



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-88-24 Ortencia Nichols

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: February 26, 2025.

CERTIFICATE OF SERVICE

This is to certify that on May 16, 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
Town of Cheverly

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

Petitioner: Ortencia Nichols

Appeal No.: V-88-24

Subject Property: Lot 127, Block 7, Cheverly Subdivision, being 3006 Cheverly Avenue, Hyattsville, Prince George's County, Maryland

Municipality: Cheverly

Heard: February 26, 2025 and Decided: February 26, 2025

Board Members Present and Voting: Omar Boulware, Chair

Phillippa Johnston, Vice Chair

Board Member Absent:

Dwayne A. Stanton, Board 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 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e) which prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-4202(e)(1) prescribes that a lot shall have a minimum width of 65 feet at the building line. Section 27-4202(e)(3) prescribes that each lot shall have a side yard at least 8 feet in width. Variances of 1,000 square feet net lot area, 10-foot lot width at the building line, and 6-foot left side yard and 1-foot right side yard width are requested. 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 1940, before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, contains 5,500 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling and a deck. Exhs. 4, 5, 9, and 10.

2. The Petitioner proposes to obtain a building permit for the construction of a proposed (20' x 6' & 37' x 1') driveway extension, repair/replace, and raise the grade to alleviate water drainage of the existing driveway in front of the house, keep the garage enclosed, and not replace a garage door on the property. A waiver of the parking area location is requested. Exhs. 3 and 11.

3. The Petitioner, Ms. Nichols, testified that her request was necessitated by water issues found on her property. Exhs. 2 and 6 (A) thru (G).

4. Further, Ms. Nichols testified that her garage is located below ground level, and when storms arise, it floods her garage.

5. Additionally, Ms. Nichols told the Board she is seeking a Prince George's Rain Check Rebate sponsored by the Chesapeake Bay Trust for her permeable driveway. Ms. Nichols indicated that she received the permit for the permeable driveway; however, the Department of Permitting, Inspection, and Enforcement (DPIE) said she needed a variance for the enclosed garage.

6. Further, Ms. Nichols testified that the garage is not usable, and when the permeable driveway is installed, a car would not be able to fit in it.

7. Ms. Nichols made the Board aware that other houses in her neighborhood had enclosed garages. Chair Boulware asked Ms. Nichols if the other houses she mentioned went through the process of needing a variance. Ms. Nichols did not have an answer, and Chair Boulware stated to her that the Board could not verify the information provided.

8. Chair Boulware asked to see the aerial photos of the surrounding neighbors. Upon viewing, Chair Boulware stated that the lot size of the subject property was not unique; however, there were topographical issues that were unique to the subject property that were not present on the surrounding neighbors' properties. Exhs. 6 (A) thru (G), 7 (1) thru (3), and 13 (A) thru (D).

9. Vice Chair Johnston agreed with Chair Boulware's assertion that the subject property had topographical issues that were different than her surrounding neighbors.

10. Vice Chair Johnston made the Motion to Approve V-88-24, and the Motion was seconded by Chair Boulware. Motion carried by a 2-0 vote.

Applicable Code Sections 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:


Due to the subject property being subdivided in 1940 before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, the subject property is physically unique and unusual in a manner different from the nature of surrounding properties due to topographical issues found on

the subject property that caused flooding issues to impact the property more than the surrounding neighbors' properties. The particular uniqueness and peculiarity of the specific property would render, if applied, the Petitioner's garage to be impacted by stormwater run-off that would lead to additional flooding.

Additionally, the Board concluded that this variance is minimally necessary to overcome the exceptional physical conditions found on the property. The Board reviewed the record and found that granting the relief requested would not substantially impair the intent, purpose, and integrity of the General Plan or Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property. Moreover, there was no evidence presented or contained in the record that the variances would substantially impair the use and enjoyment of adjacent properties. Lastly, the Board found the practical difficulty was not self-inflicted due to the Petitioner not commencing construction before seeking a variance.

BE IT THEREFORE RESOLVED, by a 2-0 vote, Board Member Stanton being Absent, the waiver of the parking area location requirements on the property located at 3006 Cheverly Avenue, 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 4.

BOARD OF ZONING APPEALS

By: 
Omar Boulware (May 14, 2025 12:04 EDT)
Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By: 
Keisha A. 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.

BOARD OF APPEALS

THE LEVEL OF ACCURACY OF
DISTANCES TO APPARENT
PROPERTY LINES IS: **1"±**

Prince George's County, Maryland
Department of Permitting, Inspections and Enforcement

APPROVED PERMIT SET

The Department of Permitting, Inspections and Enforcement has completed a review of this document for code compliance. As required by State Code, the design professional(s) responsible for the preparation and content of this document must provide a record copy of these documents with their original seal, signature and date.

