

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

Petitioner: New Capital Investment Group

Appeal No.: V-127-19

Subject Property: P/O Parcel 078, Map 114, Grid F1, 8318 Bock Road, Fort Washington, Prince George's
County, Maryland

Counsel for Petitioner: Abdullah Hijazi, Hijazi Law Group

Witnesses: Ying Lu, Property Owner

Ke Zhong Zhao, Property Owner

Heard and Decided: December 4, 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, Petitioners request that the Board approve variances from Section 27-442(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 10,000 square feet. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(e)(Table IV) prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Section 27-442(c)(Table II) prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to construct a proposed 2-story addition and add a second story addition to the existing dwelling, asphalt driveway and covered porch. Variances of 2,454 square feet net lot area, 19 feet front yard depth, 14 feet rear yard depth/width and .7% net lot coverage were requested¹.

Evidence Presented

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

1. The property was subdivided by deed in 1962, contains 7,546 square feet, is zoned R-R (Rural Residential), and is improved with a single-family dwelling, deck, gravel driveway and shed. Exhibits, (Exhs.) 2, 4, 5, 6, 7, 12, 13 and 14 (A) thru (D).
2. The lot is odd shaped (wide in the front and a relative short rear yard). Exh. 2.
3. Petitioner would like to validate existing conditions related to the existing lot size, front yard setback, and rear yard setback. Petitioner is proposing to construct a 2-story addition at the side of the dwelling, add an additional story over the remaining portion of the dwelling, an asphalt driveway and front covered porch. The new development is related to the overage of net lot coverage. (Exhs.) 2, 4, 5, 6, 7, 12, 13 and 14 (A) thru (D).
4. Attorney Abdullah Hijazi explained that the dwelling was built in 1900 and is extremely small (approximately 767 square feet). Exhs. 2, 3 (A) thru (D) and 9 (A) thru (D).

¹ The Hearing Notice incorrectly stated as necessary certain lot coverage, front yard and rear yard setbacks. The Final Decision revised the variances, respectively, to reflect the current requests on appeal.

5. Counsel Hijazi further stated that the subject property is on a private road, off of Bock Road. He stated that the proposed structure will include a 2-story addition to the existing dwelling and 2nd story on top of the existing dwelling. A covered porch will be located in the front of the dwelling. In addition, Petitioner is requesting permission to install a 32' X 19' macadam driveway. Exhs. 2, 3 (A) thru (D) and 9 (A) thru (D).

6. Petitioner Ying Lu testified that neighboring houses are two-story, 2,000 square foot Colonial homes and the proposed expanded dwelling will be in character with the residential neighborhood. Exhs. 2, 3 (A) thru (D) and 9 (A) thru (D).

7. Counsel Hijazi noted that the subject house has been vacant for years, is in total disrepair and filled with rodents and bees. He stated that the existing dwelling is an eyesore. Exhs. 2, 3 (A) thru (D) and 9 (A) thru (D).

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the original dwelling (constructed in 1900) being comparably smaller to current dwellings in the community, the house having been vacant for years and in disrepair, and 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 2,454 square feet net lot area, 17 feet front yard depth, 6 feet rear yard depth/width and 3.7% net lot coverage in order to validate existing conditions (lot size, front yard, rear yard and lot coverage) and to obtain a building permit to construct a proposed 2-story addition and add a second story addition to the existing dwelling, asphalt driveway and covered porch on the property located at 8318 Bock Road, Fort Washington, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exh. 2 and approved elevation plans, Exhs. 3 (A) thru (D).

BOARD OF ZONING APPEALS

By:

ORIGINAL SIGNED)

Bobbie S. Mack, Chairperson

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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.