



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-6-21 Norman and Brenda McCrea

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 14, 2021

CERTIFICATE OF SERVICE

This is to certify that on May 20, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

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

Petitioners: Norman and Brenda McCrea

Appeal No.: V-6-21

Subject Property: Lot 40, Block M, Eastpines Subdivision, being 5628 67th Avenue, Riverdale,
Prince George's County, Maryland

Heard: March 24, 2021; Re-Heard¹ and Decided: April 14, 2021

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(d)(Table III) which prescribes that each lot shall have a minimum width of 55 feet measured along the front building line. Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth and each lot shall have a side yard at least 5 feet in width. Section 27-120.01(c) 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 validate existing conditions (front building line width, front yard depth and side yard width) and obtain a building permit to widen an existing driveway in the front house. Variances of 15 feet front building line width, 2 feet front yard depth, .5-foot side yard width and a waiver of the parking area location requirement were requested.

Evidence Presented

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

1. The property was subdivided in 1946, contains 16,815 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling, driveway, front porch, deck and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (H).
2. The property is odd-shaped being extremely narrow towards the front and widening towards the rear of the property. The street frontage is only 44 feet in width and the frontage is slightly curved inwardly. Exhs. 2, 4, 7, 8 and 9 (A) thru (H).
3. Petitioners propose to validate certain existing property conditions (front building line width, front yard depth and left side yard width) and obtain a building permit to widen the driveway into the front of the house.
4. Petitioner Norman McCrea testified that the existing driveway is a single-wide driveway (20' x 8') located on the left side of the property. He stated that the house was built in 1948 and purchased in 1990.

¹ During the hearing on March 24, 2021, it was discovered that the need for waiver of the parking area had not been advertised. The hearing was re-advertised, and the matter re-heard to include the waiver on April 14, 2021.

5. The property was subdivided in 1946 but its front building line width does not meet the current requirement of 55 feet in the R-55 zone.

6. The side yard width requires a side yard of 5 feet, but the subject property is only 4.5 feet, requiring a side yard variance of .5 feet.

7. The front yard depth has been decreased from 25 feet to 23 feet due to the addition of the porch, requiring a variance of 2 feet.

8. Because the driveway is being extended into the front of the dwelling, a waiver of the parking area location requirement will also be required. Exhs. 2, 3 (a) thru (f) and 5 (A) thru (G).

9. Petitioner Norman McCrea testified that he applied for a building permit which is pending for the expansion of the driveway with the Department of Permitting, Inspections and Enforcement. He was informed that a variance was required to widen the driveway. He explained the need for the expanded driveway is because his wife utilizes a walker and her mobility is limited. It is very dangerous when entering and exiting the vehicle while parked on 67th Avenue, which is a very busy and exceedingly dangerous street. He stated that a double-wide driveway would protect her and ensure her safety.

10. He stated that the entire house is being renovated to serve as an aging-in-place home for Petitioners.

11. He noted that on the left of the house is an elevator addition for which a variance was previously granted under V-117-19. Exhs. 2, 3 (a) thru (f) and 5 (A) thru (G).

12. Mr. McCrea confirmed that the extended driveway will be 23' x 20'. Exhs. 2, 3 (a) thru (f) and 5 (A) thru (G).

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 odd-shape and exceptional narrowing to the front of the subject property affecting current zoning requirements, the limited mobility of Petitioner 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 15 feet front building line width, 2 feet front yard depth, .5-foot side yard width and a waiver of the parking area location requirement in order to validate existing conditions (front building line width, front yard depth and side yard width) and obtain a building permit to widen an existing driveway in the front house on the property located at 5628 67th Avenue, Riverdale, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (f).

BOARD OF ZONING APPEALS

By:

Bobbie S. Mack, J.S.
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.



