

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-8-17 Martin and Kathryn Clarey

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 8, 2017 .

**CERTIFICATE OF SERVICE**

This is to certify that on March 15, 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: 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: Martin and Kathryn Clarey  
Appeal No.: V-8-17  
Subject Property: Lot 125, Cheverly Subdivision, being 6031 Inwood Street, Cheverly,  
Prince George's County, Maryland  
Municipality: Town of Cheverly  
Witness: Gregory Michael, Contractor  
Heard and Decided: March 8, 2017  
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, Petitioners request 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 at least 7 feet in width. Petitioners propose to validate existing conditions and construct an enclosed front porch. Variances of 3 feet front yard depth and 5 feet side yard width are requested.

Evidence Presented

1. The property was subdivided in 1940, contains 6,250 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 5 (A) thru (W).
2. Petitioners would like to construct a 5' x 9' enclosed front porch. The porch would be located 22 feet from the front street line. A variance of 3 feet front yard depth was requested. Exhs. 2 and 3.
3. Although the existing attached carport is located 5 feet from the side lot line, steps leading to a concrete patio to the rear of the dwelling are located 2 feet from the side lot line. A variance of 5 feet side yard width was requested. Exhs. 2, 5 (A) thru (W), 20 and 21.
4. Contractor Gregory Michael testified that during "bad weather" the existing awning becomes unstable and is in need of replacement. He will be replacing the awning with a durable, wood enclosed porch structure. The porch roof façade will match the siding of the home as well as have French doors and decorative windows on the front and sides. Exhs. 2, 3, 5 (A) thru (W).
5. Petitioner Martin Clarey stated that the front concrete stoop where the porch is located has cracked and is pulling away from the foundation of the house. Exh. 19.
6. The Town of Cheverly supports the project and the variances. Exh. 15.

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 awning over the front porch being unstable, the concrete stoop has cracks and is pulling away from the foundation of the dwelling 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 variances of 3 feet front yard depth and 5 feet side yard width in order to validate existing conditions and construct a 5' x 9' enclosed front porch on the property located at Lot 125, Cheverly Subdivision, being 6031 Inwood Street, 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 elevation plan, Exhibit 3.

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.