

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

Petitioner: Janet Folem

Appeal No.: V-146-18

Subject Property: Lot 1, Block C, Hickory Hill Subdivision, being 6301 Hardwood Drive, Lanham,
Prince George's County, Maryland

Witness: Calisteus Folem, Husband

Heard: January 9, 2019; Decided: January 23, 2019

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 and a rear yard at least 20 feet in depth/width; and 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. Petitioner proposes to validate existing conditions (dwelling, development) and obtain a building permit for a gravel driveway extension and to complete construction of a covered front porch. Variances of 7 feet side street yard depth, 14 feet rear yard depth/width and 2.7% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1962, contains 9,044 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is a corner lot with the dwelling facing the legal side street at an angle. Exhibits (Exhs.) 2, 5, 9, 10 and 11 (A) thru (G).
2. Petitioner would like to obtain a building permit to complete construction of a 10' x 24' covered front porch, which is located 18 feet from the side street line. The existing dwelling is located 23 feet from the side street line, at the closest point, and 6 feet from the rear lot line. Variances of 7 feet side street yard depth and 14 feet rear yard depth/width were requested. Exhs. 2, 3, 4 (A) thru (E) and 6 (A) thru (G).
3. Petitioner would also like to obtain a building permit for a new gravel driveway, which extends from the existing concrete driveway to the side lot line and along the side to the back corner of the dwelling. Construction of the new porch and driveway area exceeds the amount of lot coverage allowed. A variance of 2.7% net lot coverage was requested. Exhs. 2, 3, 4 (A) thru (E) and 6 (A) thru (G).
3. Mr. Folem testified that Petitioner would like to construct a covered front porch because of the seepage of water into the dwelling. Mr. Folem explained that the water is seeping in from above the door and not from the roof. He stated that the water has caused black mold to grow in the house. Exhs. 2, 3, 4

(A) thru (E) and 6 (A) thru (G), 20 and 21.¹

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 property being a corner lot with the dwelling situated at an angle, water damage over the front door causing black mold to grow inside 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 7 feet side street yard depth, 14 feet rear yard depth/width and 2.7% net lot coverage in order to validate existing conditions (dwelling, development) and obtain a building permit for a gravel driveway extension and to complete construction of a 10' x 24' covered front porch on the property located at Lot 1, Block C, Hickory Hill Subdivision, being 6301 Hardwood Drive, Lanham, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 20 and approved revised elevation plan, Exhibit 21.

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:

¹ The porch will have 3 columns which will be wrapped in white vinyl.

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.