

NOTICE OF CORRECTED FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-7-16 Gary and Joan Beall

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: March 9, 2016.

CERTIFICATE OF SERVICE

This is to certify that on March 24, 2016, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Anne F. Carter
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of Cheverly

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

Petitioners: Gary and Joan Beall

Appeal No.: V-7-16

Subject Property: Lot 26, Block 52-A, Cheverly Subdivision, being 2505 Valley Way, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Witness: Mark Wardlaw, Petitioners' contractor

Heard and Decided: March 9, 2016

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 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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioners propose to construct a covered front porch. A variance of 3 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1947, contains 6,912 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1951. Exh. 7.

2. The property is a long and narrow lot, being 125 feet deep and only 54 feet wide. Exh. 2.

3. Petitioners would like to construct a 4' x 6' covered front porch to replace an awning over the existing front stoop, but a variance is needed to obtain a building permit. Since the covered porch will be located 22 feet from the front street line, a variance of 3 feet front yard depth was requested. Exh. 11.

4. Petitioner Gary Beall testified that the awning has deteriorated and become an eyesore.

5. Petitioner Joan Beall testified that there are houses with porticos throughout Cheverly, including a house on her street.

6. Contractor Mark Wardlaw stated that the proposed portico would have a simple roof over the stoop with two posts extending down. He explained that the existing stoop would be used, the metal railing removed and a new railing would be constructed of PVC. He testified that the dimensions of the new porch, termed a portico, will not extend beyond the existing stoop. *See also* Exh. 2.

7. Four adjoining property owners expressed either support for or lack of opposition to the subject variance request. Exhs. 18(a) thru (d).

8. The Town of Cheverly supported the request. Exh. 17.

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 existing dwelling being built many years ago, the narrowness of the property, the awning over the front stoop having existed for more than 35 years, the proposed porch not extending beyond the existing footprint of the stoop, the existence of porticos on houses throughout the community, 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Chairperson Bobbie Mack absent, that a variance of 3 feet front yard depth in order to construct a 4' x 6' covered front porch on the property located at Lot 26, Block 52-A, Cheverly Subdivision, being 2505 Valley Way, Cheverly, 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, and the approved elevation plans, Exhibits 3(a) thru (c).

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.