

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-48-13 Sheri Page

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: August 7, 2013 .

CERTIFICATE OF SERVICE

This is to certify that on August 26, 2013 , 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of Cheverly

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

Petitioners: Sheri Page

Appeal No.: V-48-13

Subject Property: Lot 1543, Block 71, Cheverly Subdivision, being 5607 Lockwood Road, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Heard: July 24, 2013; Decided: August 7, 2013

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, Petitioner requests that the Board approve a variance 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. Petitioner proposes to construct a covered front porch. A variance of 6.5 feet front yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1957, contains 7,372 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 3, 5, 8 and 9. The existing single-family dwelling was built in 1963. Exhs. 8 and 9.
2. The existing house is a brick, one-and-a-half story structure with a basement. Exh. 3.
3. Petitioner would like to construct a 7.5' x 10' covered front porch over the existing 4' x 6' stoop (Exhs. 3 and 6), but a variance is needed to obtain a building permit. Since the porch would be located 18.5 feet from the front street line, a variance of 6.5 feet front yard depth was requested. Exh. 11.
4. Petitioner testified that her elderly mother suffers with chronic Bronchial Pulmonary Dysplasia and has trouble with the front steps and by reducing the height of the steps, changing the direction of the steps to come closer to the parking pad, and covering the porch it will make it easier for her mother as well as protect her from the elements. Exh. 2.
5. A letter from a nurse practitioner detailing the health issues affecting the mobility of Petitioner's mother as well as photographs of the porch and surrounding area were submitted into the record. Exh. 2 attachments.
6. She stated that she plans to put pavers between the steps and the driveway and that the space behind the steps may be used for a ramp in the future.
7. The Town of Cheverly supported the granting of the variance. 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the shallowness of the front yard, the need to cover an open stoop to provide protection from the weather for a family member with health issues, 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(s) of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 6.5 feet front yard depth in order to construct a 7.5' x 10' covered front porch over the existing 4' x 6' stoop on the property located at Lot 1543, Block 71, Cheverly Subdivision, being 5607 Lockwood Road, 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 the approved elevation plans, Exhibits 4(a) through (d).

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.