

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

Petitioners: Daniel and Kori Biagas

Appeal No.: V-120-18

Subject Property: Lot 12, Block G, Cheverly Oaks II Subdivision, being 2902 Woodway Place, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Heard: November 14, 2018; Decided: December 5, 2018

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 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 construct a one-story addition, deck and walkway with stairs. A variance of 2.1% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1989, contains 6,785 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioners would like to construct a 10' x 42.2' one-story addition on the rear of the dwelling, 10' x 15' deck and 8' x 6' walkway with stairs. Construction of the addition would exceed the amount of lot coverage allowed. A variance of 2.1% net lot coverage was requested. Exhs. 2, 3 (a) thru (b) and 5 (D) thru (E).

3. Petitioners Daniel Biagas explained that the upper level addition on the rear of the house will also connect with a new deck.¹ He stated that the addition is needed because the family has grown, and additional living space is needed. Exhs. 2, 3 (a) thru (b) and 5 (D) thru (E).

4. The Town of Cheverly Mayor and Town Council recommended approval of the proposed variance because the house addition will have minimal impact, will be sufficiently screened with trees from and creates no new impervious area is being created, and rain barrels to minimize any run off. Exh. 19.

5. Revised site plan has been submitted to demonstrate the location of the rain barrels. Exh. 20.

¹ Currently there is an upper level deck which will be removed.

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 need for additional square footage for living space 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, by majority vote, Ms. Anastasia Johnson absent, that a variance of 2.1% net lot coverage in order to construct a 10' x 42.2' one-story addition, 10' x 15' deck and 8' x 6' walkway with stairs on the property located at Lot 12, Block G, Cheverly Oaks II Subdivision, being 2902 Woodway 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 revised site plan, Exhibit 20 and approved elevation plans, Exhibits 3 (a) thru (b).

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.