Case Name: **CHEVERLY**
Application Number: **31096-2023-DW**
Permit Number: **P53127-2024DW**
Issuance Date: **5/7/2024**
Address: **3006 CHEVERLY AVE HYATTSVILLE MD 20785**
Lot(s), Block(s) and Parcel(s): **Lot and Block not found**

BMW
DPIE

APPROVED FEB 26 2025

Ellis Watson
ADMINISTRATOR

P.B. 8 @ 22

Prince George's County, Maryland
Department of Permitting, Inspections and Enforcement

APPROVED PERMIT SET

The Department of Permitting, Inspections and Enforcement has completed a review of this document for code compliance. As required by State Code, the design professional(s) responsible for the preparation and content of this document must provide a record copy of these documents with their original seal, signature and date.

Case Name: **CHEVERLY**
Application Number: **31096-2023-DW**
Permit Number: **P53127-2024DW**
Issuance Date: **4/17/2024**
Address: **3006 CHEVERLY AVE HYATTSVILLE MD 20785**
Lot(s), Block(s) and Parcel(s): **Lot and Block not found**

-3:1 Maximum Slope Allowed on Residential Property
-7% Maximum Parking Pad Slope, and
-12.5% Maximum Driveway Slope,
-2.5% Minimum Slope Required on Yard or Lawn Areas. 10" in 10' Minimum slope of Pad away from Building is Required.

BMW
DPIE

OK for 20' X 6' & 37' X 1' driveway
extension and to repair/replace in-kind

LEGEND:

- X- FENCE
- B/E BASEMENT ENTRANCE
- B/W BAY WINDOW
- BR BRICK
- BRL BLDG RESTRICTION LINE
- BSMT BASEMENT
- C/S CONCRETE STOOP
- CONC CONCRETE
- D/W DRIVEWAY
- UP UTILITY POLE
- FR FRAME
- MAC MACADAM
- WW WINDOW WELL
- O/H OVERHANG
- PUE PUBLIC UTILITY ESMT
- PIE PUBLIC IMPROVEMENT ESMT

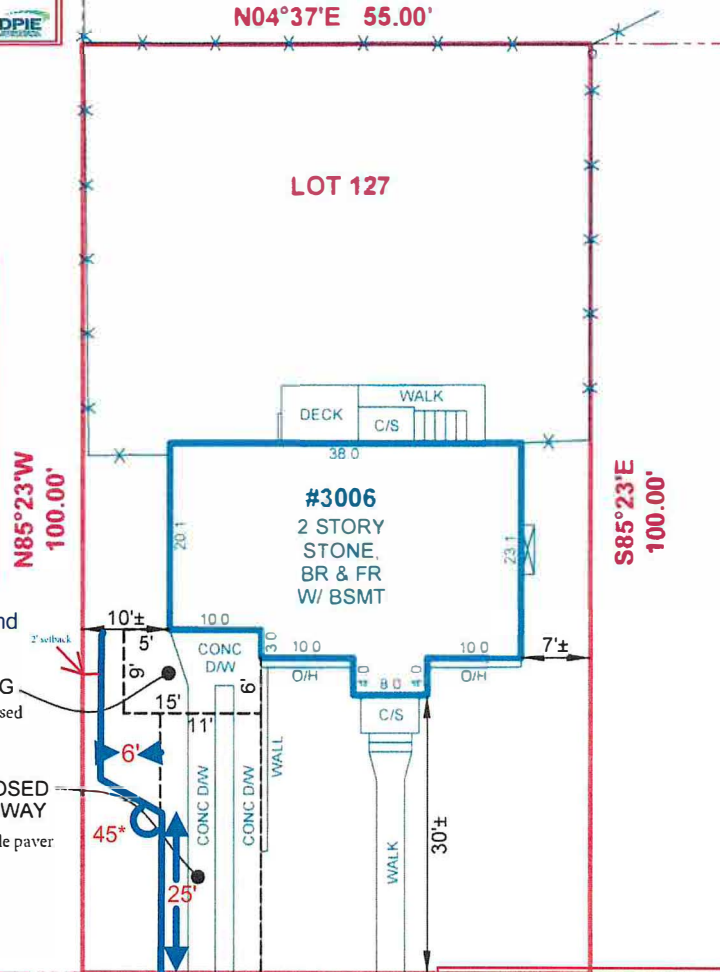
COLOR KEY:

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

**PROPOSED
PATIO/LANDING**
to remain enclosed

**PROPOSED
DRIVEWAY**
with permeable paver

* degree



LOCATION DRAWING OF:
#3006 CHEVERLY AVENUE
LOT 127
SECTION 2
CHEVERLY

PLAT BOOK 8, PLAT 22
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1"=20' DATE: 02-29-2024
DRAWN BY: AP FILE #: 241479-200

CHEVERLY AVENUE

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department

APPROVED

Date: 4/23/2024
Approved by: Keraun Hall
Limitations:
OK for 1'x37' driveway extension, 6'x20' driveway extension, repair/replace existing driveway and to convert back to attached garage

petitioner proposing not to convert enclosed patio into garage.

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 SET FORTH 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 1"±. 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.

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