



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-86-22 Jill and Charles Blevins and Cheyenneh Lee

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 25, 2023.

CERTIFICATE OF SERVICE

This is to certify that on February 22, 2023 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone". Below the signature, the name "Barbara J. Stone" is printed in a smaller, sans-serif font, followed by the title "Administrator".

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

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

Petitioners: Jill & Charles Blevins, Cheyennah Lee

Appeal No.: V-86-22

Subject Property: Lot 1, Block 60, Cheverly Subdivision, being 2801 Crest Avenue, Cheverly,
Prince George's County, Maryland

Municipality: Cheverly

Witness: Janita Dillard, Neighbor

Heard and Decided: Wednesday, January 25, 2023

Board Members Present and Voting: Bobbie Mack, Chair - Present
Anastasia Johnson, Member - Present
Wm. Carl Isler, Member – Present.
Renee Alston, Member - Present
Teia Hill - Present

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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e) of the Zoning Ordinance, which prescribes that each lot shall have a maximum lot coverage of 35%, a minimum side yard width of 8 feet, and a minimum rear yard depth of 20 feet. Variances of 11% net lot coverage, 2 feet side yard width, and 6 feet rear yard depth are requested. Petitioners propose to construct an 8 x 12- foot deck.

Evidence Presented

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

1. The property is located within the municipal boundaries of the Town of Cheverly. It was subdivided in April 1940. (Exhibit 4) It contains 6,147 square feet, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling.

2. Petitioner Charles Blevins appeared at the hearing, but Petitioners Jill Blevins (his wife) and Cheyennah Lee (his daughter) did not. Petitioners would like to construct an 8 x 12-foot deck to the rear of the property, adjacent to the existing French doors, the access to the home from the rear. (Exhibits 5(a)-(g))

3. The subject property is physically different and unique from the other surrounding properties due to the angular shape and slant of the rear yard, and the square footage of the lot. (Exhibits 8 and 10(a)-(f))

4. The Town of Cheverly's Code Compliance Officer submitted a letter indicating that the Town is not opposed to the request. (Exhibit 18)

5. Petitioners' adjacent neighbor, Juanita Dillard, testified at the hearing that she had concerns that the construction of the proposed deck would affect her privacy and enjoyment of her yard. After reviewing the plans and talking to her neighbor she realized that the proposed deck would not be as close to her property as she originally believed. She requested that construction of the deck not occur on the weekend as she still works and that is the only time she can enjoy her yard, and that the construction be completed in as

short a time as possible. Mr. Blevins stated that construction would probably take no more than three weeks once all approvals are granted.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613 (d) of the Prince George's County Zoning Ordinance are satisfied:

General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features)
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance does comply with the applicable standards set forth in Section 27-3613, more specifically:

Due to the property being subdivided in 1940 and developed in conformance with the Ordinance in effect at that time, the Petitioners cannot build a deck from the existing rear access to their home. Variances are therefore requested from the minimum net lot coverage, side yard width and rear yard depth requirements for the RSF-65 Zone. The variances requested are the minimum required to allow the relatively small deck requested. Other surrounding lots are slightly larger than the subject property and do not have such an angular rear yard. The addition of the deck will not adversely impact the character of the neighborhood as other homes within the area are improved with decks, and granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan. Finally, the practical difficulty is not self-inflicted but results from the platting of the lot and the zoning setback provisions disproportionate impact on the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Teia Hill absent, that variances of 11% from the minimum net lot coverage, 2 feet from the minimum side yard width, and 6 feet from the minimum rear yard depth in order to obtain a building permit on the property located at 2801 Crest 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 revised site plan (Exhibit 16), and approved elevation plans (Exhibit 3).

BOARD OF ZONING APPEALS

By:


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.

