

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-6-17 Korpoe Sele

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 22, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on March 17, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone
Acting 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: Korpoe Sele

Appeal No.: V-6-17

Subject Property: Lot 37, Block P. Schrom Hills Subdivision, being 7502 Newburg Drive, Lanham,
Prince George's County, Maryland

Heard and Decided: February 22, 2017

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(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(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate an existing condition, construct a covered front porch and covered back porch and enclose the existing attached carport into a garage. Variances of 3.8 feet front yard depth, 1 foot side yard width and .5% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1963, contains 6,864 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and attached carport. Exhibit (Exhs.) 2, 4, 5 (A) thru (B) and 7.
2. The lot is irregular in shape, being curved in the front and angled at the rear. Exhs. 2 and 4.
3. Petitioner would like to construct a 6.8' x 40' covered front porch and 7' x 24' covered back porch. The front porch would be located 21.2 feet from the front street line and the back porch, which would be in line with the existing dwelling, would be located 7 feet from the side lot line. Construction of the covered porches would exceed the amount of lot coverage allowed. Petitioner is requesting to validate the side yard setback of the dwelling to include the proposed garage and rear porch. Variances of 3.8 feet front yard depth, 1 foot side yard width and .5% net lot coverage were requested. Exhs. 2, 3, 5 (A) thru (B) and 11.
4. Petitioner would also like to convert the existing 12' x 22' attached carport into a garage. Exh. 5(B).
5. Petitioner explained that the purpose for the construction of the porches and enclosure of the carport (garage) is for protection from the weather. Exh 2 and 3.

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 having an irregular shape (being curved in the front and angled at the rear), the need for protection from the weather and wanting enjoyment of the property, 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 3.8 feet front yard depth, 1 foot side yard width and .5% net lot coverage in order to validate an existing condition, construct a 6.8' x 40' covered front porch and 7' x 24' covered back porch and enclose the existing 12' x 22' attached carport into a garage on the property located at Lot 37, Block P. Schrom Hills Subdivision, being 7502 Newburg Drive, 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 and 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.