



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-11-18 Northgate Investments LLC

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 13, 2018.

CERTIFICATE OF SERVICE

This is to certify that on June 21, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


Barbara J. Stone
Administrator

cc: Petitioner
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

Petitioner: Northgate Investments LLC

Appeal No.: V-11-18

Subject Property: Lot 22, Block B, Cheverly Subdivision, being 2212 Cheverly Avenue, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Counsel for Petitioner: Gidaon Obi, Esq., Fidelity Law Firm

Witnesses: Temidaya Akinselure, President, Northgate Investments, LLC, Property Owner

Akinola Akinselure, Spouse

Helen Cross Key, Neighbor

Heard: April 25, 2018; Decided: June 13, 2018

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 front of 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 1919, contains 10,153 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 3, 5, 7, 8, 9 (A) thru (F) and 10.
2. Petitioners initially requested to construct an 18' x 30' driveway, most of which would be in front of the dwelling. Petitioners have submitted a revised site plan reducing the driveway to 12' x 20'. Exh. 26. Exhs. 2, 4 (A) thru (I), 7, 8 and 9.
3. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling. Since part of Petitioner's driveway will be located in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 4 (A) thru (I), 9 (A) thru (F) and 10.
4. Mr. Obi stated the variance for the parking area location is sought to construct a driveway on the subject property. He further stated that the property does not have a garage and is located on an extremely steep incline.

5. Mr. Obi submitted photographs of other properties with driveways in the area and believes that the proposed driveway would not be out of character. Exhs. 2, 5 (A) thru (I), 18 and 19.

6. Mrs. Temidaya Akinselure explained that the walkway and steps are very long (42' feet) and steep and the proposed driveway would assist with safety. Exhs. 2 and 9 (A) thru (F).

7. Ms. Cross Key (2311 Bellevue Avenue) testified that her property is located directly behind the subject property. She stated that the subject property slopes up towards her property. Ms. Key is concerned about water run-off but does not oppose the driveway construction.

8. The Town of Cheverly supported the proposed variance. Exh. 25.

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 owners 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 located on an extremely steep slope, the walkway and steps being very long (42' feet) and steep, the proposed driveway assisting with safety 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, unanimously, that a waiver of the parking area location requirement in order to construct an 12' x 20' driveway in front of the front yard on the property located at Lot 22, Block B, Cheverly Subdivision, being 2212 Cheverly Avenue, Cheverly, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 26.

