

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-44-17 Alseo and Ziya Akalin

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: June 7, 2017.

CERTIFICATE OF SERVICE

This is to certify that on June 20, 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-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

Petitioners: Alseo and Ziya Akalin

Appeal No.: V-44-17

Subject Property: Lot 526A, Block 28, Cheverly Subdivision, being 3123 Laurel Avenue, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Heard and Decided: June 7, 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 27-420(a) of the Zoning Ordinance, which prescribes that on lots consisting of one (1) acre or less, fences and walls in the front yard shall not be more than four (4) feet in height without the approval of a variance. Petitioners propose to replace an existing retaining wall, up to 6 feet, on either side of the driveway in the front yard. Waivers of the location and height requirements for a wall over 4 feet in height in the front yard are requested.

Evidence Presented

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

1. The property was subdivided in 1947, contains 7,800 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 (L), 6, 7, 8, 9, 10, 11, 12 14, and 16 (A) thru (F).
2. Petitioners would like to replace the existing timber retaining walls, both of which extend up to 6-feet in height, on either side of the existing driveway with an upgraded material. Waivers of the location and height requirements for a wall over 4 feet in height in the front yard are requested. Exhs. 2 and 3 (a) thru (b).
3. Petitioner Alseo Akalin explained that the existing walls, which were constructed in 1989, are dry rotting and deteriorating. Exhs. 3 (a) thru (b) and 5 (A) thru (L).
4. The Town of Cheverly supports the appeal. Exh. 24.
5. The Subdivision Section of M-NCPPC found no issues to address. Exh. 22.

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 deterioration (dry rot) of the existing timber retaining walls 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 waivers of the location and height requirements for a wall over 4 feet in height in the front yard are requested to replace an existing retaining wall, up to 6 feet, on either side of the driveway in the front yard on the property located at Lot 526A, Block 28, Cheverly Subdivision, being 3123 Laurel Avenue, 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 plans, Exhibits 3 (a) thru (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.