



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-80-24 Eyerusalem Yohannes

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: November 20, 2024.

CERTIFICATE OF SERVICE

This is to certify that on September 8, 2025, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

Ellis Watson

Ellis Watson
Administrator

cc: Petitioner
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

Petitioner: Eyerusalem Yohannes

Appeal No.: V-80-24

Subject Property: Lots 42 and 43, Block 23, First Addition to Colmar Manor Subdivision, being 3413 39th Avenue, Brentwood, Prince George's County, Maryland

Heard: November 20, 2024, and Decided: November 20, 2024

Board Members Present and Voting: Omar Boulware, Chair

Phillippa Johnston, Vice Chair

Dwayne A. Stanton, Board 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 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e)(2) which prescribes that each lot shall have a minimum net lot area of 6,500 square feet, a minimum width of 65 feet measured along the minimum front setback and 52 feet measured along the front street line, a maximum lot coverage of 35%, a minimum front yard depth of 25 feet, a minimum side yard width of 8 feet, and a minimum rear yard depth of 20 feet. Zoning Ordinance 27-11002(a) prescribes that no parking space, parking area, or parking surface other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling, except a "dwelling, townhouse" or "dwelling, multifamily", in the area between the front street line and sides of the dwelling. Variances of 2,500 square feet net lot area, 25 feet lot width, 12 feet lot frontage at front street line, 4 feet front yard depth, 2 feet side yard width, and a waiver of the parking area location are requested.

Evidence Presented

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

1. The property was subdivided in 1917, before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, contains 4,000 square feet, is zoned RSF-65 (Residential, Single-Family-65), and has a 1.5-story single-family house with a basement, a shed, a deck, and a gravel driveway. Exhs. 2, 3, 7, 8, 5 (A) thru €, and 9 (A) thru (F).

2. The Petitioner proposes to obtain a building permit for the construction of a 16' x 22' concrete driveway. Exhs. 2, 5 (A) thru (E), 9 (A) thru (F), and 11.

3. The Petitioner, Ms. Yohannes, testified that the request in her application is for a new driveway, and that her property is unique due to the layout of the back yard. Further, she testified that the back of her lot is large and creates less space in the front of her yard as compared to her surrounding neighbors. Exh. 2, 5 (A) thru (E), and 9 (A) thru (F).

4. She further testified that she does not have designated parking. She explained that designated parking is necessary for the safety of her children because she parks far from her house and has to walk in the dark with the children.

5. Vice Chair Johnston asked Ms. Yohannes about the current status of her driveway. Ms. Yohannes testified that she does not park on the gravel area, and the gravel was placed after a mound of dirt was removed from her property. Exh. 5 (A) thru (B).

6. Board Member Stanton asked Ms. Yohannes if she had contacted the Department of Permitting, Inspections, and Enforcement (DPIE) for approval. Ms. Yohannes answered in the affirmative and added that she also received Town of Colmar Manor's approval. Exh. 10.

7. The Town of Colmar Manor approval letter was displayed showing that Ms. Yohannes was approved for a curb cut. Exh. 10.

8. Chair Boulware inquired whether Ms. Yohannes was the only subject property within the neighborhood without a driveway. Ms. Yohannes testified that she and another neighbor did not have driveways within her community.

9. Chair Boulware stated that he determined that Ms. Yohannes' property could be considered narrower than her surrounding neighbors and would be considered unique. Exh. 9 (A) thru (F).

10. Board Member Stanton made the Motion to Approve V-80-24, and the Motion was seconded by Vice Chair Johnston. Motion carried by a 3-0 vote.

Applicable Code Sections and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

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 27-3613(d), more specifically:

Due to the subject property being subdivided in 1917, before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, the subject property is physically unique and

unusual in a manner different from the nature of surrounding properties, due to the subject property being narrower than the Petitioner's surrounding neighbors' properties. (*See, North v. Saint Mary's County*, 99 Md. App. 502, 638 A.2d 1175 (1994). The particular uniqueness and peculiarity of the specific property would impact the Petitioner's ability to construct an appropriately sized driveway on the subject property due to her front yard being significantly reduced because of the size of her back yard. Additionally, the Board concluded that this variance is minimally necessary to overcome the exceptional physical conditions found on the property. The Board reviewed the record and found that granting the relief requested would not substantially impair the intent, purpose, and integrity of the General Plan or Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property. Moreover, there was no evidence presented or contained in the record that the variances would substantially impair the use and enjoyment of adjacent properties. Lastly, the Board found the practical difficulty was not self-inflicted due to the Petitioner seeking a variance before constructing the requested driveway.

