

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

Petitioner: Terry Horning

Appeal No.: V-58-19

Subject Property: Lot 581, Block 43, Cheverly Subdivision, being 6103 Forest Road, Landover,
Prince County, Maryland

Municipality: Town of Cheverly

Witness: Sue Horning

Heard and Decided: June 12, 2019

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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(b)(Table I) which prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-442(d)(Table III) which prescribes that each lot shall have a front building line minimum width of 65 feet. 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. 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 existing conditions (property and dwelling) and construct a driveway. Variances of 15 feet front building line width and waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1926, contains 5,859 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru C.
2. Petitioner would like to construct a 12' x 22' driveway in the front of the dwelling with a retaining wall. Because the driveway will be in front of the dwelling, a waiver of the parking area location is required. A variance of 15 feet is also required to validate the existing lot width at the building line. Exhs. 2 and 4 (A) thru (B).
3. Petitioner Terry Horning testified that the property was purchased over 43 years ago and a driveway is now necessary. He stated that because the lot is only 50' wide, the subject property being built in 1950 and the house being angled on the lot, there is no other suitable location to put the driveway. He testified that with health concerns, walking any distance is problematic. He added that the alley behind the property is no longer accessible because of the overgrowth over the years. Exhs. 2 and 4 (A) thru (B).
4. Mr. Horning stated that because of the slope in the front of the yard, a retaining wall will be required. Exhs. 2 and 4 (A) thru (B).
5. The Town of Cheverly unanimously recommended approval of the variances. Exhs. 10 and 11.

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 only 50-feet wide, the house being angled on the lot, the front of the property being sloped 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 15 feet front building line width and waiver of the parking area location requirement in order to validate existing conditions (property and dwelling) and construct a driveway on the property located at 6103 Forest Road Landover, 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

(ORIGINAL SIGNED)

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 27-233(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.