

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

Petitioners: Brian and Kathryn Downey

Appeal No.: V-37-18

Subject Property: Lot 16, Block 5, Cheverly Subdivision, being 2825 63rd Place, Cheverly,  
Prince George's County, Maryland

Municipality: Town of Cheverly

Heard: June 13, 2017; 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 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 a front yard at least 25 feet in depth 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 an existing condition (existing dwelling) and construct a driveway, with walkway, in front of the dwelling. A variance of 2 feet front yard depth and a waiver of the parking area location requirement are requested.

**Evidence Presented**

1. The property was subdivided in 1942, contains 6,960 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. The property is a corner lot with the dwelling facing the legal front street. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).

2. Petitioners would like to construct a 10' x 21' driveway, with a walkway, part of which would be located in front of the dwelling. As Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling, a waiver of the parking area location requirement was requested. Exhs. 2, 3, 6, 7, 8 (A) thru (F) and 9.

3. The existing covered front porch is located 23 feet from the front street line for which a variance of 2 feet front yard depth was requested. Exhs. 2, 3, 6, 7, 8 (A) thru (F) and 9.

4. The Town of Cheverly voted to support the variance. Exh. 16

5. Petitioner Brain Downey testified that the driveway cannot be constructed on the right side of the dwelling because of the location of a telephone pole. In addition, he stated that because of two large oak trees, a street sign and the topography, placing the driveway on the Inwood Street side is also not feasible. Exhs. 2, 4 (A) thru (E) and 8 (A) thru (F).

6. Mr. Downey explained that having the driveway closer to the front of the home will allow the removal of vehicles during snow storms which is required by the Town of Cheverly to permit plowing of the street.

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 owners 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 property being a corner lot with the house facing the legal front, the proposed location of the driveway being the most suitable place for construction of the proposed 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 2 feet front yard depth and a waiver of the parking area location requirement in order to validate an existing condition (existing dwelling) and construct a 10' x 21' driveway, with walkway, in front of the dwelling on the property located at Lot 16, Block 5, Cheverly Subdivision, being 2825 63rd Place, Cheverly, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

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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.