BE IT THEREFORE RESOLVED, by a 3-0 vote, variances of 2,500 square feet net lot area, 25 feet lot width, 12 feet lot frontage at front street line, 4 feet front yard depth, 2 feet side yard width, and a waiver of the parking area location located at 3413 39th Avenue, Brentwood, 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.

BOARD OF ZONING APPEALS

By: 

Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By: 

Keisha A. Garner, Esq.

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 27-3613(c)(10)(B) of the Prince George's County Code states:

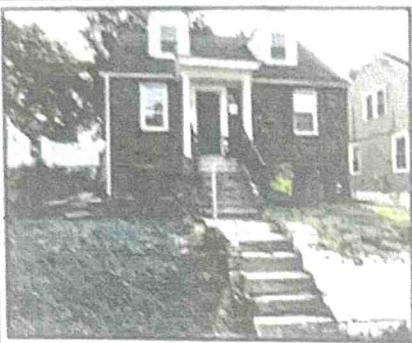
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

BOARD OF APPEALS

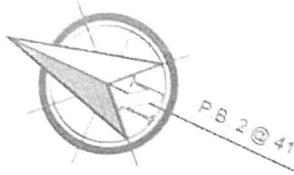
APPROVED NOV 20 2024

Ellis Watson

ADMINISTRATOR



THE LEVEL OF ACCURACY OF
DISTANCES & APPARENT
SLOPES IS $\pm 2\%$



LEGEND

- FENCE
- BASEMENT ENTRANCE
- BAY WINDOW
- BRICK
- BLDG RESTRICTION LINE
- BSMT
- CONCRETE STOOP
- CONCRETE
- DRIVEWAY
- LF
- FRAME
- MAC
- WW
- OVERHANG
- PU
- PUBLIC UTILITY ESMIT
- PIE
- PUBLIC IMPROVEMENT ESMIT

COLOR KEY:

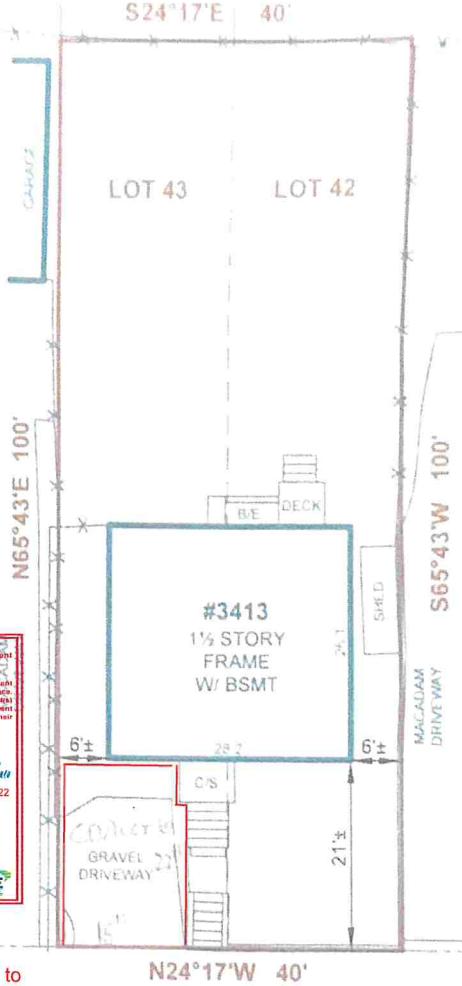
- RED RECORD INFORMATION
- BLUE IMPROVEMENTS
- GREEN ESMITS & RESTRICTION LINES

LOCATION DRAWING OF:
#3413 39TH AVENUE
LOTS 42 & 43, BLOCK 23
FIRST ADDITION TO
COLMAR MANOR
PLAT BOOK 2, PLAT 41

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE 1"=20' DATE 08-01-2024

DRAWN BY AP FILE #: 247013-200



Approval for changing
existing gravel driveway to
concrete & expanding to
16'x22' Driveway. Any Apron
work will need to be approved
by city of Colmar Manor
Note: due to change in slope
Retaining wall may be
required any retaining wall 2'
and higher requires a permit

39TH AVENUE



SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS BEFORTH IN REGULATION 12 CHAPTER 09 11.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INSO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS $\pm 2\%$. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN IF IT APPEARS ENCROACHMENTS MAY EXIST. A BOUNDARY SURVEY IS RECOMMENDED.

A Land Surveying Company

DULEY

and

Associates, Inc.

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