

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-132-16 Diane Schwarz

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: December 14, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on December 23, 2016 , 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
Town of Cheverly
Other Interested Parties

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

Petitioner: Diane Schwarz

Appeal No.: V-132-16

Subject Property: Lot 1205, Block 51, Cheverly Subdivision, being 5841 Dewey Street, Landover,
Prince George's County, Maryland

Municipality: Town of Cheverly

Witnesses: Carole Redman, Neighbor

Michael Libcke, Neighbor

Heard: November 30, 2016; Decided: December 14, 2016

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 variances 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 variances 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 and a side yard along the side street at least 25 feet in depth. Petitioner proposes to construct a screened porch. Variances of 9 feet front yard depth and 5 feet side street yard depth are requested.

Evidence Presented

1. The property was subdivided in 1927, contains 7,051 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 9.

2. The property is an odd-shaped corner lot with the dwelling (which has an address for the front street) facing the corner. Exhs. 2 and 4

3. Petitioner would like to construct a 16' x 26' screen porch on the front of the dwelling. The porch would be located 16 feet from the front street line and 20 feet from the side street line. Variances of 9 feet front yard depth and 5 feet side street yard depth were requested. Exhs. 2, 3 and 11.

4. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and commented that if the Board grants the requested variance, the applicant should be required to submit a minor final plat of subdivision, in accordance with Section 24-108 of the Subdivision Regulations, to have the existing building restriction line removed prior to the issuance of a building permit. It was stated that a minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park and Planning Commission. Exhs. 2, 4, 15 and 16.

5. The Town of Cheverly approved the request for the variances. Exh. 24.

6. Mr. Peter Guttmacher, (neighbor) provided a letter of support. Exh. 17.

7. Helen Bailey, (neighbor) provided a letter of support. Exh. 19.

8. Carole Redman, (neighbor) supported the request for variances. Exh. 23.

9. Joan and Gary Beall, (neighbor) provided a letter of support. Exh. 20.

10. Petitioner testified that she is requesting to build the screen porch on the front of the dwelling because of the odd shape of the lot and the lack of rear yard. Exhs. 2 and 4.

12. Petitioner believes the proposed porch will not be out of character as others in the neighborhood also have porches. Exhs. 9(A) thru (F).

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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the lot being odd-shaped, located on a corner lot with the dwelling facing the center of the intersection, the lack of rear yard 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 variances of 9 feet front yard depth and 5 feet side street yard depth in order to construct a 16' x 26' screen porch on the property located at Lot 1205, Block 51, Cheverly Subdivision, being 5841 Dewey Street, Landover, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, approved elevation plan, Exhibit 3. Prior to the issuance of any building permit, a minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park and Planning Commission, in accordance with Section 24-108 of the Subdivision Regulations, to adjust and/or remove the building restriction line.

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.