



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-45-24 Kevin and Elizabeth Chamberlain

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: July 24, 2024.

CERTIFICATE OF SERVICE

This is to certify that on January 29, 2025, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

Ellis Watson

Ellis Watson
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: Kevin and Elizabeth Chamberlain

Appeal No.: V-45-24

Subject Property: Lot A, Block 61, Cheverly Subdivision, being 2709 Valley Way, Hyattsville, Prince George's County, Maryland

Witnesses: Andrew Tausz, Neighbor

Kathleen Duis, Neighbor

Morgan Bromhead, Neighbor

Heidi Loch, Neighbor

Heard: July 24, 2024; Decided: July 24, 2024

Board Members Present and Voting: Omar Boulware, Chair

Phillippa Johnston, Vice Chair

Dwayne Stanton, 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 27-3303 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-4202(e)(6) prescribes that the side yard depth alongside the street shall have at least 25 feet in depth. The Petitioner proposes to obtain a building permit for the proposed one-story addition (12.0 x 15.4). A variance of 8 feet side yard depth alongside street line (Valley Way) is requested.

Evidence Presented

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

1. The property was subdivided in 1935, contains 12,479 square feet, is zoned RSF-65 (Residential, Single-Family - 65), and is improved with a 2-story single-family house and brick patio. Exhs. 3, 5, 8, and 9.

2. The subject lot is located on a corner lot with Forest Road considered the legal front of the property. The property has a uniquely long and narrow shape with large setbacks due to two (2) county-maintained stormwater grate drains that are on the property. Exhs. 2, 3, 5, 6 (A) thru (H), 10 (A) thru (F) and 11 (A) thru (C).

3. The Petitioner proposes to obtain a building permit to construct a one-story addition (12.0 x 15.4). Exhs. 2 and 4 (A) & (B).

4. Administrator Stone gave the Board a brief overview of the variance request, and informed the Board that Forest Road is considered the legal front of the Petitioners' property and Valley Way is the side street. Exh. 3.

5. The Petitioners, Kevin and Elisabeth Chamberlain, testified that they have owned the subject property since 2018 and would like to construct a one-story addition that would maintain the architectural and structural integrity of the brick and steep roof lines. Exhs. 4 (A) & (B) and 6 (A) thru (H).

6. The Petitioners indicated that their primary motivations for constructing the one-story addition to their existing porch are to be able to work from home and maintain space for their family.

7. Several neighbors testified in support of the project. Their testimony focused on the property's many challenges with stormwater runoff, which would hinder the construction project if any deviation from the proposed plans were made.

8. Administrator Stone asked the Petitioners if the subject property was located within the city limits of the Town of Cheverly. The Petitioners answered in the affirmative and provided a letter stating that the Town of Cheverly approved of the proposed construction. Exh. 16.

9. Chair Boulware asked the Petitioners if the scope of any of their requests could be reduced so that a variance would not be required. Administrator Stone verified that the Petitioners would have to move the entire footprint of the house in order to accomplish not needing a variance.

10. Vice Chair Johnston made the Motion to Approve V-45-24 and Seconded by Board Member Stanton. Motion carried by a 3-0 vote.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

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 27-3613(d), more specifically:

The Board determined through the evidence presented in the record that the Petitioners property is physically unique and unusual in a manner different from the nature of the surrounding properties due to it being on a long and narrow corner lot with two (2) county-maintained stormwater grate drains on the subject property.

Further, the particular uniqueness and peculiarity found on the Petitioner's property causes a zoning provision to impact disproportionately on the property, and strict application of the provision would prohibit the Petitioners from improving their property. Additionally, the Board determined that there is evidence in the record to support that this variance is the minimum reasonably necessary to overcome the exceptional physical conditions found on the property. The Board found no evidence in the record that this variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the property. Moreover, the Petitioners had several neighbors testify on their behalf that this variance would not impair the use and enjoyment of the adjacent properties. Lastly, the practical difficulty is not self-inflicted as the owner is awaiting approval before beginning construction.

BE IT THEREFORE RESOLVED, by a **3-0 vote**, that a building permit for the construction of a one-story addition (12.0 x 15.4) on the property located at 2709 Valley Way, Hyattsville, 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 3, and the approved elevation plan, Exhibit 4 (A) & (B).

