



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

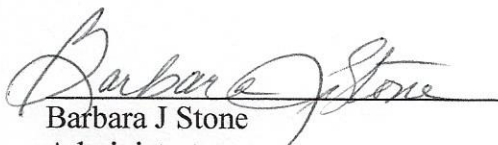
OF BOARD OF APPEALS

RE: Case No. V-13-21 Gerard Glaser, Jr.

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: June 9, 2021

CERTIFICATE OF SERVICE

This is to certify that on July 29, 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

Petitioner: Gerard Glaser Jr.

Appeal No.: V-13-21

Subject Property: Lot 332, Block 32, Cheverly Subdivision, being 6114 Montrose Road, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Heard: May 26, 2021; Decided: June 9, 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 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(i)(Table VIII) which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Section 27-120.01(c) 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. Petitioner proposes to validate existing conditions (side yard width and accessory building (shed)) location and obtain a building permit for the construction of a driveway in front of the house. Variances of 3 feet side yard width and 2 feet side lot line setback for an accessory building (shed), and a waiver of the parking area location requirement are requested.

Evidence Presented

1. The property was subdivided in 1926, contains 7,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, sunroom, driveway and shed. Exhibits (Exhs.) 4, 8, 9, 10 (A) thru (F) and 13 ¹.
2. Petitioner would like to validate existing conditions (side yard width and accessory building (shed)) and obtain a building permit for the construction of a driveway in front of the house. Because the sunroom and shed were constructed in 1937, prior to the current building requirements, conditions associated with both structures must be validated. The sunroom requires a 3-foot right side yard setback, and the shed requires a 2-foot right side yard setback. Exhs. 4, 8, 9 and 10 (A) thru (F) and 13.
3. The property is 50 feet in width and the preexisting dwelling is situated to the left of the lot with the left side yard being only 7.1 feet. Ext 13.
4. Petitioner Gerard Glaser testified that the proposed driveway will be located on the left side of the property and will be 12' X 43' in dimensions. Exh. 13. ²
5. He stated that the many other properties in the community have driveways. Exh. 10 (a) thru (g).
6. He testified that the Town of Cheverly offered to assist with the curb cut or apron.

¹ A revised site plan was submitted to clarify the left side yard location of the proposed driveway. Exh. 13.

² The Department of Permitting, Inspections and Enforcement – Site Road Section requires that no residential driveway apron may be closer than three and one-half (3 1/2) feet to the nearest abutting property line per Sec. 23-139 (a)(1)(B)(i).

6. The Town of Cheverly provided a letter in which it indicated no objection or opposition to the variance 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

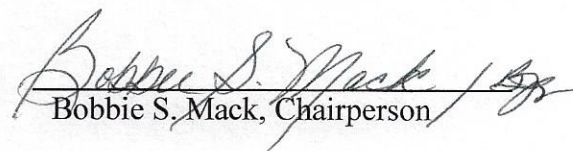
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the left side yard, the preexisting left yard sided location of the dwelling, the requirement that the new driveways must be 3.5' from a side yard, the desire for safe off-street parking, 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 variances of 3 feet side yard width, 2 feet side lot line setback for an accessory building (shed) and a waiver of the parking area location requirement in order to validate an existing condition (side yard width and accessory building (shed)) and obtain a building permit for the construction of a driveway in front of the house on the property located at 6114 Montrose Road, Cheverly, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved revised site plan, Exhibit 13. A

BOARD OF ZONING APPEALS

By:


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.

