

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

Petitioner: Daniel Woldu

Appeal No.: V-63-18

Subject Property: Lot 18, Block A, Templeton Knolls Subdivision, being 5602 59th Avenue, Riverdale,  
Prince George's County, Maryland

Counsel for Petitioner: Andre Gingles, Esq

Heard and Decided: July 25, 2018

Board Members Present and Voting: 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 9 feet in width; 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; and Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Petitioner proposes to validate existing conditions (dwelling, shed) and obtain a building permit for a new attached carport with retaining wall to a semi-detached dwelling. Variances of 4 feet front yard depth and 7.5 feet side yard width for the dwelling, 3.2% net lot coverage and 2 feet rear lot line setback for an accessory building are requested.

**Evidence Presented**

1. The property was subdivided in 1950, contains 4,823 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a single-family semi-detached dwelling, driveway and shed. Exhibits (Exhs) 2, 4, 10, 11 and 12 (A) thru (F).

2. The property's shape is unusual as the lot is very long in depth and extremely narrow in width. Exhs. 2 and 4.

3. Petitioner would like to obtain a building permit for a 10' x 32' attached carport with retaining wall, located 1.5 feet from the side lot line, even with the location of the deck. The existing covered front porch is located 21 feet from the front street line and construction of the attached carport over the extended driveway exceeds the amount of lot coverage allowed. Variances of 4 feet front yard depth, 7.5 feet side yard width and 3.2% net lot coverage were requested. Exhs. 2, 3 (a) thru (b), 5 (A) thru (C) and 14.

3. The existing shed is located in the rear yard along the side lot line. A variance of 2 feet rear lot line setback for an accessory building was requested. Exhs. 2, 3 (a) thru (b), 5 (A) thru (C) and 14.

4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a Correction Notice on April 2, 2018, requiring Petitioner to "obtain a building permit for retaining wall over 2 feet and carport". Exhs. 6 and 7.

5. Petitioner Daniel Woldu purchased the property 15 years ago and constructed the carport 10 years ago. He now needs to obtain a building permit to validate the structure. The carport is open on 2 sides. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (C).

6. Attorney Andre Gingles stated that the community being subdivided in 1950, created extremely small lots averaging 5,000 square feet and less. Exhs. 2 and 4.

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 pre-existing square footage of the lot (4,823 square feet), the lot shape being very long and narrow 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, by majority vote, Ms. Bobbie Mack absent, that variances of 4 feet front yard depth and 7.5 feet side yard width for the dwelling, 3.2% net lot coverage and 2 feet rear lot line setback for an accessory building in order to validate existing conditions (dwelling, shed) and obtain a building permit for a new 10' x 32' attached carport with retaining wall to a semi-detached dwelling on the property located at Lot 18, Block A, Templeton Knolls Subdivision, being 5602 59th 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 site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (b).

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

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Albert C. Scott, Vice Chairman

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.