



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

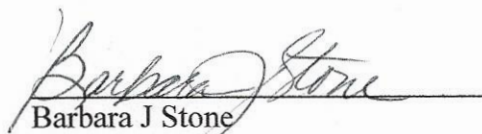
OF BOARD OF APPEALS

RE: Case No. V-43-21 Hailu L. Aichehi and Egigayehu Z. Woldeyes

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 23, 2021

CERTIFICATE OF SERVICE

This is to certify that on August 25, 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: Hailu L. Aichehi and Egigayehu Z. Woldeyes

Appeal No.: V-43-21

Subject Property: Lot 31, Block B, Sellman Subdivision, being 4112 Ulster Road, Beltsville,
Prince George's County, Maryland

Heard and Decided: June 23, 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 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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioners propose to obtain a building permit for the construction of a deck. A variance of 7.6 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 1986, contains 9,693 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).
2. The subject lot is irregular in shape with a severe slant on the rear property line. The angle of the rear property line causes the left side of the lot to be much deeper than the right. The front of the property is also located on a curve on Ulster Road. The rear yard topography includes a steep slope from one side of the dwelling to the other. Exhs. 2, 4, 9, 10 and 11 (A) thru (F).
3. Petitioners propose to obtain a building permit for the construction of an open deck on the rear of the dwelling. Since the deck will be 12.4 feet from the rear lot line, a variance of 7.6 feet rear yard depth/width from the required 20-foot depth is requested. Exhs. 2, 4, 9, 10 and 11 (A) thru (F).
4. Petitioner Hailu Aichehi testified that the previous owner requested a variance (V-103-11) which was approved, but the owner did not complete the construction of the deck and the variance expired. It is the Petitioner's intention to complete the deck. He stated that a homeowner's association does not exist. Exhs. 2, 3 (a) thru (b), 5 (A) thru (G) and 7.
5. He further testified that there are existing French doors on the rear on the first floor to exit onto the deck that will serve as an additional emergency exit. He stated that without the deck the current doors are unusable as they are very high above the graded rear yard. The proposed open deck will be 14' in width x 21'.6" in length. Exhs. 2, 4, 9, 10 and 11 (A) thru (F).

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

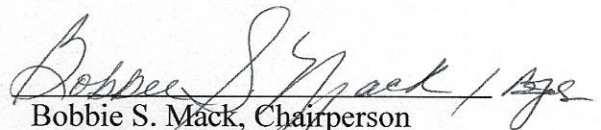
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the unusual shape of the lot with a severe angle on the rear property line, the topography of the rear yard with a slope running right to left downhill, the inability to utilize the French doors on the rear of the house as a safe exit 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 a variance of 7.6 feet rear yard depth/width in order to obtain a building permit for the construction of a deck on the property located at 4112 Ulster Road, Beltsville, 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:


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:

