

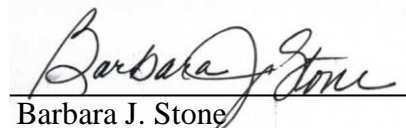
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-144-17 Caleb Rapier and Rachel Austin

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: November 29, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on January 2, 2018 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
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: Caleb Rapier and Rachel Austin

Appeal No.: V-144-17

Subject Property: Lot 9, Block 4, Cheverly Subdivision, being 6310 Inwood Street, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Heard and Decided: November 29, 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 side yards at least 7 feet in width; 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; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line; 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. Petitioners propose to validate existing conditions and construct a driveway, with steps and a 3-foot retaining wall, in the front yard. Variances of 1 foot left side yard width and 3 feet right side yard width for the dwelling, 2.5% net lot coverage, 2 feet side lot line setback and 1 foot rear lot line setback for an accessory building and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1942, contains 5,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 3, 6 and 8 (A) thru (F)
2. The shape of the lot is long and narrow. Exhs. 2 and 3.
3. Petitioners would like to construct a 13' x 21' driveway, with steps and a 3-foot retaining wall, part of which will be partially located in front of the dwelling. Construction of the driveway would exceed the amount of lot coverage allowed. A variance of 2.5% net lot coverage was requested. Exhs. 2, 4 and 8 (A) thru (F).
4. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the front yard between the front street line and the sides of the dwelling. Since part of

Petitioners' driveway will be in this area of the front yard; a waiver of the parking area location requirement was requested. Exhs. 2, 4 and 8 (A) thru (F).

5. The existing dwelling is located 6 feet from the left side lot line and 3 feet from the right-side lot line. An existing frame shed is located along the side lot line and 1 foot from the rear lot line. Variances of 1-foot left side yard width and 3 feet right side yard width for the dwelling, and 2 feet side lot line setback and 1 foot rear lot line setback for the shed were requested to validate their existing locations. Exhs. 2, 4 and 8 (A) thru (F).

6. Petitioner Caleb Rapier testified that the proposed driveway location will allow their electric car to be pulled up close enough to the house to be charged. In addition, Petitioner believes that the proposed driveway will assist water runoff to the curb.

7. He further testified that there are many houses that have driveways so it will not be out of character of the neighborhood. Exhs. 2, 4, 8 (A) thru (F) and 18 (A) thru (O).

8. The Town of Cheverly takes no position on the requested 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 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 lot being long and narrow (with limited side yards), the inability to charge the electric car from the house, the driveway will facilitate water run-off from the property to the street line 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 1 foot left side yard width and 3 feet right side yard width for a the dwelling, 2.5% net lot coverage, 2 feet side lot line setback and 1 foot rear lot line setback for an accessory and a waiver of the parking area location requirement in order to validate existing conditions and construct a 13' x 21' driveway, with steps and a 3-foot retaining wall, in the front yard on the property located at Lot 9, Block 4, Cheverly Subdivision, being 6310 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.

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.