

NOTICE OF FINAL DECISION

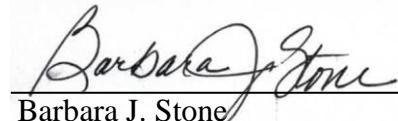
OF BOARD OF APPEALS

RE: Case No. V-191-17 Yohannes Negassi

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: March 14, 2018.

CERTIFICATE OF SERVICE

This is to certify that on March 22, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
Town of Riverdale Park

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

Petitioner: Yohannes Negassi

Appeal No.: V-191-17

Subject Property: Lot 2, Block 34, Riverdale Park Subdivision, being 6209 Beale Circle, Riverdale Park,
Prince George's County, Maryland

Municipality: Town of Riverdale Park

Heard: February 14, 2018; Decided: March 14, 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 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 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 existing conditions and obtain a building permit for a concrete driveway. Variances of 7 feet front yard depth and 1.2% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1889, contains 9,140 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 3, 7, 8, 9 (A) thru (B) and 10 (A) thru (C).

2. The shape of the lot is long and narrow. The front property line is curved along Beale Circle. Exhs. 2 and 3.

3. Petitioner would like to obtain a building permit for a concrete driveway (approx.100' x 13' / 39' x10'), which extends into the rear yard. As the existing development exceeds the amount of lot coverage allowed, a variance of 1.2% net lot coverage was requested. Exhs. 2 and 12.

4. The existing covered front porch is located 18 feet from the front street line. A variance of 7 feet front yard depth to validate the porch was requested. Exhs. 2 and 12.

5. It was discovered that prior to 2005 the driveway consisted of 2 strips that extended to the shed. Aerial photos from November 2005 show the driveway existed then as it exists today. Exhs. 2, 4 (A) thru (C), 9 (A) thru (B) and 10 (A) thru (C).

6. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 17775-17-01, dated August 25, 2017, requiring Petitioner to "obtain the required permit(s) for work done . . . or remove the same. Work includes but not limited to an extended driveway and interior renovations (including adding a bathroom)". Exh. 5.

7. The Town of Riverdale Park recommended approval of the requested variances. Exh. 21.

8. Petitioner Yohannes Negassi testified that the house was built in 1937 and the driveway was existing when he purchased the property in 2017. Exhs. 2, 4 (A) thru (C), 9 (A) thru (B) and 10 (A) thru (C).

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 shape of the lot being long and narrow, the curved front line of the subject 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 7 feet front yard depth and 1.2% net lot coverage to validate existing conditions and obtain a building permit for a concrete driveway (approx. 100' x 13' / 39' x 10') on the property located at Lot 2, Block 34, Riverdale Park Subdivision, being 6209 Beale Circle, Riverdale Park, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance(s) 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