



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

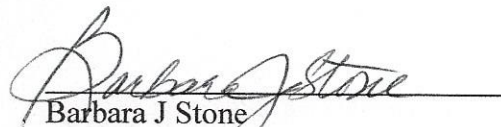
OF BOARD OF APPEALS

RE: Case No. V-94-21 Patrick and Christina Bruff

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: September 29, 2021.

CERTIFICATE OF SERVICE

This is to certify that on November 12, 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: Patrick and Christina Bruff

Appeal No.: V-94-21

Subject Property: Lot 4, Block B, Cheverly Subdivision, being 2328 Cheverly Avenue, Cheverly,
Prince George's County, Maryland

Municipality: Cheverly

Heard and Decided: September 29, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

Board Member Absent: 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) 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. 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 1919, contains 6,696 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and sunroom. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).
2. Petitioners are proposing to obtain a building permit for the construction of a driveway in front of the dwelling. Because the driveway is not associated with a garage or carport, a waiver of the parking area location is required. Exhs. 2, 3, 6, 7 and 8 (A) thru (F).
3. Petitioner Christina Bruff testified about safety concerns in parking vehicles on Cheverly Avenue which she described as the busiest street in town. She stated that three of her cars have been hit and two have been totaled.
4. She noted that an apron on the property existed when the property was purchased and both adjoining neighbors have driveways. She contends that because of the narrowness of the property, there is no other viable option for the location of a driveway. Exhs. 2, and 4 (A) thru (G).
5. The Town of Cheverly supported the requested variance for the driveway. Exh. 12.

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.

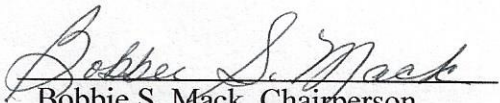
Findings of the Board

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 proposed driveway being built where the preexistence apron is located, adjoining neighbors have driveways, the Town of Cheverly supported the development, 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, by majority vote, Ms. Anastasia Johnson absent, that a waiver of the parking area location requirement in order to obtain a building permit for the construction of a driveway on the property located at 2328 Cheverly Avenue, 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 2.

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.

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

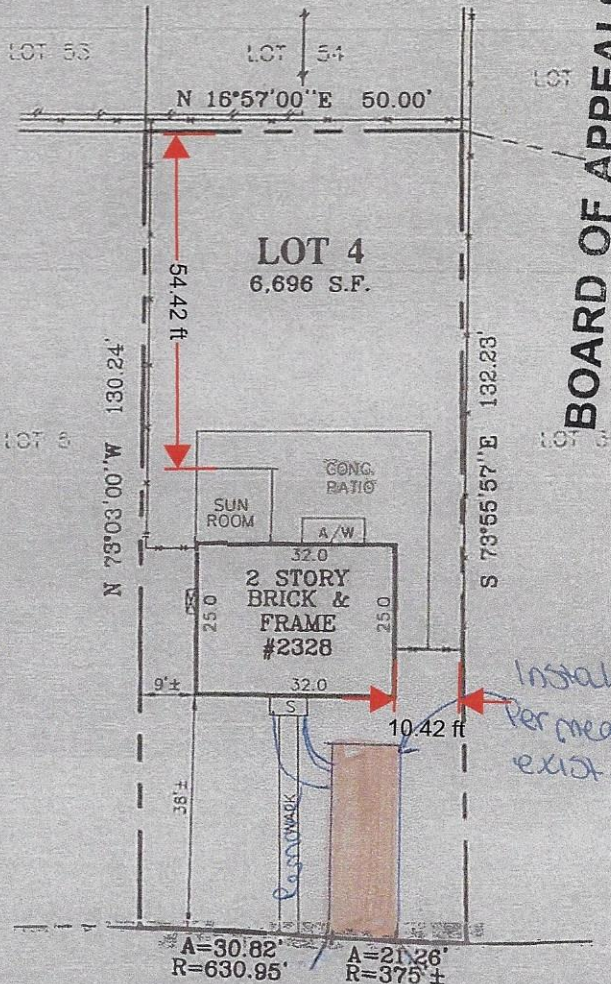
lot coverage
House 800
Sunroom 144
AW 40
984
Proposed Dlw = 300
Total Proposed
1284 + 19%

Notes:

1. Flood zone "C" per H.U.D. panel No. 0040C.
2. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet.
 No property corners confirmed.
 Fences, if shown, have been located by approximate methods.



LOCATION DRAWING
 LOT 4, BLOCK B, SECTION ONE
 CHEVERLY
 PRINCE GEORGE'S COUNTY, MARYLAND



BOARD OF APPEALS

APPROVED SEP 29 2011

ADMINISTRATOR

CHEVERLY AVENUE
 (60' R/W)

EXH. # 2
 V-94-21

SURVEYOR'S CERTIFICATE

"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

Jeffrey A. Foster 587
 MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587

REFERENCES

PLAT BK. 2
 PLAT NO. 38

LIBER
 FOLIO



SNIDER & ASSOCIATES
 LAND SURVEYORS

20270 Goldenrod Lane, Suite 110
 Germantown, Maryland 20876
 301/948-5100 Fax 301/948-1286

DATE OF LOCATIONS

SCALE: 1" = 30'

WALL CHECK:

DRAWN BY: J.T.H.

HSE. LOC.: 5-10-10

JOB NO.: 10-01876