

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-47-17 Yu Lin

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 7, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on July 20, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Barbara J. Stone
Acting Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Lewisdale Citizens' Association

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

Petitioner: Yu Lin

Appeal No.: V-47-17

Subject Property: Lot 9, Block 10, Lewisdale Subdivision, being 7006 22nd Avenue, Hyattsville,
Prince George's County, Maryland

Heard and Decided: June 7, 2017

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 a variance from Section 27-120.01(c) of the Zoning Ordinance, 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 construct a driveway in the front yard. 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 1946, contains 7,758 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and enclosed deck. Exhibits (Exhs.) 2, 3, 5, 6, 8 and 10 (A) thru (F).
2. Petitioner would like to construct a 25' x 10' driveway in the front yard. Exhs. 2, 4 (A) thru (B), 10 (A) thru (F) and 12.
3. The dwelling is located 8.5 feet and 8.5 feet from the left and right side yards, respectively. Exh 2.
4. Section 23-139 (a) (1) (B) of the Prince George's County Codes states that driveways must be located 3.5 feet from the side property line.
5. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the front yard between the front street line and the sides of the dwelling. Since part of Petitioner's driveway will be in the prohibited area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2 and 12.
6. Petitioner Yu Lin testified that most lots within the subdivision, including his neighbor's property (Lot 8), have driveways. Exh. 3. The proposed driveway will be approximately 4 to 5 feet away from the right-side yard line. Exhs. 2, 4 (A) thru (B) and 10 (A) thru (F).
7. Petitioner stated that his neighbor on lot 8 did not object to the driveway proposal. Exhs. 2 and 13.
8. Mr. Yu Lin explained that it is dangerous getting small children into and out of his vehicle when parked on 22nd Avenue. Exhs. 2, 4 (A) thru (B) and 10 (A) thru (F).

9. Lewisdale Citizen Association provided no comments.

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 does/does not comply with the applicable standards set forth in Section 27-230, more specifically:

Due to safety concerns with small children when parking on 22nd Avenue, compliance with the minimum side yard requirements for driveways necessitating locating the proposed driveway partially in front 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, unanimously, that a waiver of the parking area location requirement to construct a 25' x 10' driveway in the front yard on the property located at Lot 9, Block 10, Lewisdale Subdivision, being 7006 22nd Avenue, Hyattsville, Prince George's County, Maryland, 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: (Original Signed)
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.