

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-6-10 Alan Reid

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: February 24, 2010 .

CERTIFICATE OF SERVICE

This is to certify that on March 8, 2010 , 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
DER, Building Code Official, Permits & Review Div.
DER, Licenses & Inspections Div.
Municipality

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

Petitioner: Alan Reid

Appeal No.: V-6-10

Subject Property: Lot 10, Block 46, Cheverly Subdivision, being 2419 59th Place, Cheverly,
Prince George's County, Maryland

Municipality: Town of Cheverly

Witness: Rachele Reid, wife of Petitioner

Heard and Decided: February 24, 2010

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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 9 feet in width, and Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate and obtain a building permit for a new two-story addition, with basement. Variances of 4.59 feet side yard width and .6% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1945, contains 6,057 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property was improved with a single-family dwelling in 1946. See Exhibits ("Exhs.") 2, 4, 7.
2. The property is relatively narrow, being 114 feet deep but only 53 feet wide. See Exhs. 2, 4.
3. Petitioner would like to complete construction of a two-story addition that wraps around the left side and rear of the existing dwelling. At the corner of the "L" of the addition is a hexagon-shaped tower bump-out at the left rear corner of the house. The dimensions of the "L" portion of the addition are 26.13' x 19.75' and 9.25' x 45.60' and the footprint of the tower bump-out contains approximately 100 square feet. See Exhs. 2, 3, 9. Before obtaining a building permit for the addition, the following conditions of the property must be validated by variances. Because the right side yard is slightly less than 9 feet in width, a 9-foot rather than an 8-foot side yard is required on the left side of the house. Because the main portion of the addition is located 7.46 feet and the tower bump-out portion is located 4.41 feet from the left side lot line, a variance of 4.59 feet side yard width was requested. In addition, because construction of the addition caused the allowable amount of net lot coverage to be exceeded, a variance of .6% net lot coverage was requested. See Exh. 11.

4. Alan Reid testified that it was discovered that their house sits over an underground spring, requiring installation of an elaborate sump pump system. He explained that the contractor initially obtained a building permit for the addition, but the approved site plan did not include the hexagon-shaped bump-out. See Exh. 5.

5. Rachele Reid testified that when they tried to renew the building permit, structural problems and the need for variances were discovered. She stated that the interior of the house is unfinished and because they have a young baby, they cannot live at the house.

6. Mr. Reid further testified that part of the addition replaced a screened porch of the same width on the left side of the house and about six other houses nearby on their street have large additions

7. The Town of Cheverly elected not to comment on the request. See Exh. 16.

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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the property, existence of an underground spring requiring a new sump pump system to be installed, the need for additional living space, part of Petitioner's addition replacing a screened porch of the same width on the left side of the house, 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 variances of 4.59 feet side yard width and .6% net lot coverage in order to validate and obtain a building permit for a new two-story addition (26.13' x 19.75' and 9.25' x 45.60' "L" with bump-out), with basement, on the property located at Lot 10, Block 46, Cheverly Subdivision, being 2419 59th Place, Cheverly, 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 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.