



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

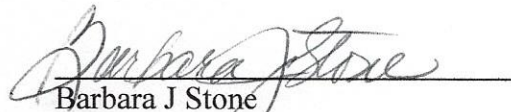
OF BOARD OF APPEALS

RE: Case No. V-29-20 Kingsley and Kelechi Uzomah

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 24, 2021

CERTIFICATE OF SERVICE

This is to certify that on May 6, 2021, 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

Petitioners: Kingsley and Kelechi Uzomah

Appeal No.: V-29-20

Subject Property: Lot 25, Block D, Templeton Knolls Subdivision, being 5306 62nd Avenue, Riverdale,
Prince George's County, Maryland,

Witness: Kenneth Harrison, Inspector, Department of Permitting, Inspections and Enforcement

Heard: December 9, 2020; Decided: February 24, 2021

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 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 5,000 square feet. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side or rear lot line, shall not exceed 15 feet in height and generally be located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces the side street. Variances of 1,490 square feet net lot area, 5 feet front yard depth, 20% net lot coverage, 35 feet front street line setback, 2 feet side lot line setback, 2 feet rear lot line setback, and a waiver of the rear yard location requirement for an accessory building (carport) are requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 3,510 square feet, is zone R-35 (One-Family Semidetached, and Two-Family Detached, Residential), and is improved with a semi-detach single-family dwelling, driveway, carport and open shed. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).
2. The subject property is narrow and long at 30 feet in width and 117 feet in length. The property is located on a slope with a retaining wall separating the front yard from the driveway. The slope of the driveway ends at the basement level of the home. Exhs. 2, 3, 7, 8 and 9 (A) thru (F).
3. The Petitioner proposes to validate existing conditions in order to obtain building permits for the unauthorized construction of a one-story addition, carport and shed.¹ Specifically, because the lot was

¹ He stated that 10' x 30' shed existed when he purchased the property, but because it is in such disrepair, he is now willing to remove it. A subsequent revised site plan and photographs were submitted to the Board to demonstrate that the open shed was removed, therefore the lot coverage request has been reduced to 18%. Exhs. 17 and 18 (A) thru (B).

subdivided in 1950, the net lot area does not meet the current minimum net lot area requirement of 5,000 square. As such, a variance of 1,490 square feet is requested. The front porch is believed to have been constructed in 2006 and does not meet the current front yard setback of 25 feet. A variance of 5 feet front yard setback is requested. With the construction of the carport and one-story addition, the permissible lot cover is over 20%, requiring a variance. Exhs. 2, 3, 7, 8 and 9 (A) thru (F).

4. Petitioners stated that a variance of 35 feet front street line width is also required as the property was subdivided in 1950 and does not meet the current front-line requirement for buildable lots in the R-35 Zone. In addition, because the carport was constructed along the property line without the required 2-foot setback, a variance of 2-foot side and rear lot setback is required. A waiver of the of the rear yard location for the accessory building is required as the carport is located in the side yard. Exhs. 2, 3, 7, 8 and 9 (A) thru (F).

5. Petitioner Kingsley Uzomah stated he purchased the property from the Department of Housing and Urban Development in March of 2000. He stated that the addition was constructed over 15 years ago to mitigate water seeping into his basement. Exhs. 2, 4, 7 and 13 (A) thru (F).

6. Inspector Kenneth Harrison cited Petitioners for the unauthorized addition, carport (and shed) and testified that his only concern is that Petitioners obtain appropriate permits for the development.

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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to several existing lot conditions were created by the 1950 subdivision plat (A-1671) and continue to exist when the property was purchased, the need for the carport to mitigate water seeping into the basement 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 1,490 square feet net lot area, 5 feet front yard depth, 18% net lot coverage, 35 feet front street line setback, 2 feet side lot line setback, 2 feet rear lot line setback, and a waiver of the rear yard location requirement for an accessory building (carport) in order to validate existing conditions (net lot area and front yard depth, lot coverage) and obtain a building permit for the unauthorized construction of one story addition, carport and shed on the property located at 5306 62nd Avenue, Riverdale, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17.

BOARD OF ZONING APPEALS

By: Bobbie S. Mack / *BJS*
Bobbie S. Mack, Chairperson

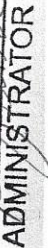
NOTICE

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.

RESS: 5306 62ND AVENUE



DRAWN BY BF

A circular red ink stamp. The outer ring contains the text "STATE OF MARYLAND" at the top and "PROFESSIONAL LAND SURVEYOR" at the bottom. Inside the ring is a central emblem featuring a shield with a sun, a plow, and a sheaf of wheat, flanked by two figures. Above the emblem is the name "MOHAMAD B. AL-SFALABI" and below it is "NO. 21200" and "REGISTERED".

DATE _____

DATE: 8/16/19

EXH. # 17
V-29-20

FILE # 5306 62 AYE

CASE: # 0

BOARD OF APPEALS

APPROVED FEB 24 2021

[Signature]
ADMINISTRATOR

A

EXH. # 18(A-B)
V-29-20

BOARD OF APPEALS

APPROVED FEB 24 2021

D. Stone
ADMINISTRATOR

B