BOARD OF ZONING APPEALS

By: 

Omar Boulware, Chairperson

APPROVED FOR LEGAL SUFFICIENCY

By: 

Keisha Garner, Esq.

NOTICE

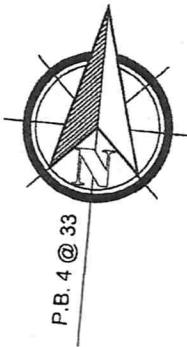
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-3613(c)(10)(B) 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.



THE LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES IS: 2'±



Proposed Addition
1 Story
(12.0 x 15.4)

LEGEND:

- X** - FENCE
- B/E** - BASEMENT ENTRANCE
- B/W** - BAY WINDOW
- BR** - BRICK
- BRL** - BLDG. RESTRICTION LINE
- BSTM** - BASEMENT
- C/S** - CONCRETE STOOP
- CONC** - CONCRETE
- D/W** - DRIVEWAY
- UP** - UTILITY POLE
- FR** - FRAME
- MAC** - MACADAM
- WW** - WINDOW WELL
- O/H** - OVERHANG
- WM** - WATER METER

COLOR KEY:

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

LOCATION DRAWING OF:

9 VALLEY

#2709 VALLEY WAY
LOTA BLOCK 61

A BLOOM SECTION C

**SECTION 9
CHEVERLY**

CHEVERET
PLAT BOOK 4 PLAT 33

PLAT BOOK 4, PLAT 33
PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=30' DATE: 04-26-2024

DRAWN BY: AP FILE #: 243464-200

SEARCHED INDEXED SERIALIZED FILED 2-13-84 EBB

THE COLLECTOR'S GUIDE

STATE OF MARYLAND

STATE OF C. MANN CANADA



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 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS, THIS PLAT DOES NOT PROVIDE 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. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 2'. NO TITLE REPORT WAS 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 DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

A Land Surveying Company

DULEY
and
associates, Inc.

Serving D.C. and MD.
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

EXH. # 3
V-45-24

BOARD OF APPEALS

APPROVED JUL 24 2024

Ellis Watson

ADMINISTRATOR

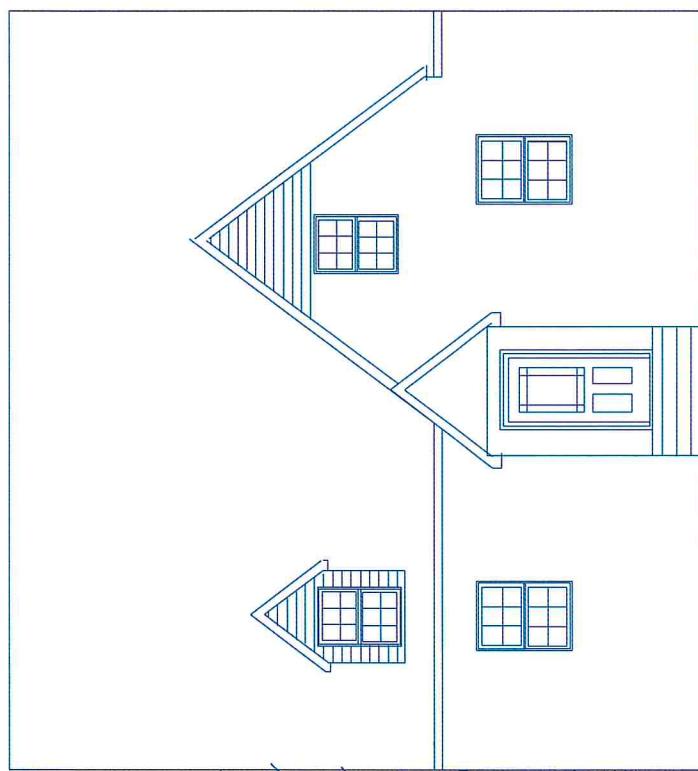
PROJECT NAME AND ADDRESS KEVIN AND LIZ CHAMBERLAIN 2709 VALLEY WAY CHEVERLY MD 20785	SCALE 1* 1'0"	DATE
DRAWING TITLE ELEVATIONS	DRAWING NUMBER	A2
		SHEET 2 OF 3

