

NOTICE OF FINAL DECISION

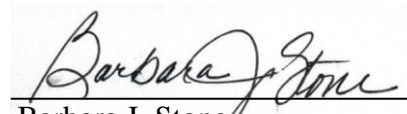
OF BOARD OF APPEALS

RE: Case No. V-86-17 Joseph and Anita Clark

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 9, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on August 29, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioners
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: Joseph and Anita Clark

Appeal No.: V-86-17

Subject Property: Lot 27, Block 46, Cheverly Subdivision, being 2412 Valley Way, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Witness: James Reed, Engineer, Civtech Designs Incorporated

Heard and Decided: August 9, 2017

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, Petitioners request that the Board approve a variance from Section 27-120.01(c) of the Zoning Ordinance, 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 construct a driveway in the front yard. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1947, contains 6,017 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 3, 4, 7, and 9 (A) thru (F).
2. Petitioners would like to construct a 10.03' x 20.78' driveway, which would partially be 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 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, 5 and 9 (A) thru (F).
3. Engineer James Reed testified that Petitioners are planning on constructing a concrete driveway in the front yard which will be located 4 feet from the left property line. Exh. 3
4. Petitioner Joseph Clark testified that the driveway is necessary now because of his advance age and medical conditions. Exhs. 3 and 5.
5. Mr. Reed also explained that because of the slope of the subject property in the rear yard, water from the street located behind the Petitioner flows down into the rear yard creating a "mess." He stated that adding the driveway will facilitate rear yard drainage by installing a gravel under-drain system and culvert under the driveway leading out to the curb. Exhs. 3 and 9 (A) thru (F).
6. Mr. Clark stated that the curb cut was put in when the dwelling was built. Exhs. 9 (A) thru (F).
7. The Town of Cheverly has taken no position. Exh. 15.

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 need to implement a water drainage system because the rear yard sloping and concomitant water problems, street parking affecting Petitioner's advance age and medical conditions 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 waiver of the parking area location requirement to construct a 10.03' x 20.78' driveway in the front yard on the property located at Lot 27, Block 46, Cheverly Subdivision, being 2412 Valley Way, Cheverly, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved site plan, Exhibit 2.

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.