

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-113-16 Love and Betty Russell

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: December 14, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on December 23, 2016 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
Acting Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Mount Rainier

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

Petitioners: Love and Betty Russell

Appeal No.: V-113-16

Subject Property: Part of Lot 12, Block 6, Mount Rainier Subdivision, being 4119 32nd Street, Mount Rainier, Prince George's County, Maryland

Municipality: City of Mount Rainier

Action by the Board: December 14, 2016

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Albert C. Scott, Vice Chairman

Anastasia T. Johnson, Member

RESOLUTION

Request was made to 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"), by Petitioners to reopen the record and reconsider the Board's decision of October 26, 2016 in V-113-16 that was issued on November 16, 2016 to approve variances of 17 feet front yard depth, 4 feet side street yard depth and 3.2% net lot coverage in order to validate existing conditions and construct a 22.3' x 43.8' second floor addition, 5' x 5' covered front porch with steps, and 13.9' x 19.6' deck on the subject property. Approval of the variances was contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.

On December 6, 2016, Petitioners requested reconsideration to submit a revised site (Exhibit 36) and elevation plans (Exhibit 37) with a proposed deck of the same depth as the approved deck, but a wider width (the same as the existing dwelling) and the addition of two sets of steps to the deck. The reason for the revision was to provide additional safety for Petitioners' children in view of the topography in the area of the deck. No changes in the requested variances are necessary.

After consideration of the points raised in Petitioners' letter requesting reconsideration, the Board vacates the decision in V-113-16 to facilitate submission of Exhibits 36 and 37.

BE IT THEREFORE RESOLVED, unanimously, that the request for reconsideration be and is hereby GRANTED and the previous decision of the Board be and hereby is VACATED; and

BE IT FURTHER RESOLVED, unanimously, that variances of 17 feet front yard depth, 4 feet side street yard depth and 3.2% net lot coverage in order to validate existing conditions and construct a 22.3' x 43.8' second floor addition, 5' x 5' covered front porch with steps, and 13.10' x 22.3' deck, with two sets of steps, on the subject property. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 36, and the approved revised elevation plan, Exhibit 37.

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.