



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

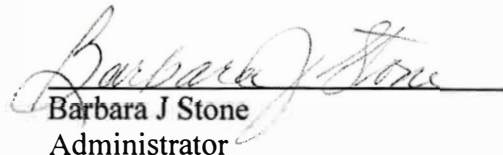
OF BOARD OF APPEALS

RE: Case No. V-103-21 Noufou Kirakoya

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: October 20, 2021d.

CERTIFICATE OF SERVICE

This is to certify that on March 3, 2022, 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

Petitioner: Noufou Kirakoya

Appeal No.: V-103-21

Subject Property: Lot 12, Block N Palmer Park Subdivision, being 8137 Allendale Drive, Landover Prince
George's County, Maryland

Witness: Roukiatou Kirakoya, Petitioner's Spouse

Heard: October 6, 2021; Decided: October 20, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

Board Member Absent: 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 27-120.01(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 obtain a building permit for the construction of a driveway. 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 1954, contains 5,400 square feet, is zoned R-35 (One-Family Semidetached Residential) and is improved with a single-family dwelling, brick patio and shed. Exhibits (Exhs.) 2 (A), 3, 7, 8, 9 (A) thru (F).
2. The subject lot is extremely narrow at 36 feet in width. Exhs. 2 (A), 3, 7, 8, 9 (A) thru (F).
3. Petitioner proposes to obtain a building permit for the construction of a driveway. Due the width of the lot being 36 feet, the proposed driveway must be partially located in front of the dwelling. Exhs. 2 (A), 3, 7, 8, 9 (A) thru (F).
4. Petitioner Nourou Kirakoya testified that he is proposing to install a driveway, principally because of his 10-year-old son who is handicapped and uses a walker for mobility.¹ He stated that although a handicapped sign was posted on the curb, his child even in using the walker finds it very hard to walk from the road to the house. In addition, he noted that Allendale Drive is very narrow and unsafe for his child to exit the vehicle. He stated that the adjoining neighbors on both sides of his property have driveways, as well as others in the neighborhood. The driveway will be 28" x 16". Exhs. 2 (A), and 4 (A) thru (G).

¹ A letter from their physician documented the necessity of mobility equipment for the child. Exh. 16.

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.

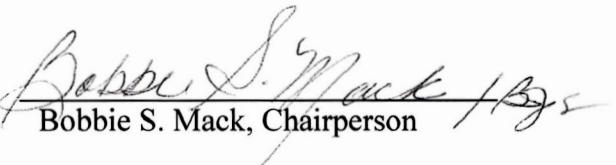
Findings of the Board

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 exceptional narrowness of the lot, the mobility of the child is limited, the documented need for mobility equipment for the child by the physician, the possible danger for the child in exiting from a vehicle on the street 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. Anastasia Johnson absent, that a waiver of the parking area location requirement in order to obtain a building permit for the construction of a driveway on the property located at 8137 Allendale Drive, Landover, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 (A).

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.

APPROVED **OCT 20 2021**

[illegible]

Section III – 2.

MARYLAND **WASHINGTON, D.C.** **VIRGINIA**

ADDRESS: **1137 ALLENDALE DRIVE**
WATTSVILLE, MD 20785

PARCEL 56

LOT 12
5,400 S.F.

LOT 11

LOT 13

ALLENDARE DRIVE
(60' R/W)

NEW 4" CONCRETE SLAB
WITH 5X15 10/16 GAUGE
WWM OVER 4"
COMPACTED WASHED
GRAVEL 6" - MIL VAPOR
RETARDER.

1 THIS IMPROVEMENT LOCATION DRAWING:

A. IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONVEYANCES TRANSFER OF INTERESTS, FINANCING OR INSURANCE.

B. DOES NOT BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF PROPERTY OR INTERESTS IN REAL ESTATE.

C. DOES NOT PROVIDE FOR THE ACCURATE REPRODUCTION OF THE PROPERTY OR INTERESTS IN REAL ESTATE.

D. IS NOT A GUARANTEE FOR THE TRANSFER OF TITLE OR SECURING FINANCIAL OR INSURANCE.

E. THE LEVEL OF ACCURACY OF ANY MEASURED DISTANCE OR AREA IS ONE FOOT, WORK OR LESS.

F. THIS PLAN MAY BE PREPARED WITHOUT BENEFIT OF A TITLE REPORT.

G. SUBJECT TO ALL EXAMINATIONS OR RECORDS.

EVERYBODY CERTIFY THAT THIS IMPROVEMENT LOCATION DRAWING IS FOR THE BENEFIT OF THE CONSUMER AND NOT FOR THE BENEFIT OF THE LENDER OR TITLE INSURANCE COMPANY OR ITS AGENT AND NOT FOR THE BENEFIT OF THE REAL ESTATE SURVIVOR OR DEVELOPER.

LOCATION DRAWING
LOT 12: BLOCK N
SUBDIVISION NAME
PLAT: #24 & 32
PRINCE GEORGE'S COUNTY, MARYLAND
SUB: 17/21

REAL ESTATE SURVIVORS AND DEVELOPERS, L.L.C.
RealEstate.com, Inc. and/or Land
WWW.REALSTATE.COM
LAUREL LAUREL DEVELOPMENT PARK
800 DOWNEY LANE
LAUREL, MARYLAND 20785

7/7/01

site plan
scale: 1/8"=1'-0"

8137 ALLENDALE DR, HYATTSVILLE MARYLAND 20785

Mark	Date	Revision

C002