

NOTICE OF FINAL DECISION

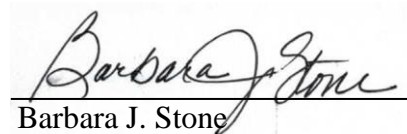
OF BOARD OF APPEALS

RE: Case No. V-216-17 Owoade Ifekam

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 28, 2018.

CERTIFICATE OF SERVICE

This is to certify that on April 5, 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

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

Petitioner: Owoade Ifekam

Appeal No.: V-216-17

Subject Property: Lot 1, Block B, Good Luck Woods Subdivision, being 9012 1st Street, Lanham,
Prince George's County, Maryland

Witnesses: Adetokunbo Okuwa, Petitioners Husband
Oluseyi Ilupeju, Contractor, Designer

Heard and Decided: March 28, 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, Petitioner requests 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 side yard along the side street at least 25 feet in depth. Petitioner proposes to validate an existing condition and construct a one-story addition, a two-story addition, a second-floor addition and a deck. A variance of 3 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 1964, contains 12,200 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is a five-sided corner lot with the dwelling facing the legal side street. Exhibit (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).

2. Petitioner would like to construct a 10' x 36' one-story addition on the rear of the dwelling, a 16' x 19' two-story addition behind the garage, a 19' x 30' second-floor addition atop the attached garage and a 12' x 34' deck to the rear of the dwelling. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (E).

3. The existing covered front porch is located 22 feet from the legal side street line. Therefore, a variance of 3 feet side street yard depth to validate the porch is requested. Exhs. 2 and 11 (A) thru (F).

4. Ms. Ifekam testified that initially she submitted a proposal to which the Board denied.¹ The proposal was revised to meet the Board's recommendations and the neighbors' concerns. The revised plans

¹ The Board previously denied a side street variance and rear yard setback variances (Appeal No. V-127-17) for the subject property for construction of a one-story addition, two-story addition and second-floor addition. Exh. 7.

move a portion of the addition to the rear of the property instead of the side of the house. Exhs. 2 and 3 (a) thru (b).

5. Ms. Ifekam added that additional living space is needed for her children to (medically) assist in caring for their father.

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 being a five-sided corner lot with the pre-existing dwelling facing the legal side street, the need for additional interior square footage for Petitioner's children to reside and assist in the medical care of their father 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 a variance of 3 feet side street yard depth to validate an existing condition and construct a 10' x 36' one-story addition on the rear of the dwelling, a 16' x 19' two-story addition behind the garage, a 19' x 30' second-floor addition atop the attached garage and a 12' x 34' deck to the rear of the dwelling on the property located at Lot 1, Block B, Good Luck Woods Subdivision, being 9012 1st Street, Lanham, 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, Exh. 2 and approved elevation plans, Exhs. 3 (a) thru (b).

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.