



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

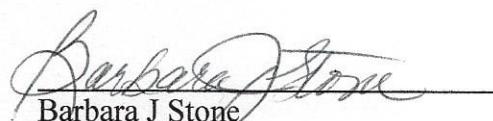
OF BOARD OF APPEALS

RE: Case No. V-37-20 Leslie E. Bailey, III

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: November 18, 2020

CERTIFICATE OF SERVICE

This is to certify that on March 19, 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

Petitioner: Leslie E. Bailey III

Appeal No.: V-37-20

Subject Property: Lot 24, Block J, Palmer Park Subdivision, being 2217 Matthew Henson Avenue,
Hyattsville, Prince George's County, Maryland

Witness: Inspector Juan Swann, Department of Permitting, Inspections and Enforcement (DPIE)

Heard and Decided: November 18, 2020

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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings. 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 validate an existing condition (front yard depth) and obtain a building permit for a proposed driveway. Variances of 5 feet front yard depth, 2.8% net lot coverage and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1954, contains 3,741 square feet, is zoned R-35 (One-Family Semidetached Residential) and is improved with a single-family dwelling (semi-detached) with concrete rear patio. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (G).

2. The lot is very narrow at 35.69 feet wide. Exhs. 2 and 3.

3. Petitioner would like to obtain a building permit for a proposed 10' x 20' driveway. With the addition of the driveway, the lot coverage will be over the allowable 30% net lot coverage by 2.8% for which a variance is requested. Petitioner also requires validation of an existing condition - the front porch is encroaching the front yard setback - and a variance of 5 feet front yard setback is required. Due to the partial location of the driveway being in front of the dwelling, a waiver of the parking area location requirement is also requested. Exhs. 2, 4 (A) thru (D).

4. Petitioner Leslie W. Bailey stated that he would like to add a driveway on his property. His niece is renting the property and he is very concerned about her consistent parking around the corner and having to walk unsafely home at night. Petitioner noted that many of the properties in the neighborhood have driveways. He stated that he and his parents have owned the subject property for over 60 years without a driveway. He added that there are several handicapped signs on the street (Matthew Henson Avenue), which further limits available parking spaces. Exhs. 2, 4 (A) thru (D).

5. Petitioner testified further that because his property is located very close to the Fed Ex Field stadium, it is very hard to find a parking space.

6. Inspector Juan Swann stated that he understood Mr. Baileys' point and is aware of the new construction in the nearby neighborhood with driveways placed in front of homes. He said that the new construction property is very close to the stadium traffic and their driveways in the front are not out of character in the neighborhood.

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

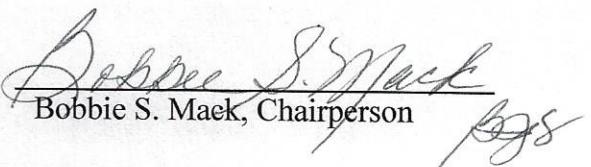
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrow shape of the lot (being only 35.9 feet wide), the subject property's close vicinity to the Fed Ex Field Stadium, the lack of on-street parking, the need for his niece to walk safely to the home, new construction having front yard driveways, 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 5 feet front yard depth, 2.8% net lot coverage and a waiver of the parking area location requirement in order validate an existing condition (front yard depth) and obtain a building permit for the proposed driveway on the property located at 2217 Matthew Henson Avenue, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances 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 27-233(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.

LOCATION DRAWING

ADDRESS: 2217 MATTHEW HENSON AVENUE

LOT 4

LOT 5

SOUTH 35.69'

LOT 24
3,741 S.F.

CONC
PATIO

10' DRAINAGE
EASEMENT

LOT 25

LOT 23



NOTES:
 1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR
 AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS
 AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR
 REFINANCING.
 2. THIS LOCATION DRAWING IS NOT TO BE USED FOR BUILDING OF FENCES
 OR OTHER IMPROVEMENTS.
 3. THIS LOCATION DRAWING IS NOT TO BE RELIED UPON FOR THE ACCURATE
 IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION
 MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING
 FINANCING OR REFINANCING.
 4. LEVEL OF ACCURACY IS 1±.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, UNLESS OTHERWISE NOTED. WE ASSUME NO RESPONSIBILITY, OR LIABILITY FOR ANY RIGHT-OF-WAYS ON THE RECORD OR EASEMENTS RECORDED OR UNRECORDED NOT APPEARING ON THE RECORDED PLAT OR MENTIONED IN THE DEED REFERRED TO HEREON. NO TITLE REPORT WAS FURNISHED.



PROFESSIONAL SEAL

DATE

BOARD OF APPEALS

APPROVED NOV 18 2020

[Signature]
ADMINISTRATOR

EXH. # 2
V-37-20

DRAWN BY: BF

MATTHEW HENSON AVENUE
(FORMERLY 82ND AVENUE)

60' RW

APPLIED CIVIL ENGINEERING

9470 ANNAPOLIS ROAD, SUITE 414
LANHAM, MD 20706
PHONE 301-459-5932
FAX 301-459-5974
APPLIEDCIVIL.ACE@VERIZON.NET

LOCATION DRAWING
PALMER PARK
LOT 24 BLOCK J SECTION 1
BOOK 41371 PAGE 576
PLAT BOOK 23@61
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1" = 20'
DATE: 2/25/20

FILE: 2217 MATTHEW HENSON AVE

CASE: 0