

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-22-15 Edwin Sales and Karla Campos

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: April 29, 2015.

CERTIFICATE OF SERVICE

This is to certify that on June 4, 2015, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Anne F. Carter
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
Town of Cheverly

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

Petitioners: Edwin Sales and Karla Campos

Appeal No.: V-22-15

Subject Property: Lot 130, Cheverly Subdivision, being 3000 Cheverly Avenue, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Witness: Brendan Heneghan, neighbor

Heard and Decided: April 29, 2015

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), which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth, and Section 27-442(i)(Table VIII), which prescribes that on corner lots accessory buildings located less than 60 feet from the side street line shall be set back 2 feet from a side lot line and 10 feet from a rear lot line. Petitioners propose to validate an existing condition and construct a roof over the existing deck on top of the existing carport. Variances of 2 feet side street yard depth and 1.5 feet side and 7.5 feet rear lot line setbacks for an accessory building are requested.

Evidence Presented

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

1. The property was subdivided in 1940, contains 6,886 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, attached carport (open on one side), driveway and shed. Exhibits ("Exhs.") 2, 5, 10 and 11. The existing dwelling was built in 1940. Exhs. 10 and 11.
2. The property is a corner lot with the house facing the legal front street. Exh. 2.
3. Petitioners would like to construct a roof over an existing 11' x 18' deck which is on top of the existing carport, but variances are needed to obtain a building permit. Since the carport is and the covered deck would be located 23 feet from the side street line, a variance of 2 feet side street yard depth was requested. Exh. 14.¹
4. A variance is also needed to validate the location of an existing shed. Since the shed is located .5 foot from the side lot line and 2.5 feet from the rear lot line, variances of 1.5 feet side and 7.5 feet rear lot line setbacks for an accessory building were requested. Exh. 14.

¹ In 2008, the Board granted variances (Appeal No. V-99-08) for side street yard depth, side yard width and net lot coverage to complete the replacement and extension of an existing one-story addition (with basement). Exh. 8.

5. Petitioner Edwin Sales testified that he would like shade for the deck and the proposed A-frame roof would tie nicely into existing structures.

6. Brendan Heneghan, a neighbor whose side yard abuts Petitioners' rear yard, stated that he believes that putting a roof over the flat deck will make the carport/deck structure more aesthetically pleasing and will assist with some water issues.

7. The Historic Preservation Section of The Maryland-National Capital Park and Planning Commission commented that the subject property is located within 100 feet of Historic Site 69-024-22 (Bellamy House) and the request has no effect on Historic Sites, Historic Resources or Historic Districts. Exh. 18.

8. The Town of Cheverly supported the request. Exh. 19.

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 comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the existing house facing the legal front street, no building footprint change being proposed, the existing carport having a flat deck on top, the proposed roof for the carport with deck being an A-frame roof, the proposed roof tying together existing structures and helping to alleviate water issues on the property, 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 variances of 2 feet side street yard depth and 1.5 feet side and 7.5 feet rear lot line setbacks for an accessory building in order to validate an existing condition and construct a roof over the existing 11' x 18' deck on top of the existing carport on the property located at Lot 130, Cheverly Subdivision, being 3000 Cheverly Avenue, Cheverly, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) through (c).

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.