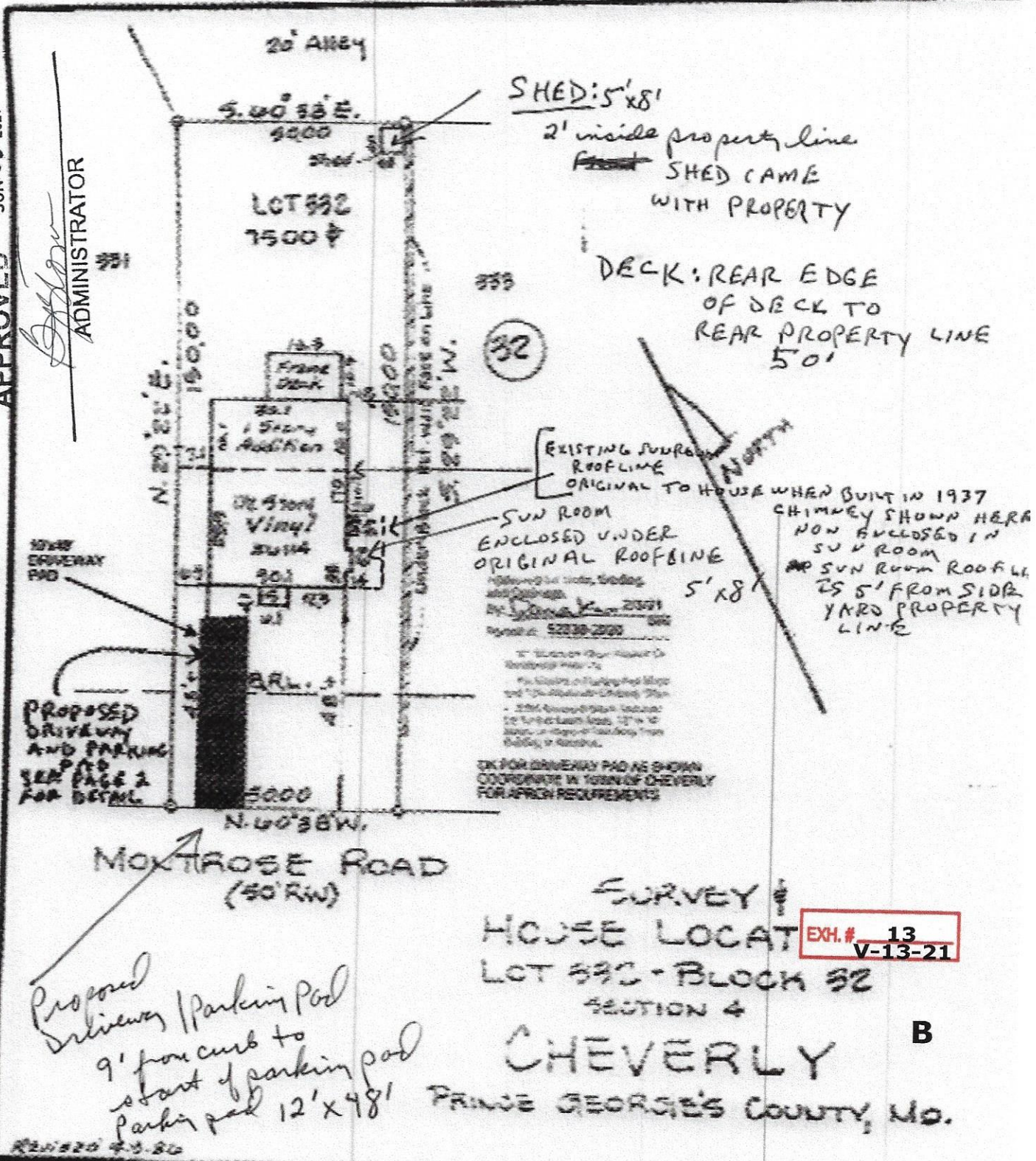
Further, Section 27-233(a) of the Prince George's County Code states:

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.

APPROVED JUN 09 2021

ADMINISTRATOR

PAGE 1 of 2



CERTIFICATION
I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

W. Stanley Machen
W. STANLEY MACHEN, REGISTERED LAND SURVEYOR, MARYLAND-2041

OFFICE OF
W. STANLEY MACHEN
REGISTERED LAND SURVEYOR
4326 FARRAGUT STREET
HYATTSVILLE, MARYLAND

PLAT REFERENCE: 504 3/45	DATE: 6-4-86	FILE NO.: E-9444
8-29-72		L-13806