4(A)

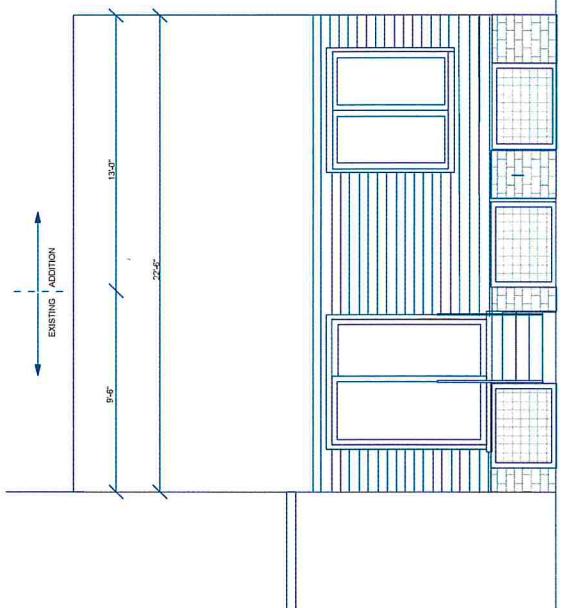
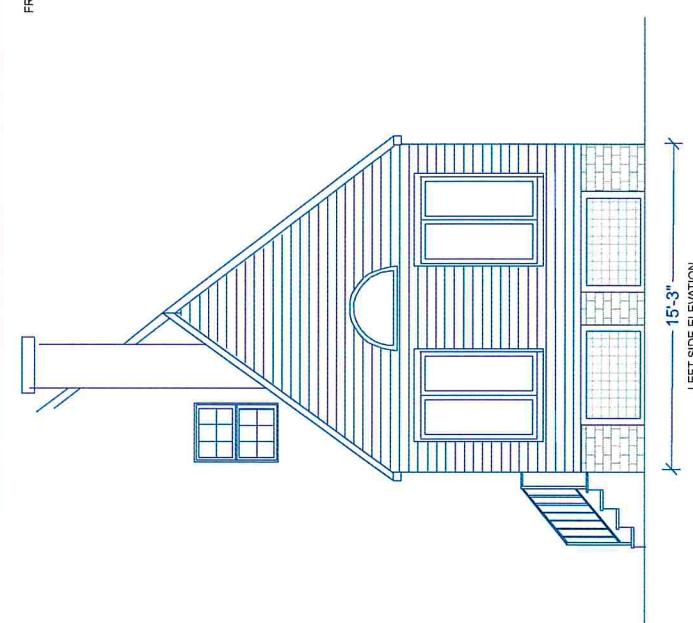
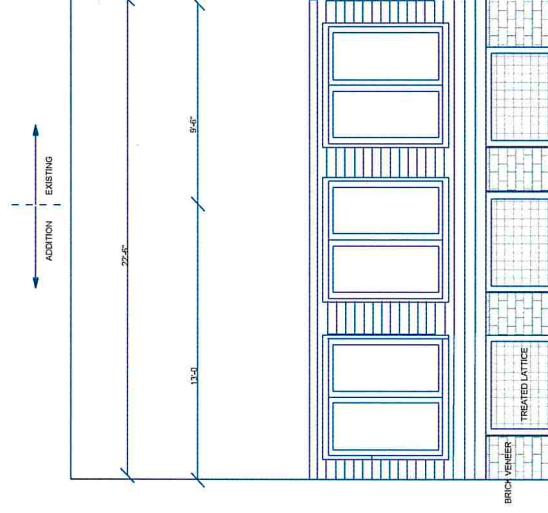
SCALE 1* 1'0"