BOARD OF ZONING APPEALS

By: 
Bobbie S. Mack, Chairperson 

NOTICE

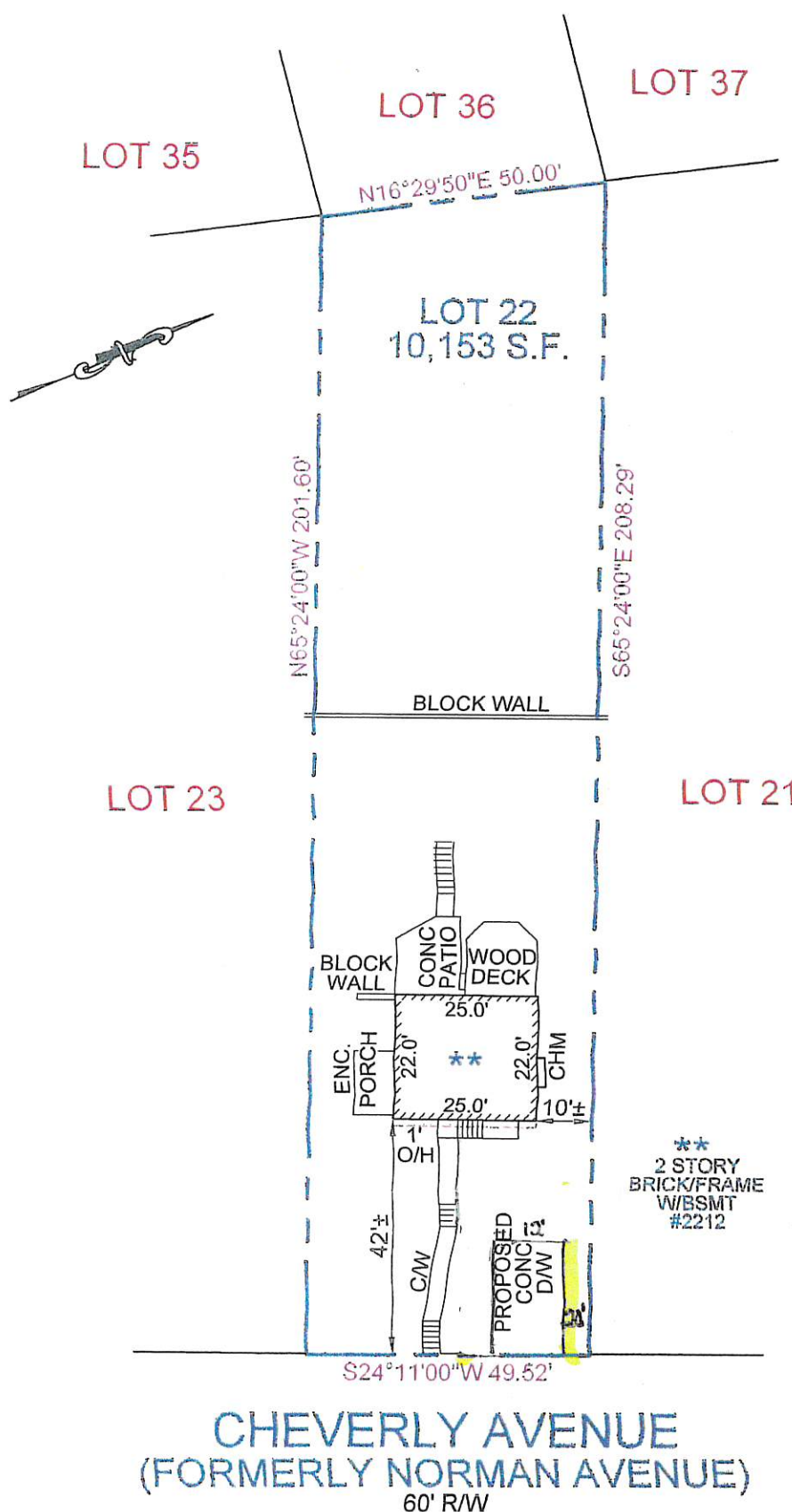
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

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.

ADDRESS: 2212 CHEVERLY AVENUE

JUN 12 2018



APPROVED
Barbara Hore
BOARD OF APPEALS
DATE: *June 13, 18*

NOTES:

1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.
2. THIS LOCATION DRAWING IS NOT TO BE RELIED UPON 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.
3. LEVEL OF ACCURACY IS 1'±.

DRAWN BY: RR

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED, OR SET, UNLESS OTHERWISE NOTED. WE ASSUME NO RESPONSIBILITY, OR LIABILITY FOR ANY RIGHT-OF-WAYS ON THE RECORD OR EASEMENTS RECORDED OR UNRECORDED, NOT APPEARING ON THE RECORDED PLAT OR MENTIONED IN THE DEED REFERRED TO HEREON. NO TITLE REPORT WAS FURNISHED.



PROFESSIONAL SEAL

DATE

12/3/17

LAND PRO ASSOCIATES, LLC.

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LOCATION DRAWING
CHEVERLY
SECTION 1, BLOCK B
LOT 22

BOOK 20346 PAGE 7
PLAT BOOK 2@38

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1" = 30'

DATE: 12/3/17

FILE: #2212 CHEVERLY AVENUE

CASE: # 0

EXH. # *26*
V-11-18