

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

Petitioners: Andrew and Crosley Sigmon

Appeal No.: V-34-18

Subject Property: Lot 1, Block 46, Cheverly Subdivision, being 2401 59th Place, Cheverly,  
Prince George's County, Maryland

Municipality: Town of Cheverly

Witnesses: Karl Granzow, Werlein Properties

Heard: June 13, 2018; Decided: June 27, 2018

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(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a side yard along the side street at least 15 feet in depth. Petitioners propose to construct an attached garage with deck on top. A variance of 13 feet side street yard depth is requested.

**Evidence Presented**

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

1. The property was subdivided in 1945, contains 7,251 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is a corner lot with the dwelling facing the legal front street. The side street is an unimproved dead-end street. Exhibits (Exhs.) 3, 5, 7, 8 and 9 (A) thru (F).

2. Petitioners would like to construct a 24' x 24' attached garage, with deck on top, over the existing parking pad. The garage would be located 2 feet from the side street line. A variance of 13 feet side street yard depth was requested. Exhs. 2 (A) thru (E), 3 and 4.

3. The Town of Cheverly is in support of the variance. Exh. 17.

4. Petitioner Andrew Sigmon testified that the proposed attached garage will contain their cars and storage. He stated that the attached garage will be constructed on an existing gravel parking pad. Exhs. 2 (A) thru (E), 3 and 4.

5. Mr. Granzow explained that Belmont Street is a "paper street" and the original house on the subject property burnt down; the current house was built 3 years ago. He stated that the driveway is accessible from the paper street. He further stated that entry from the garage to the dwelling will be located where the current window is located. Exhs. 2 (A) thru (E), 3 and 4.

6. Mr. Granzow further testified that when the house was built, the Petitioners met with The Town of Cheverly regarding utilizing the "paper street" as access to the property. The Town of Cheverly was satisfied with the layout and had no objections.

7. He explained that if the variance is not granted, the driveway would have to be re-routed to 59<sup>th</sup> Place, removing trees, street signs, moving drains, and a new driveway apron constructed. Exhs. 2 (A) thru (E), 3 and 4.

#### 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 a corner lot with the house facing the legal front, the absence of a suitable location to relocate the driveway 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 13 feet from the minimum side street setback requirement in order to construct a 24' x 24' attached garage with deck on top on the property located at Lot 1, Block 46, Cheverly Subdivision, being 2401 59th Place, 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 3 and approved elevation plan, Exhibit 4.

#### 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.