



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

BOARD OF ADMINISTRATIVE APPEALS

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-99-19 Wang Chen

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: September 9, 2020.

CERTIFICATE OF SERVICE

This is to certify that on November 9, 2020, 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 is typed in a standard font.

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: Wang Chen

Appeal No.: V-99-19

Subject Property: Lot 23, Block T, University Gardens Subdivision, being 2402 Lewisdale Drive,
Hyattsville, Prince George's County, Maryland

Mandarin Language Interpreter: Lingyi Zhang

Heard: March 4, 2020; Decided: September 9, 2020

Board Members Present and Voting: 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 a variance from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. 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 building line width) and obtain a building permit for a proposed driveway in front of the house. A variance of 10 feet front building line width and 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 1947, contains 7,145 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (G).
2. The property is very narrow. Exh. 2.
3. Petitioner proposes to validate an existing condition (front building line width) and obtain a building permit for a proposed 20' x 20' driveway in front of the house. Because the front building line width is only 55 feet, a variance of 10 feet is required. In addition, because the proposed driveway will be partially located in front of the dwelling, a waiver of the parking area location requirement is requested Exhs. 2 and 4 (A) thru (E).
4. Petitioner explained that the driveway is needed because the roads are very narrow and there are insufficient street parking spaces. He contended that the only suitable location for an off-street driveway on the (narrow) lot is in front of the dwelling. Exhs. 2, 4 (A) thru (E) and 9 (A) thru (G).
5. Petitioner reduced the driveway to 12' x 20'. Exh. 19.

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.

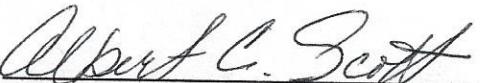
Findings of the Board

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 subdivided in 1947, the front building line not meeting current standards, the property being too narrow to provide a side yard driveway 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. Bobbie Mack absent, that a variance of 10 feet front building line width and a waiver of the parking area location requirement in order to validate an existing condition (property) and obtain a building permit for a proposed driveway on the property located at 2402 Lewisdale Drive, Hyattsville, 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 19.

BOARD OF ZONING APPEALS

By: 
Albert C. Scott, Vice Chairman

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.

Revised

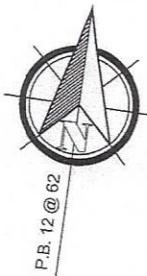
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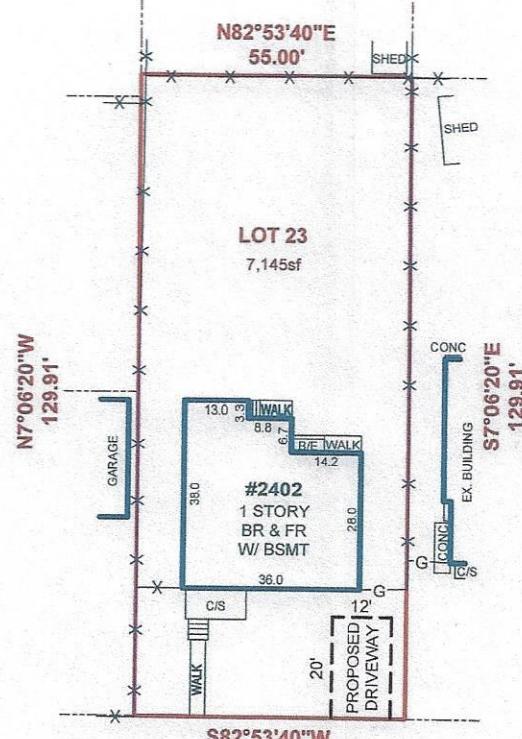
CASE #: ****



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LEWISDALE DRIVE

BOARD OF APPEALS
APPROVED SEP 9 2020
[Signature]
ADMINISTRATOR

NOTE:
ENCROACHMENTS
MAY EXIST

PROPOSED DRIVEWAY FOR:

#2402 LEWISDALE DRIVE

LOT 23

BLOCK T

UNIVERSITY GARDENS

PLAT BOOK 12, PLAT 62

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=30' DATE: 01-23-2019

DRAWN BY: AJ FILE #: 190441-745

LEGEND:

* - FENCE
 B/E - BASEMENT ENTRANCE
 B/W - BAY WINDOW
 BR - BRICK
 BRL - BLDG. RESTRICTION LINE
 BSMT - BASEMENT
 C/S - CONCRETE STOOP
 CONC - CONCRETE
 D/W - DRIVEWAY
 EX - EXISTING
 FR - FRAME
 MAC - MACADAM
 GATE
 G/M - GATE MANS
 PUE - PUBLIC UTILITY ESMT.
 PIE - PUBLIC IMPROVEMENT ESMT.
COLOR KEY:
 (RED) - RECORD INFORMATION
 (BLUE) - IMPROVEMENTS
 (GREEN) - ESMTS & RESTRICTION LINES

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SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12, CHAPTER 09,13.05 OF THE CODE OF MARYLAND ANNOTATED AND RECORDED. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAN DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, AND THE IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAN IS FOR BENEFIT TO A CONSUMER ONLY INSOFA AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT. THIS SURVEY IS NOT FOR THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1/4" IN 30' OR 100'. NO DUTY IS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR, OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

DULEY & ASSOC.

WILL GIVE YOU A 100%
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SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.
(EXCLUDING D.C. & BALT. CITY)

EXH. # 19
V-99-19