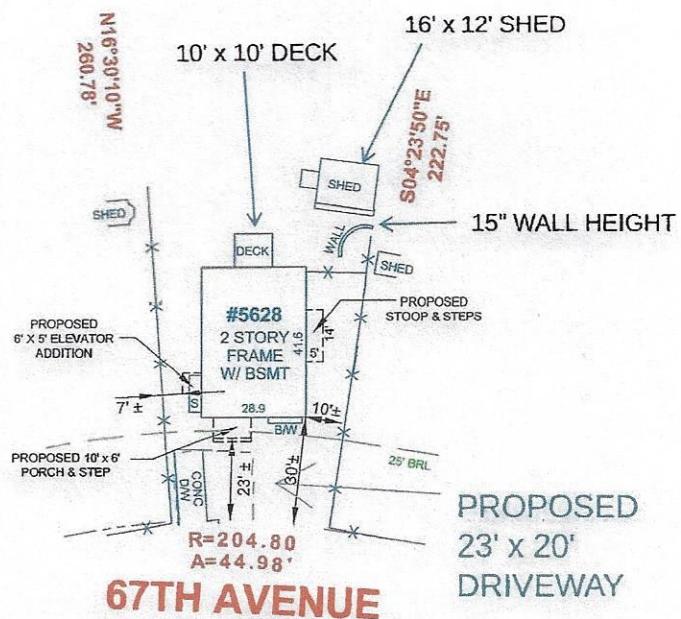
PLAT 10 @ 72

S79°01'20"E
103.0'LOT 40
16,815 sf (Plat)

BOARD OF APPEALS

APPROVED APR 14 2021

Administrator

EXH. # 2
V-6-21NOTE:
ENCROACHMENTS
MAY EXISTTHE LEVEL OF ACCURACY OF
DISTANCES TO APPARENT
PROPERTY LINES IS:
2'±

LOCATION DRAWING OF:

#5628 67TH AVENUE
LOT 40 BLOCK M
SECTION 4
EASTPINES
PLAT BOOK 10, PLAT 72
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1"=40' DATE: 08-29-2019
DRAWN BY: AP FILE #: 197332-200

LEGEND:

- FENCE

- BASEMENT ENTRANCE

- B/W - BAY WINDOW

- BR - BRICK

- BR - BASEMENT RESTRICTION LINE

- BSMT - BASEMENT

- CONCRETE STOOP

- CONCRETE

- DRIVEWAY

- EASEMENT

- FRAME

- MAC - MACADAM

- GATE

- GATE

- PUBLIC UTILITY ESMT.

- PUBLIC IMPROVEMENT ESMT.

COLOR KEY:

(RED) - RECORD INFORMATION

(BLUE) - IMPROVEMENTS

(GREEN) - ESMTS & RESTRICTION LINES

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DULEY
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Associates, Inc.

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Email: orders@duley.biz On the web: www.duley.biz

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12 CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS, THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION IS THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. THIS SURVEY IS FOR THE PURPOSE OF PROVIDING THIS LEVEL OF BENEFIT TO A CONSUMER ONLY. I COUPLED ALL THIS INFORMATION BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1:12. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

DULEY & ASSOC.

WILL GIVE YOU A 100%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.
(EXCLUDING D.C. & BALT. CITY)

BOARD OF APPEALS

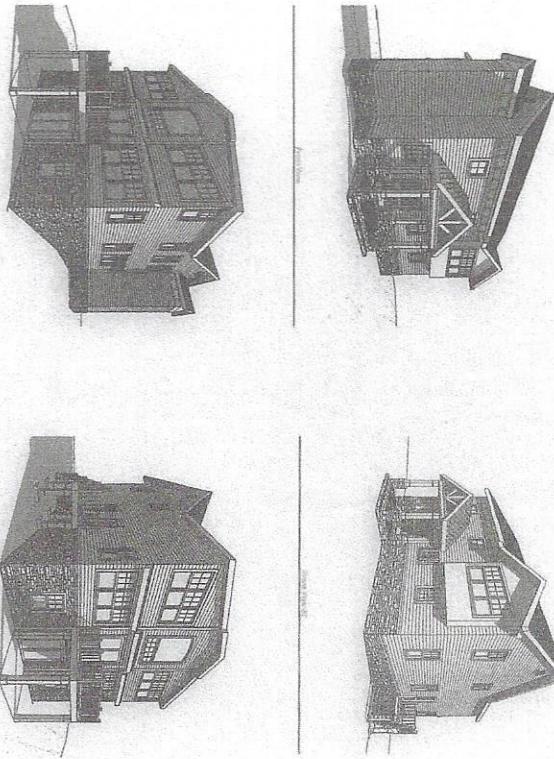
APPROVED APR 14 2021

Beth
ADMINISTRATOR

The McCREA Residence 5628 67th Avenue, MD Riverdale, MD 20737

REVIEW SET NOT FOR EXH. # 3(a-f) V-6-21

(a)



