



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-18-21 Laban Seyoum

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: June 9, 2021.

CERTIFICATE OF SERVICE

This is to certify that on _____, 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: Laban Seyoum

Appeal No.: V-18-21

Subject Property: Lot 3, Block A, Holly Knolls Subdivision, being 9234 Riggs Road, Adelphi,
Prince George's County, Maryland

Witness: Rahat Ali, Neighbor

Spanish Language Interpreter: Ernesto Luna¹

Heard: May 12, 2021; Decided: June 9, 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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. 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. Petitioner proposes to validate existing conditions (front building line width, side yard width and lot coverage) and obtain a building permit for the construction of two-level addition, rear deck addition, shed, patio with pergola and driveway. Variances of 5 feet front building line width, .9-foot side yard width and 3% net lot coverage were requested.

Evidence Presented

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

1. The property was subdivided in 1853, contains 8,061 square feet, is zoned R-55 (One Family Detached Residential), and is improved with a single-family dwelling and existing driveway. Exhibits, (Exhs.) 2, 4, 6, 7, 8, and 9 (A) thru (G).
2. Petitioner proposes to validate existing conditions (front building line width, side yard width and lot coverage) and obtain a building permit for the construction of a two-level addition, rear deck addition, shed, patio with pergola and driveway. With the property subdivided prior to the current zoning regulations, variances of 5 feet front building line width and 9 feet side yard width for existing conditions are requested. In addition, because of the proposed the 2-level addition, driveway and shed, the allowable lot coverage for the site is 30% is exceeded by 3% for which a variance is required. Exhs. 2, 4, 6, 7, 8, and 9 (A) thru (G).

¹ The witness who requested the Spanish Interpreter, do not show at the hearing, therefore, the interpreter was not needed.

3. Mr. Laban Seyoum testified that he is renting the property and requested variances for the various proposed improvements, including the rear 2-level addition (bedroom).² He explained that the current smaller shed will be replaced with a larger shed where he can store construction equipment; the existing patio will be covered with a pergola; and the asphalt driveway will be replaced, but not extended. Exhs. 2, 3 (a) thru (k) and 5 (A) thru (N).

4. He stated that the proposed addition will not be able to be accessed through the main house and the only way to access the second level interior will be through the basement or the outside stairs. Exhs. 2, 3 (a) thru (k) and 5 (A) thru (N).

5. Mr. Rahat Ali, who lives at 9236 Riggs Road, testified that currently there is an average of 4-5 cars at the subject property. He stated that the only building in the area that has a second story is a church and he is not aware of any other second-level houses in the area. Exhs. 2, 3 (a) thru (k) and 5 (A) thru (N).

6. Petitioner explained that the five persons who live on the property work for his company. He stated that the equipment in the shed belongs to him and his workers.

7. Petitioner described his dwelling as a "rooming house."

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 does not comply with the applicable standards set forth in Section 27-230, more specifically:

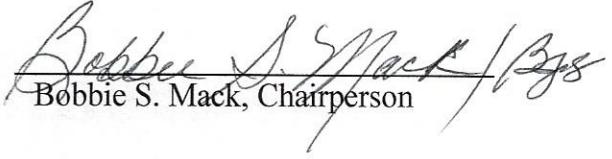
1. The Board finds that there is no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the subject. Exhs. 2 and 3 (a) thru (k).
2. Petitioner described the dwelling as a rooming house and the proposed construction is not in response to an extraordinary situation or condition.
3. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that variances of 5 feet front building line width, .9-foot side yard width and 3% net lot coverage in order to validate existing conditions (front building line width, side yard width and lot coverage) and obtain a building permit for the construction of two-second level addition, rear deck addition, shed, patio and driveway on the property located at 9234 Riggs Road, Adelphi, Prince George's County, Maryland, be and are hereby DENIED.

² Petitioner testified that he received a Stop Work Order from the Department of Permitting, Inspections and Enforcement.

BOARD OF ZONING APPEALS

By:


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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.