



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-100-19 Bi Qin He

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 smaller, sans-serif 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: Bi Qin He

Appeal No.: V-100-19

Subject Property: Lot 7, Block S, University Gardens Subdivision, being 2413 Lewisdale Drive,
Hyattsville, Prince George's County, Maryland

Municipality: Hyattsville

Witness: Wang Chen, Neighbor

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) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 2 feet rear lot line. Section 27-120.01(c) 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 existing conditions (property and dwelling) and obtain a building permit for unauthorized construction, of a driveway in front of the house. Variances of 10 feet front building line width, 5.5 feet front yard depth, a .5-foot rear lot line setback for an accessory building 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 6,978 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling and shed. The dwelling was constructed in 1949. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (G).

2. Petitioner proposes to validate existing conditions (property and dwelling) and obtain a building permit for the unauthorized construction of a 26' x 20' driveway in front of the house. In addition, because the lot was created in 1947 and the dwelling was built in 1949, two variances related to the front building line and front yard depth of the lot and additional variances to validate the original construction of the dwelling are necessary to comply with current standards under the Zoning Ordinance. A variance of .5 feet rear lot line for the accessory building (shed) is also required to validate the shed location under the current code requirement of 2' setback. A waiver of the parking area location is required for the construction of the unauthorized driveway is located in front of the dwelling. Exhs. 2, 3, 6, 7 and 8 (A) thru (G).

4. Petitioner Bi Qin He believed that a driveway cannot be placed beside the house because the side yards are very narrow.

5. She stated that the road in front of her house (Lewisdale Drive) is very narrow and street parking space is extremely limited. She initially requested a double driveway and stated that there are properties in the immediate area that have large driveways. Exhs. 2 and 4 (A) thru (H).

6. Petitioner subsequently agreed to reduce the size of the driveway to 12' x 23'. Exh. 18.

7. Wang Chen assured the Board that the driveway will be built 3 feet away from the front the house. Exh. 18.

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

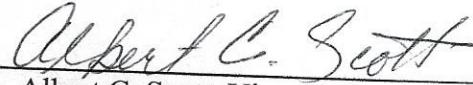
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1947 with the dwelling being built in 1949, the front building line and the lot width do not meet current standards, the property being too narrow to provide a driveway to the side of the dwelling, 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 variances of 10 feet front building line width, 5.5 feet front yard depth, and a waiver of the parking area location requirement in order to validate existing conditions (property and dwelling) and obtain a building permit for unauthorized construction of a driveway on the property located at 2413 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, Exh. 18.

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.

BOARD OF APPEALS

APPROVED

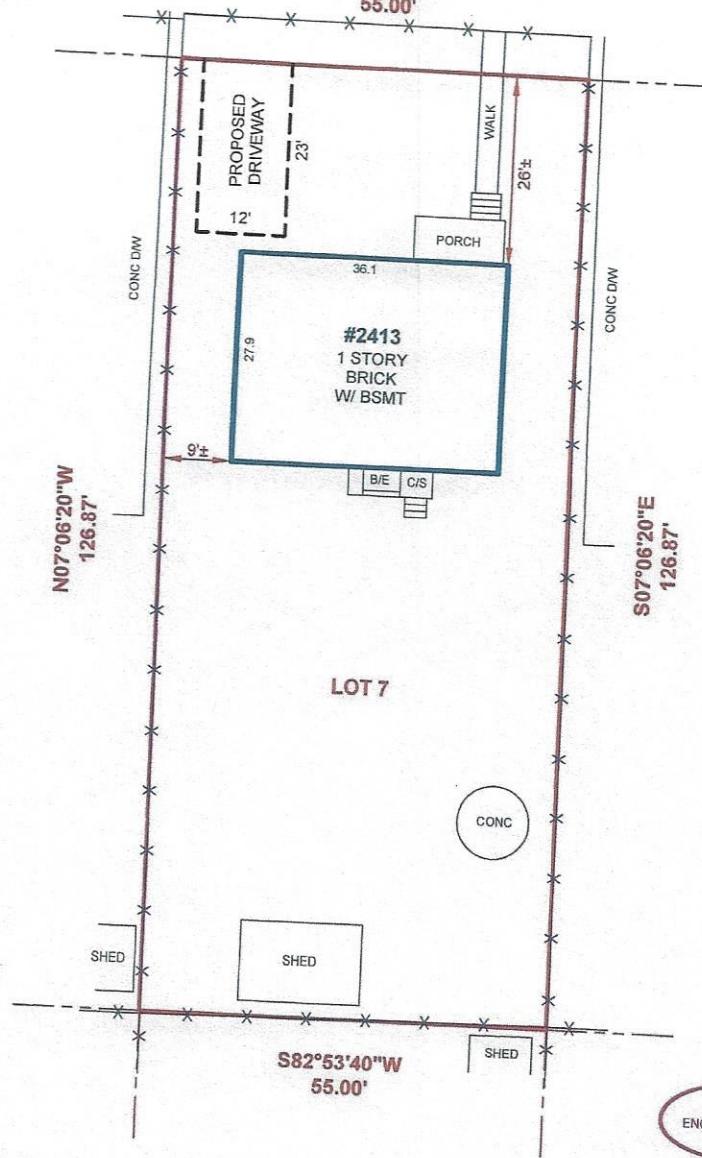
SEP 9 2000

[Signature]
ADMINISTRATOR

LEWISDALE DRIVE

N82°53'40"E

55.00'



PROPOSED DRIVEWAY FOR:

#2413 LEWISDALE DRIVE
LOT 7

BLOCK S

UNIVERSITY GARDENS

PLAT BOOK 12, PLAT 62

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 4-28-16

DRAWN BY: CP FILE #: 162835-200

LEGEND:

* - FENCE
 B/E - BASEMENT ENTRANCE
 BW - BAY WINDOW
 BR - BRICK
 BL - BLOG, RESTRICTION LINE
 BSMT - BASEMENT
 C/S - CONCRETE STOOP
 CONC - CONCRETE
 D/W - DRIVEWAY
 FR - FRAME
 MAC - MACADAM
 OH - OVERHANG
 PUE - PUBLIC UTILITY ESMT.

COLOR KEY:

(RED) - RECORD INFORMATION
 (BLUE) - IMPROVEMENTS
 (GREEN) - ESMTS & RESTRICTION LINES

A Land Surveying Company

DULEY
and
Associates, Inc.



14604 Elm Street, Upper Marlboro, MD 20772

Phone: 301-888-1111 Fax: 301-888-1114
Email: orders@duley.biz On the web: www.duley.biz



SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED THEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12 CHAPTER 09,13.06 OF THE CODE OF MARYLAND, AND RELATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCIAL OR REFINANCING. THIS PLAT IS OF BENEFIT TO THE SURVEYOR ONLY INSOFAK AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. 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 DISREPAIR 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%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.
(EXCLUDING D.C. & BALT. CITY)

EXH. # 18
V-100-19