

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

Petitioner: Eta-Manyi Manga

Appeal No.: V-136-18

Subject Property: Lot 10, Block D, Good Luck Heights Subdivision, being 7001 96th Avenue, Lanham,
Prince George's County, Maryland

Heard and Decided: December 5, 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 corner lot shall have a side yard along the side street at least 25 feet in depth; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 30 feet from the side street line and 10 feet from the rear lot line; and Section 27-120.01(c), 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. Petitioner proposes to validate existing conditions (dwelling, driveway and shed) and obtain a building permit for a new driveway extension in the front yard. Variances of 8 feet side street yard depth for the dwelling, 6.5 feet side street line depth for an accessory building and a waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1964, contains 11,825 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and two sheds. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).
2. The lot is a corner lot with the house facing the intersection of Mazzone Avenue and 96th Avenue. The original driveway is at an angle towards the house. Exhs. 2, 3, 7, 8 and 9 (A) thru (F).
3. Petitioner would like to obtain a building permit for 5-foot extensions on either side of the existing driveway, part of which is front of the dwelling. As Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling, a waiver of the parking area location requirement was requested. Exhs. 2, 4 (A) thru (D).
4. The existing covered front porch is located 17 feet from the side street line, at the closest point, and one of the accessory building (shed) is located 3.5 feet from the rear lot line. Variances of 8 feet side street yard depth for the dwelling and 6.5 feet side street line depth for the shed were requested. Exhs. 2, 4 (A) thru (D).

5. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued Violation Notice No. 20489-18-0, dated April 25, 2018, requiring Petitioner to "Obtain the required building permit(s) for work done . . . or remove the same. Work includes but not limited to a 6-foot white vinyl fence and extended driveway without the required permits and inspections.". Exh. 5.

6. Petitioner Eta-Manyi Manga testified that the dwelling was built in its present location on the corner lot in 1966 with a single car driveway. Mr. Manga stated that he now has two cars to accommodate. He explained that in order to park the two-family cars side-by-side and off the street, he put in 5-foot extensions on each side of the driveway. Exhs. 2, and 4 (A) thru (D).

7. Mr. Manga further testified that the two sheds existed when he purchased the property. Exhs. 2, 4 (A) thru (D).

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 location of the house on a corner lot, the existing angle of the driveway to the house 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 8 feet side street yard depth, 6.5 feet side street line depth and a waiver of the parking area location requirement in order to validate existing conditions (dwelling, driveway, shed) and obtain a building permit for a new driveway extension in the front yard on the property located at Lot 10, Block D, Good Luck Heights Subdivision, being 7001 96th Avenue, Lanham, 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.

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.