

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-98-13 Riccardo Ferracuti

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: January 15, 2014 .

CERTIFICATE OF SERVICE

This is to certify that on January 29, 2014 , 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
Other Interested Parties

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

Petitioner: Riccardo Ferracuti
Appeal No.: V-98-13
Subject Property: Lot 550A, Block 45, Cheverly Subdivision, being 2803 Cheverly Avenue, Hyattsville,
Prince George's County, Maryland
Municipality: Town of Cheverly
Witness: Edward Trenn
Sign Language Interpreter: David Kenyon
Heard: November 20, 2013; January 15, 2014
Decided: January 15, 2014
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 side yard at least 8 feet in width. Petitioner proposes to construct an attached two-car garage, with second-story living space, and driveway. A variance of 3 feet side yard width is requested.

Evidence Presented

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

1. The property was subdivided in 1944, contains 11,809 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 1938. Exhs. 7 and 8.
2. The lot is long and narrow, being 65 feet wide and 181 feet deep. Exhs. 2 and 4. There is currently no driveway or other parking structure on the subject property. Exh. 2.
3. Petitioner would like to construct a 22.5' x 24' attached two-car garage, with second-story living space, and 18' x 33' driveway (Exhs. 1 and 2), but a variance is needed in order to obtain a building permit. Since the garage would be located only 5 feet from the side lot line, a variance of 3 feet side yard width was requested. Exh. 10.
4. Petitioner, owner of the property for two years (Exh. 7), testified that every other house on his street has either a driveway or garage. Petitioner testified that he wants a two-car garage to accommodate a prospective antique car next to his everyday vehicle. Exh. 19.
5. He stated that a church exists next door and on-street parking is often unavailable. Exhs. 5(B), (G), (H) and (I); 9(A) and (B). There has been communication with the church regarding the current parking problem and proposed plans for the garage addition. Exhs. 19 and 31.

6. Petitioner testified that while he could build a larger freestanding garage behind the house, his planned addition has a smaller overall footprint on the property and allows him to expand his living space. Exh. 19. He explained that the second story of the garage addition would be living/dining room area. He stated that because he will not compromise the beauty of his home, the garage, though attached, will not line up with the house and by offsetting the garage roof from his house roof, he will replicate the same roof pitch without the new brick looking different from the old brick.

7. Petitioner stated that the proposed garage would come no closer than 25 feet from the nave of the church on the adjoining lot. Exh. 19.

8. The Town of Cheverly supports approval of the variance request. Exh. 28.

9. The Subdivision Section of the Maryland-National Capital Park and Planning Commission ("M-NCPPC") reviewed Petitioner's variance request and stated that the lot is subject to a 25-foot wide building restriction line ("BRL") along Cheverly Avenue but the proposed garage addition does not encroach on the recorded BRL. Exh. 22.

10. The Historic Preservation Section of M-NCPPC reviewed Petitioner's elevation drawings of the proposed garage addition, acknowledged that the property is adjacent to Cheverly United Methodist Church (Historic Site 69-024-06), and concluded that the addition will have no effect on identified Historic Sites, Resources, or Districts. Exh. 17.

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 narrowness of the property, the subject lot being located next door to a church, the lack of available on-street parking, there being no off-street parking area on the subject property, there being driveways or garages on all other lots on the same street, the need for a secure location to park a vehicle, a smaller overall footprint being needed for an attached garage than a larger detached garage which could be built behind the house without a variance, 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 of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 3 feet side yard width in order to construct a 22' x 24' attached two-car garage, with second-story living space, and an 18' x 33' driveway on the property located at Lot 550A, Block 45, Cheverly Subdivision, being 2803 Cheverly Avenue, Hyattsville, 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 21, and the approved elevation plan, Exhibit 3.

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.