

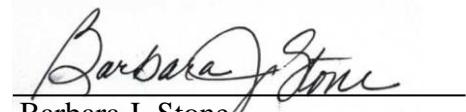
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-169-17 Kenneth and Deborah Roy

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 10, 2018.

CERTIFICATE OF SERVICE

This is to certify that on January 23, 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
DPIE/Inspections Division
Town of Cheverly

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Deborah and Kenneth Roy, Sr.

Appeal No.: V-169-17

Subject Property: Part of Lot 360, Block 32, Cheverly Subdivision, being 6131 Landover Road, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Heard and Decided: January 10, 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 a variance 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 a variance from 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. Petitioners propose to validate an existing condition and obtain a building permit for a new shed. A variance of 15.3% net lot coverage is requested.

Evidence Presented

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

1. The property contains 12,457 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway area and shed. Exhibits (Exhs.) 2, 4, 11, 12 and 13 (A) thru (F).
2. The property was subdivided in 1926 and is extremely long and narrow. The State Road Commission of Maryland appropriated a portion (transferring 1900 square feet of frontage) per deed (L.2853 F104). The property conveyed in fee simple is 950 square feet and 950 square feet for slope and drainage easements cut from Lot 360, Block 32. Exhs. 2, 4, 7 and 8.
3. Petitioners would like to obtain a building permit for a 12' x 24' shed, located in the rear yard. As the existing development on the property exceeds the amount of lot coverage allowed, and construction of the shed is further overage, a variance of 15.3% net lot coverage was requested. Exhs. 2, 3 and 5 (A) thru (E).
4. Petitioner Kenneth Roy testified that he is an electrician and storage space is needed for his tools and materials. Exhs. 2, 3, 5 (A) thru (E).¹
5. The Town of Cheverly supported the variance request. Exh. 20.

¹ It was revealed at the hearing that the shed was built 17 feet in height which Petitioners agreed to reconstruct to regulation height.

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 lot being extremely long and narrow, appropriation of a part of the subject property for public use, 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 a variance of 15.3% net lot coverage to validate an existing condition and obtain a building permit for a new 12' x 24' shed on the property located at Part of Lot 360, Block 32, Cheverly Subdivision, being 6131 Landover Road, Cheverly, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance 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.