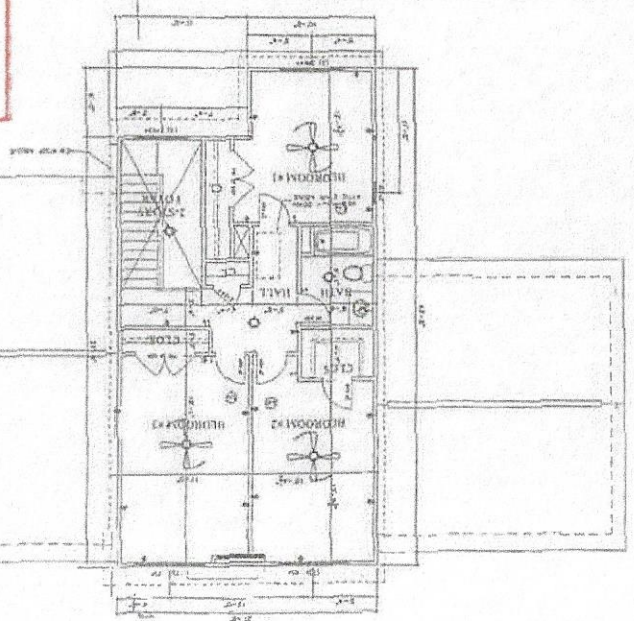
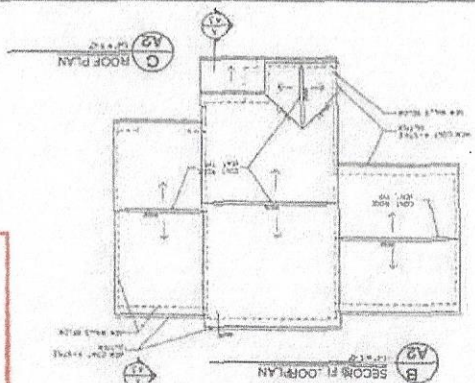
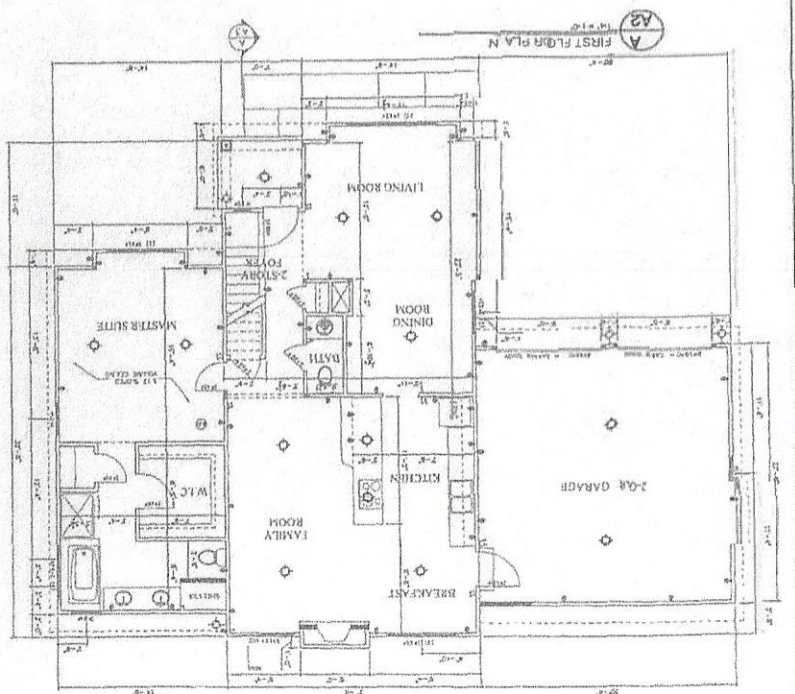
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

PRELIMINARY SE
NOT FOR PERMIT

BOARD OF APPEALS

APPROVED JUN 23 2021

B. Stone
ADMINISTRATOR



EXH. # 3(a-b)
V-43-21

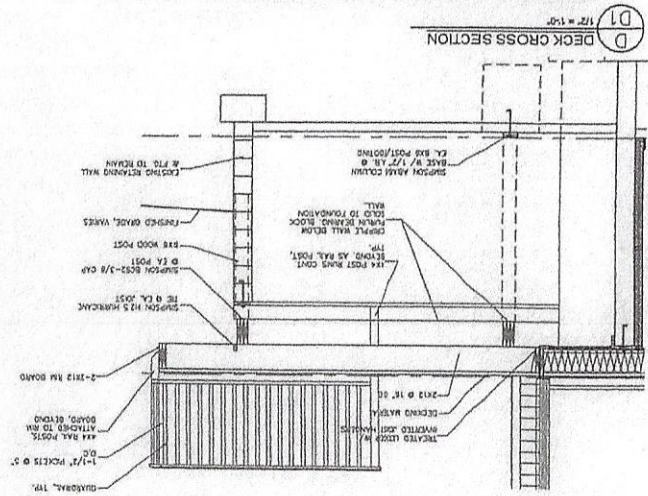
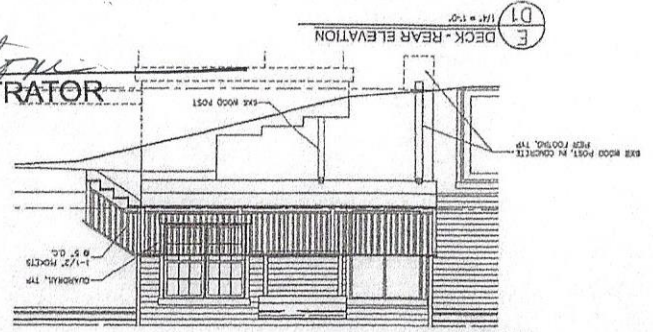
(a)