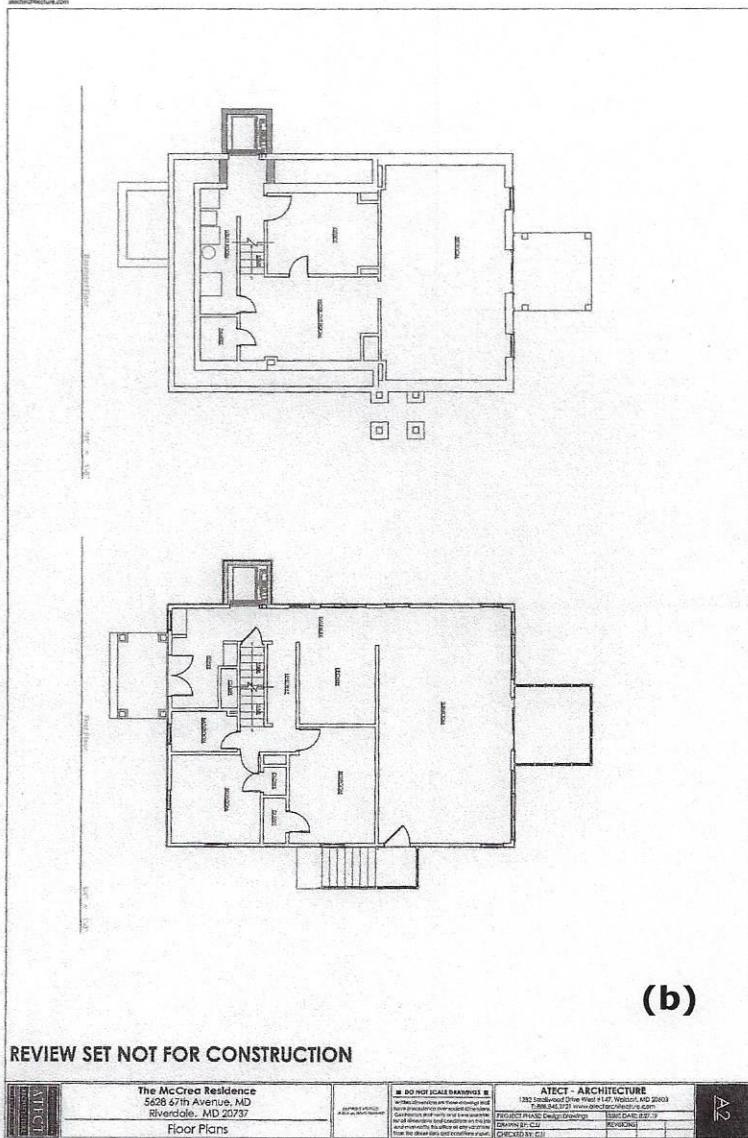
ATECT - ARCHITECTURE
1082 Smallwood Drive, Suite #100, Waldorf, MD 20602
703.262.5270 | www.atect.com
PROJECT: [REDACTED] Design Drawings | 10/12/2019 | 12/19
DRAWINGS BY: [REDACTED] | REFERENCE: [REDACTED]
CH-123456789-C1

ATECT	DO NOT SCALE DRAWINGS Intended for internal use only. Not for construction or engineering purposes. All dimensions are in feet and inches. All dimensions are approximate and subject to change. All dimensions are approximate and subject to change.	1082 Smallwood Drive, Suite #100, Waldorf, MD 20602 703.262.5270 www.atect.com PROJECT: [REDACTED] Design Drawings 10/12/2019 12/19 DRAWINGS BY: [REDACTED] REFERENCE: [REDACTED] CH-123456789-C1	A1
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BOARD OF APPEALS

