



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-29-23 Sosena Woldmichael

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 14, 2023.

CERTIFICATE OF SERVICE

This is to certify that on June 29, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone". Below the signature, the name "Barbara J. Stone" is printed in a standard font, followed by the title "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: Sosena Woldemichael

Appeal No.: V-29-23

Subject Property: Lot 2, Block S, Subdivision South Lawn, being 7115 Drive, Oxon Hill, MD 20745
Prince George's County, Maryland

Heard and Decided: June 14, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Carl Isler, Member
Teia Hill, Member
Renee Alston, Member

Board Member Absent: Anastasia Johnson

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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-4202(e) 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 is proposing to obtain a building permit for the construction of a driveway located partially in front of the house. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1953, contains 13,823 square feet, is zoned RSF-65 (Residential, Single-Family-65) and is improved with a single-family dwelling and rear brick patio with a partial cover and fence. Exhibits (Exhs.) 2, 4, 6, 7 and 8 (A) thru (F).
2. The subject property is shaped as an elongated rectangle with an 87.5 PEPCO easement (overhead wires) crossing the rear yard. The topography of the front portion of the yard slopes down near the sidewalk. Exhs. 2, 4, 6, 7 and 8 (A) thru (F).
3. On March 22, 2023, Petitioner received an approved Site Road approval from the Department of Permitting, Inspections and Enforcement (DPIE) case number 219-2023-0 for a 10 wide x 40 long driveway which is stamped on the site plan. Exh. 2.
4. Petitioner Sosena Woldemichael is proposing to obtain a building permit for the construction of a driveway located partially in front of the house. A waiver of the parking area location requirement is requested.
5. Because of a Site Road requirement of a 3.5-foot setback¹ from the right property line, the proposed driveway must be located partially in front of the house. Exhs. 2, 4, 6, 7 and 8 (A) thru (F).

¹ Section 23-139 - Driveway entrance (a)(1)(B)(i)

6. Petitioner testified that she would like to build a driveway on her property to be located in the front on the right side. Exh. 2.

7. She explained that she works late at night which makes it very difficult to find parking for her vehicle on the street upon returning home. The proposed driveway will allow her off-street parking and safety.

8. Petitioner explained that the driveway will follow the incline at the front of the property with (no need) for a retaining wall.

9. She believed that the driveway will be in character with the neighborhood as several other properties in the immediate vicinity have driveways. Exhs. 2 and 3 (A) thru (D).

10. Madam Chair questioned if there was a garage on the left side rear of the house to which Ms. Woldemichael responded that the structure is a storage shed. Exhs. 2 and 3 (A) thru (D).

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

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 27-3613(d), more specifically:

Due to the Site Road requirement of a 3.5-foot setback from the right property line, the proposed driveway therefore must be located partially in front of the house, the need for safe and available parking at night 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 is requested in order to obtain a building permit for the construction of a driveway located partially in front of the house on the property located at 7115 Drive, Oxon Hill, 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, Exhibit 2.

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 27-3613 (c)(10)(B) 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.

