

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-147-16 Maria Day-Marshall

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: January 11, 2017.

CERTIFICATE OF SERVICE

This is to certify that on January 25, 2017, 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-NCPCC, 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: Maria Day-Marshall

Appeal No.: V-147-16

Subject Property: Lot 2, Cheverly Hills Subdivision, being 6329 Joslyn Place, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Witnesses: Matthew Marshall (Husband)

Carlos Miranda (General Contractor)

Heard: December 14, 2016; Decided: January 11, 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), which prescribes that each lot shall have a total width of at least 17 feet for both side yards and each side yard shall be at least 8 feet in width, and Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions and construct a two-story addition with deck and upper level balcony. Variances of 1.5 feet left side yard width, 3.5 feet right side yard width, and 7.5% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1982, contains 5,547 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is located within a cluster subdivision. Exhibits (Exhs.) 2, 4, 5, 7, 9 and 21(a) thru (b).

2. Petitioner would like to construct a 14' x 20.75'/10.25' x 10.5' two-story addition with 3.5' x 10.25' deck and 3.5' x 10.25' upper level balcony. Construction of the addition would exceed the amount of net lot coverage allowed. A variance of 7.5% net lot coverage was requested. Exhs. 2, 21(a) thru (b) and 10.

3. The existing dwelling is located 7.5 feet from the left side lot line and 4.5 feet from the right side lot line. Variances of 1.5 feet left side yard width and 3.5 feet right side yard width were requested. Exh. 2.

4. Petitioner testified that additional living space is needed for family members, including an aging parent.

5. Mrs. Day-Marshall explained that different house styles already exist in the neighborhood. Exhs. 5(A) thru (D), 7, 8, 9(A) thru (F).

6. Mr. Matthew Marshall stated that three new two-story houses are on Joslyn Place. Exhs. 5(A) thru (D), 7, 8, 9(A) thru (F).

7. The Town of Cheverly supported the proposed construction. Exh. 16.

8. The Subdivision Section of the Maryland-National Capital Park & Planning Commission stated that "the property is subject to Preliminary Plan of Subdivision 4-80220 for cluster development. The proposed development does not alter the land uses described in the Preliminary Plan of Subdivision, therefore, conforms to the applicable record plat note." Exh. 20.

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

Due to the need to care for Petitioner's elderly mother, the need for additional living space for other family members, 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 1.5 feet left side yard width, 3.5 feet right side yard width, and 7.5% net lot coverage in order to validate existing conditions and construct a 14' x 20.75'/10.25' x 10.5' two-story addition with 3.5' x 10.25' deck and 3.5' x 10.25' upper level balcony on the property located at Lot 2, Cheverly Hills Subdivision, being 6329 Joslyn Place, Cheverly, 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 and approved revised elevation plans, Exh. 21(a) and (b).

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.