APPROVED APR 14 2021

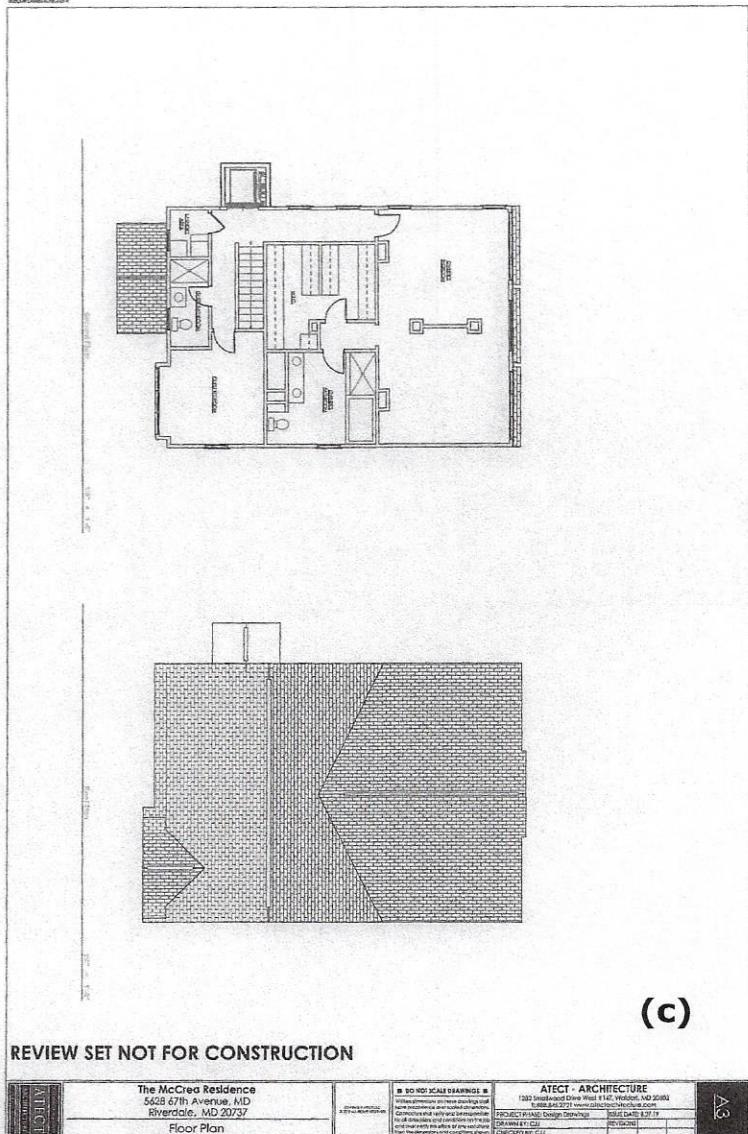
B. Stone
ADMINISTRATOR



BOARD OF APPEALS

APPROVED APR 14 2021

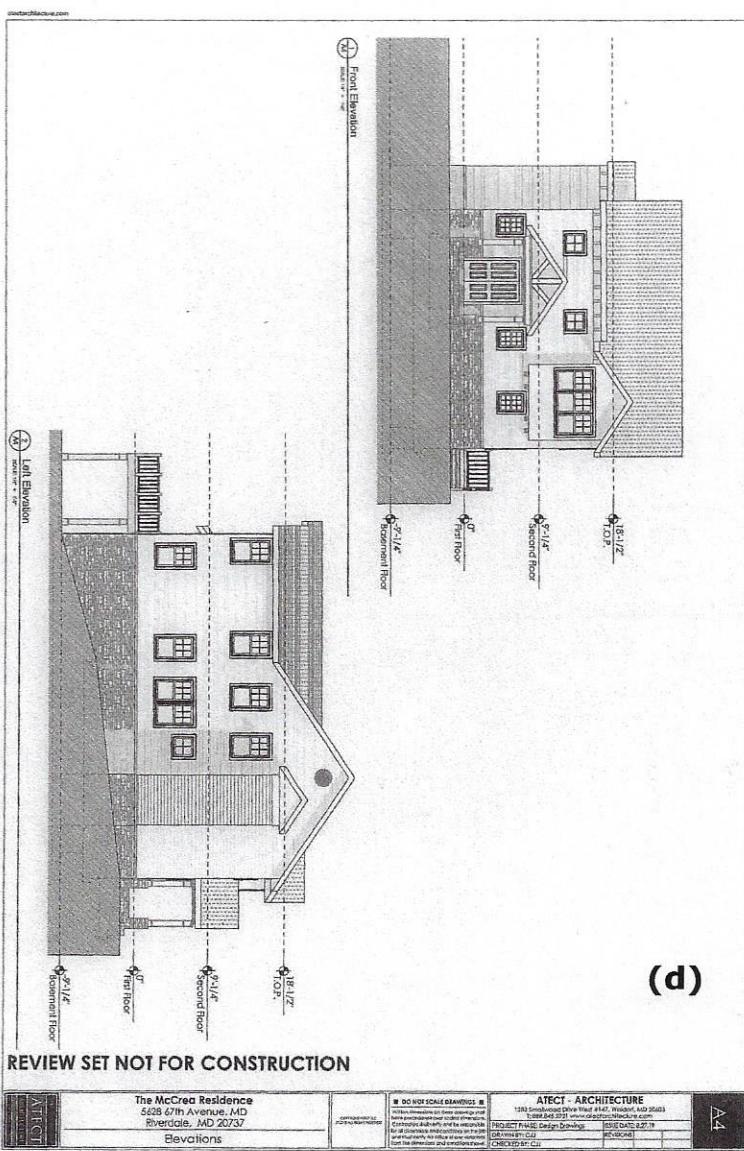