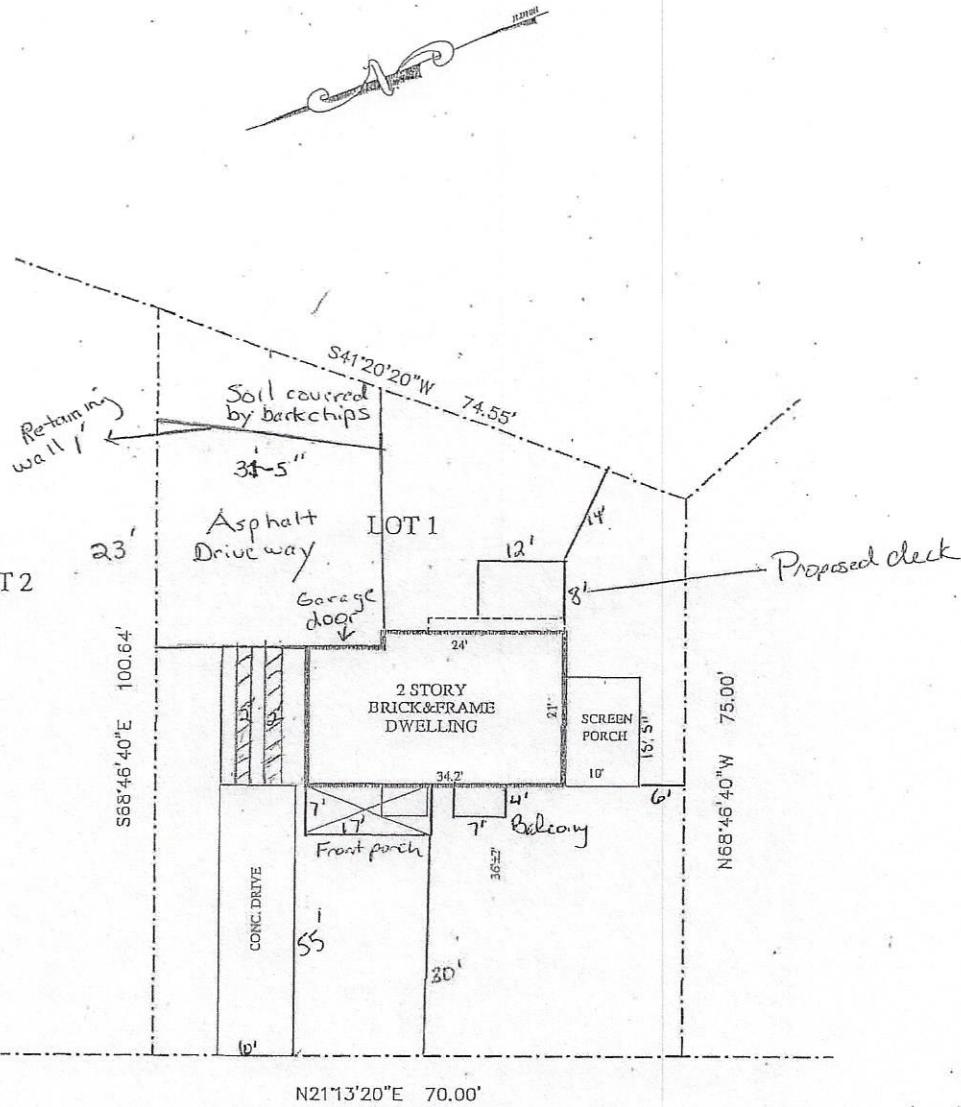
Further, Section 27-3613 (c)(10) (B) of the Prince George's County Code states:

A decision of the Board, permitting the construction of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the construction 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.

BOARD OF APPEALS

APPROVED JAN 25 2023

B. J. Plack
ADMINISTRATOR



CREST AVENUE

EXHIBIT

16

V-86-22

PROPERTY LINE SURVEY IS RECOMMENDED

LOCATION DRAWING FOR: 2801 CREST AVENUE

- This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing.
- This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for transfer of title, securing financing, or refinancing.
- A property line survey is necessary to determine the exact location of improvements and encroachments, if any.
- Distances to property lines are accurate to within 2-feet, unless otherwise shown.
- All fences shown herein are approximately located.
- No title report furnished.

CERTIFICATION:

I hereby certify this drawing and survey work reflected in it, is in compliance with the requirements set forth in the COMAR 06.12.13 and the improvements as shown are correct to the best of my knowledge.

Gerald A. Plack L.S. NO. 21259 Exp. Date: 6/13/2021

LIBER	1115B	FOLIO	349
LOT	1	BLOCK	60
SECT.	9	PLAT	
SUBD.	CHEVERLY		
PLAT BOOK	7	FOLIO	99
COUNTY	ANNE ARUNDEL CO.		
SCALE	1" = 20'	CASE NO.	282145APSS
DATE	3-11-20	JOB NO.	SAGE20-035

BOARD OF APPEALS

APPROVED JAN 25 2023

B. S. Johnson
ADMINISTRATOR

Wood Deck Elevations

Front Elevation

Scale: $1/4" = 1' - 0"$

