

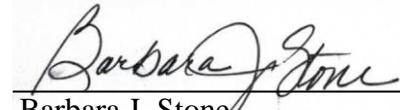
*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-148-17 Oladipupo and Oyinwola Layeni

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 10, 2018.

**CERTIFICATE OF SERVICE**

This is to certify that on February 14, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



\_\_\_\_\_  
Barbara J. Stone  
Administrator

cc: Petitioners  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
DPIE/Inspections Division

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

Petitioners: Oladipupo and Oyinwola Layeni

Appeal No.: V-148-17

Subject Property: Lot 13, Candy Hill Subdivision, being 13120 Croom Road, Upper Marlboro,  
Prince George's County, Maryland

Witnesses: Alexander Esfahani, Caldwell Banker Real Estate Agent  
Diane Hampton, Neighbor

Heard: December 13, 2017; Decided: January 10, 2018

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 27-120.01(c) of the Zoning Ordinance, which prescribes that no parking space, parking area, or parking structure 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 in the area between the front street line and the sides of the dwelling. Petitioners propose to validate and obtain a building permit for a new driveway extension, and circular driveway, in the front yard. A waiver of the parking area location requirement is requested.

**Evidence Presented**

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

1. The property was subdivided in 1994, contains 262,797 square feet (6.003 acres), is zoned O-S (Open Space) and is improved with a single-family dwelling, driveway, detached garage and two solar arrays. Exhibits (Exhs.) 2, 4, 6, 10, 11 and 12 (A) thru (F).
2. Petitioners would like to obtain a building permit for a new driveway extension, and circular driveway, in the front yard. Exh. 2, 5 (A) thru (C) and 14.
3. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the front yard between the front street line and the sides of the dwelling. Since Petitioners' driveway is in this area of the front yard, a waiver of the parking area location requirement was requested. Exh. 2.
4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 29851-2017-0, dated June 8, 2017 requiring Petitioners to "Obtain the required permit(s) for work done ... or remove the same. Work includes but not limited to extension of driveway in the front and rear with asphalt." Exh. 7.

5. Mr. Alexander Esfahani testified that he was the seller's agent for the previous owners of the subject property who built the circular driveway without a permit in 2014. Exhs. 2 and 5 (A) thru (C).

6. Petitioner Mr. Layeni stated that they would like to keep the driveway to provide easy access to the front door. Exh. 2.

8. Ms. Diane Hampton (13110 Croom Road) testified that she had no concerns with the circular driveway. Exh. 2.

#### 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.

BE IT THEREFORE RESOLVED, unanimously, that a waiver of the parking area location requirement to validate and obtain a building permit for a new driveway extension, and circular driveway, in the front yard on the property located at Lot 13, Candy Hill Subdivision, being 13120 Croom Road, Upper Marlboro, 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: (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.