John B. Stone
ADMINISTRATOR



BOARD OF APPEALS

APPROVED APR 14 2021

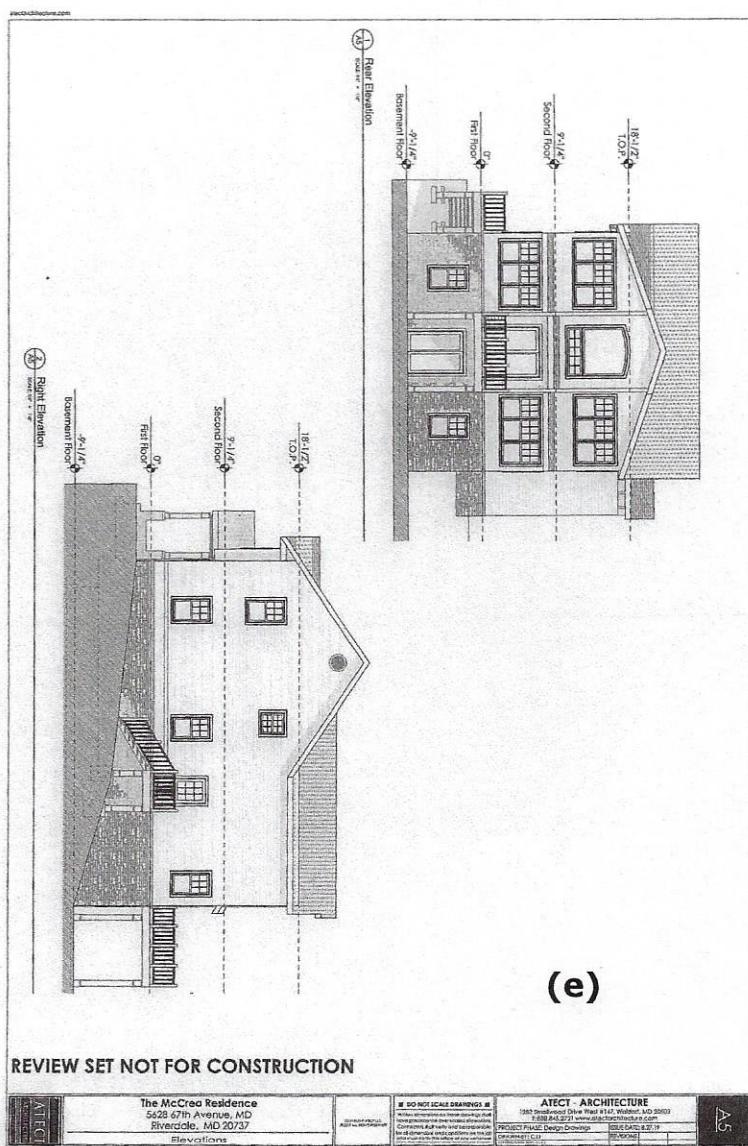
Bethany
ADMINISTRATOR

