (G), (H) and (N); 14(B) and (F).

6. Orvell Deonarain, Petitioners' son, testified that the addition would contain a recreation/media/game room. He stated that the façade of the garage will be brick and the rest will have siding. He stated that the tall ceiling and dormers will mimic the garage on the opposite end of the house.

7. Kevin McGhee, a neighbor who shares the driveway (right-of-way) with Petitioners, testified that the area has large lots (Exh. 14(A)) and there is park land to the rear of Petitioners. He believes that he will be the only neighbor affected by the proposed construction and stated he fully supports Petitioners' 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the property, driveway access to the lot being from a private right-of-way which is considered a street, the lots being large in the immediate area, the existing dwelling being set back more than 180 feet from Greencastle Road, the existing dwelling not meeting the required setback from the private right-of-way, validation of the existing location of dwelling being necessary to obtain a building permit for the proposed addition, the proposed addition meeting all setback requirements, the design and external appearance of the addition replicating the garage on the opposite end of the existing dwelling, 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 a variance of 6 feet from the minimum side street setback requirement in order to validate an existing condition and construct a 25' x 55' one-story addition (with upper dormer windows) on the property located at Lot 1, Rolfes Addition to Greencastle Manor Subdivision, being 4711 Greencastle Road, Laurel, 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) through (d).

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.