

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-9-17 Lauren Alexander

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 April 6, 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-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: Lauren Alexander

Appeal No.: V-9-17

Subject Property: Lot 158, Block 25, Cheverly Subdivision, being 3103 Belleview Avenue, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Witness: Pat Nelson, Architectural Designer

Heard: February 22, 2017; 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, 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 side yard at least 8 feet in width and Section 27-120.01(c), 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 validate an existing condition, convert basement garage into mudroom/storage, and construct a second-floor addition and an enclosed porch with a second-floor balcony. A variance of 3 feet side yard width and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1926, contains 7,018 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The lot is configured as an elongated pie shape with the rear of the property being narrow. Exhibits (Exhs.) 2, 4, 7 and 9 (A) thru (G).
2. Petitioner would like to construct a 10' x 22' second-floor addition on the right side of the dwelling and an 8'6" x 8'10" enclosed porch with a 4'3" x 8'10" second-floor balcony added to the rear of the addition. The existing dwelling is approximately 7 feet from the right side lot line and the proposed porch would end up being located 5 feet from the right side lot line. A variance of 3 feet side yard width was requested. Exhs. 2, 3 (a) thru (c), 5 (A) thru (D), 9 (A) thru (G) and 10.
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. The Petitioners' plan is to convert the front garage into living space. Petitioners' driveway will then be located in this area of the front yard. A waiver of the parking area location requirement was requested. Exhs. 2, 3 (a) thru (c), 5 (A) thru (D) and 10.
4. Petitioner testified that the dwelling is a two story house with a garage on the front right side at the basement level, a family room on the second level and a deck above. Petitioner would like to enclose the deck making it an interior room. The addition will be even with existing roof lines therefore squaring up the house. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (D).
5. Petitioner testified that the area will be an additional bedroom and bath, creating additional space for two teenage daughters. Exhs. 3 (a) thru (c)
6. The Town of Cheverly supported the proposed addition and required variance. Exhs. 15 and 19.

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

Due to the property being a pie shape, the right side line slanting to rear of the subject property, the need for additional living space 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 a variance of 3 feet side yard width and a waiver of the parking area location requirement in order to validate an existing condition, convert a 10' x 22' basement garage into mudroom/storage, construct a 10' x 22' second-floor addition and an 8'6" x 8'10" enclosed porch with a 4'3" x 8'10" second-floor balcony on the property located at Lot 158, Block 25, Cheverly Subdivision, being 3103 Belleview Avenue, Cheverly, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (c).

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.