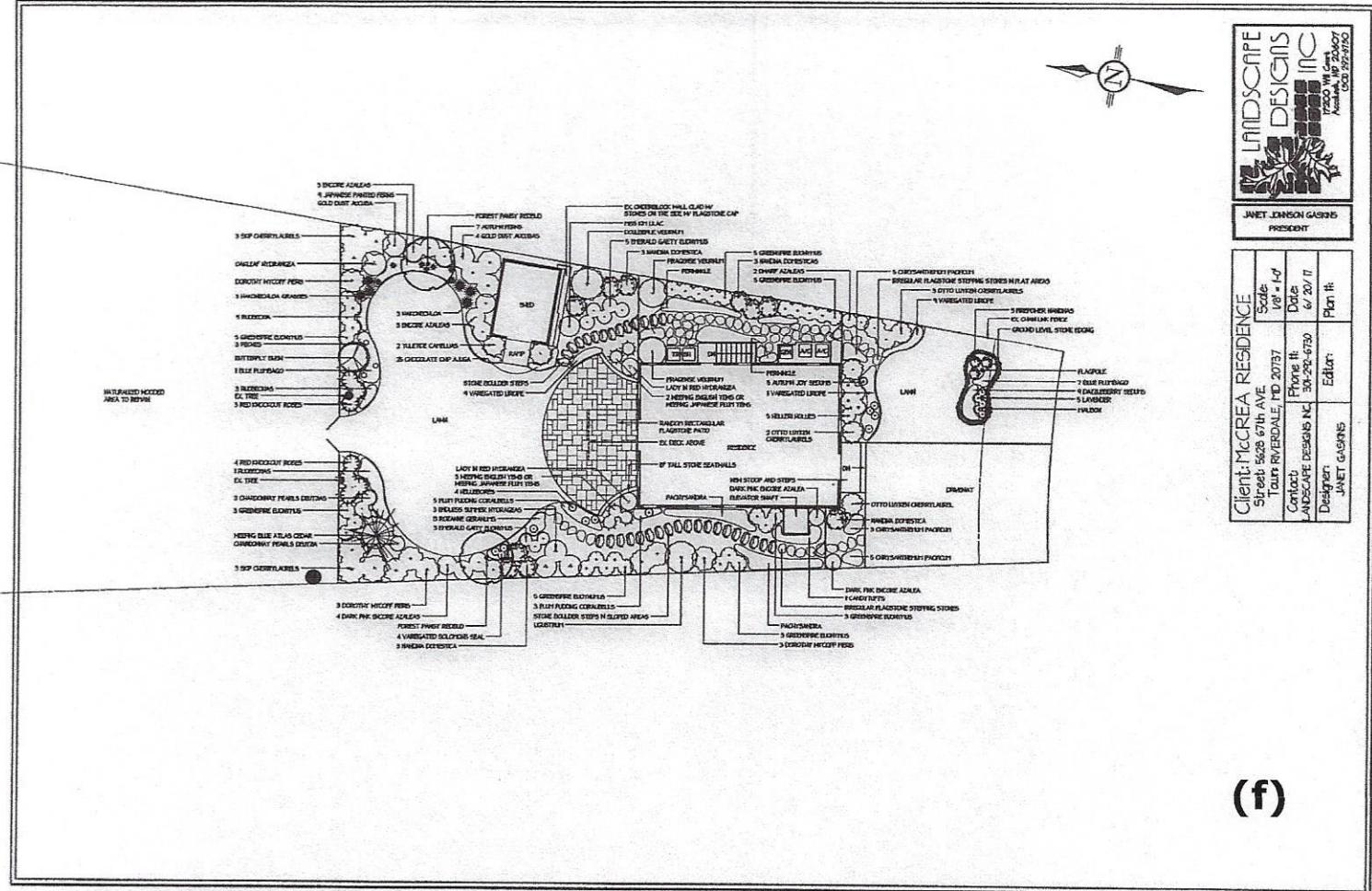


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(f)

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Administrator