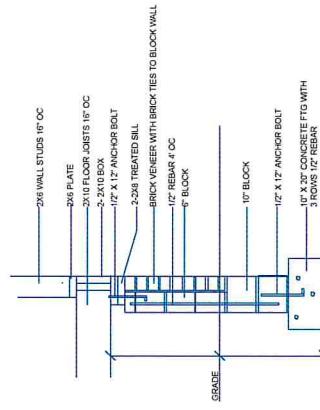
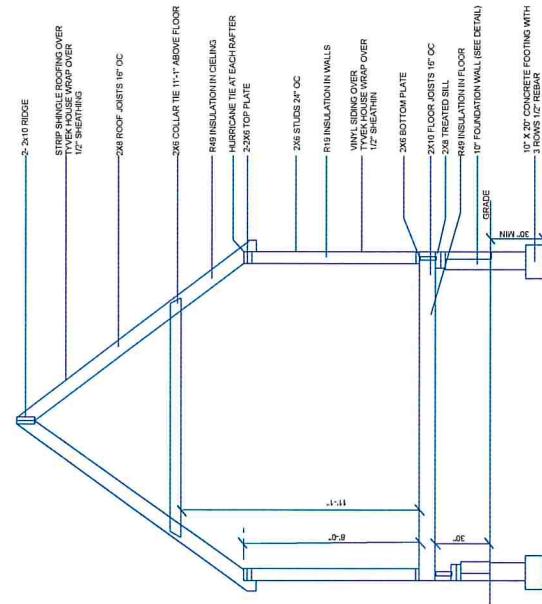
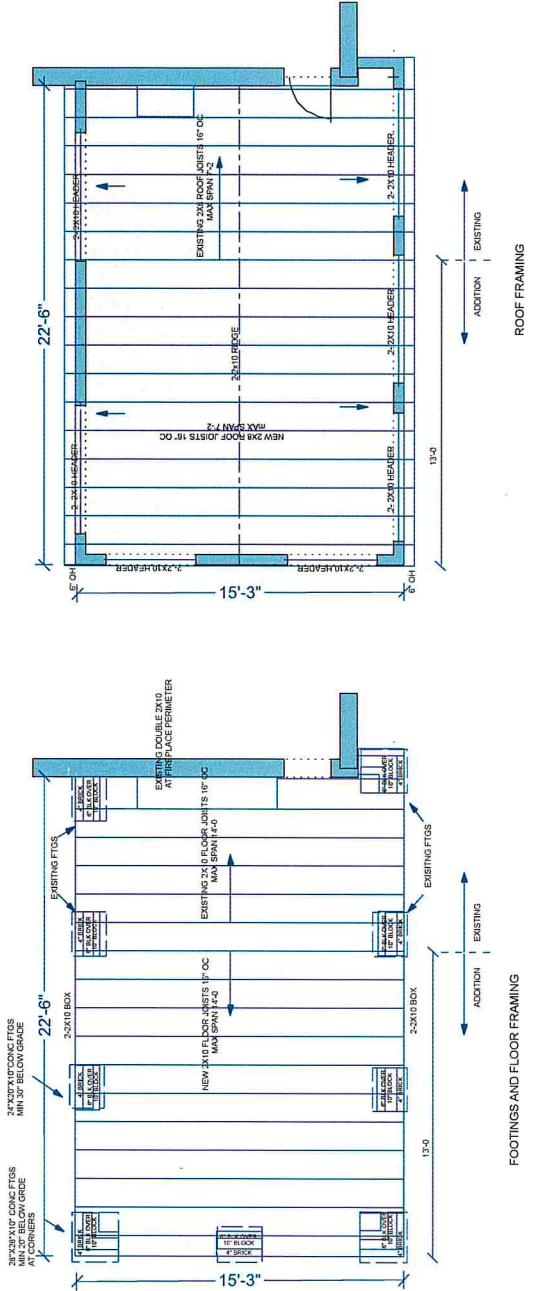
EXH. # 4(A-B)
V-45-24

REAR ELEVATION



FRONT ELEVATION





FOOTING DETAIL
SCALE 1/2" = 1'-0"

PROJECT NAME AND ADDRESS
KEVIN AND LIZ CHAMBERLAIN
2709 VALLEY WAY
CHEVERLY MD 20785

DRAWING TITLE
FOOTINGS
FRAMING AND
DETAILS

SCALE	DATE
14'-1"	
DRAWING NUMBER	
A3	
SHEET 3 OF 3	

SCALE 1/4" = 1'-0"

4(B)