KENNEDY RESIDENCE
4712 ULSTER ROAD
BELTSVILLE, MARYLAND 20705

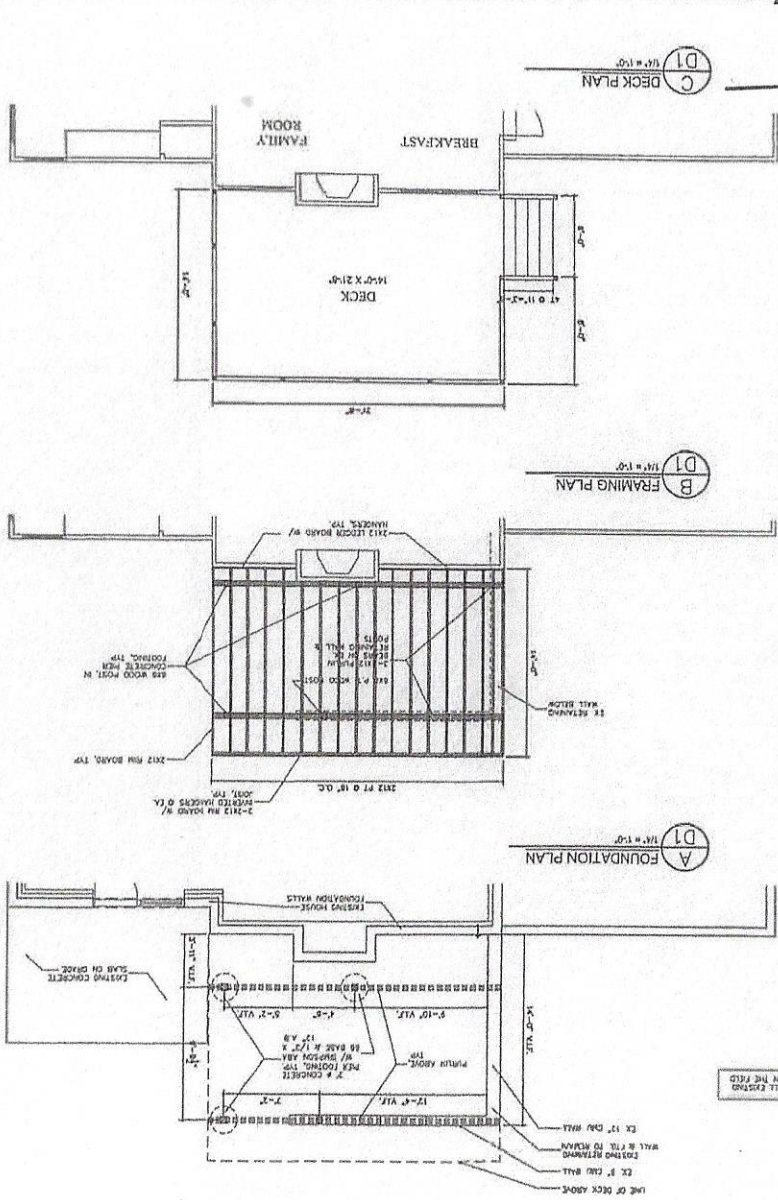
CORNELL CUSH REEVES, P.A.
1101 S. LEE ST., SUITE 200
FALLS CHURCH, VA 22046

APPROVED JUN 23 2021

ADMINISTRATOR



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KENNEDY RESIDENCE
4112 ULSTER ROAD
BELTSVILLE, MARYLAND 20705

(b)