



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

## *OF BOARD OF APPEALS*

RE: Case No. V-6-22 Peter Cornbrooks and Meril Johnson

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 23, 2022.

## **CERTIFICATE OF SERVICE**

This is to certify that on April 25, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone". Below the signature, the name "Barbara J. Stone" is printed in a standard font, followed by the title "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: Peter Cornbrooks and Meril Johns

Appeal No.: V-6-22

Subject Property: Lot 19, Block 8, MT Rainier Rogers 1<sup>st</sup> Addition, being 4109 29<sup>th</sup> Street, Mount Rainier, Prince George's County, Maryland

Municipality: Mount Rainier

Witnesses: Nathan Cederoth, Designer, Operant Studios

Heard and Decided: February 23, 2022

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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioners propose to obtain a building permit to construct a deck and patio. A variance of 4 right feet side yard width is requested.

**Evidence Presented**

1. The property was subdivided in 1904, contains square 7,500 feet, is zoned R-55 (One Family Detached Residential) and is improved with a single-family dwelling, driveway (concrete driveway strips) and covered front porch. Exhibits (Exhs.) 3, 5, 10, 11 and 12 (A) thru (F).

2. The dwelling is slanted closely to the right side of the property to accommodate presumably the driveway on the left side. Exhs. 3, 5, 10, 11 and 12 (A) thru (F).

3. Petitioners would like to obtain a building permit to construct a rear deck (and patio). An 8-foot side yard setback is required in the R-55 zone and the proposed deck will be built only 4-feet from the side yard. Therefore, a variance of 4-foot side yard setback is required. Exhs. 3, 5, 10, 11 and 12 (A) thru (F).

4. In a justification statement in support of the variance, Petitioners stated, in pertinent part, the following:

- Exceptional Condition: The existing house is very close to the required setback and includes a door that is unusable and dangerous unless served by a stair. Because the house is so close to the property line the existing stair and landing violate the required side yard setback, as will any such stair, ramp, or other access.
- Undue Hardship: The door can't be relocated to the rear wall of the structure without significantly reconfiguring the interior, including plumbing. Leaving the door without such a stair would create an obvious hazard in a door that opens onto a drop of approximately four and half feet. Such a condition is specifically banned in IRC R311.3, which requires that "There shall be a landing or floor at each side of each exterior door." Since the house itself is only 8' from the lot line on most of that Southern facing side, it is impossible to provide the necessary minimum 3-feet wide stairs without violating the required setback. In addition to

safety concerns, any other house which isn't so tight to the setback or has a rear door on the back of the house would provide direct access from interior living space to an outdoor deck. This has become so common as to be almost obligatory in single family housing. Only the unique siting and configuration of this particular property present difficulties in providing this common amenity.

- Master Plan: The proposed plan is entirely on private property, makes no change to occupancy or use group, and will be almost entirely invisible from the street and neighboring properties at ground level. Nor is it an extravagance; in design and function; it matches the amenities commonly found in surrounding houses and neighborhoods. The requested variance will only be visible from the immediately adjacent property, which is a double lot. The owner of that adjacent property also supports this request for relief. The variance requested addresses a dangerous condition and improves the livability of an existing structure that is a contributing resource to Mount Rainier National Historic District without altering the historic structure at all. Improving livability in existing traditional communities is an implicit goal of the 2035 General Plan, Architectural Conservation Overlay Zone, the Gateway Arts District, and the upcoming Neighborhood Conservation Overlay Zone."

5. Designer Nathan Cederoth testified that the dwelling does not have a back door; however, it does have a right-side door towards the back. A proposed staircase would come off of the side door.

6. He stated that because of the topography in the right-side yard, the dwelling is almost a full story above grade and any accessibility to the door requires a staircase. He stated that this would be the only access/exit path to the back yard (and/or patio?).

7. He further informed the Board that it would be impossible to create a direct rear exit from the house, otherwise because the kitchen and the powder room would have to be removed as both room runs along the full back of the house. Exhs. 2, 3, 4 (a) thru (f) and 6 (C) thru (

8. Brooke Kidd, a neighbor, reviewed the drawings and supported the development. Exh. 7.

9. The City of Mt. Rainier supported the variance request. Exh. 9.

#### 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.

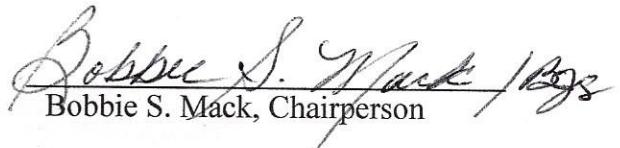
#### Findings of the Board

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 dwelling being slanted to the right side of the property, the house not having a rear (emergency) exit, the topography on the right-side yard sloping down almost 8-feet, the need to provide safe stairs from the side door to the rear property 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 a variance of 4 feet side yard width in order to obtain a building permit to construct a deck on the property located at 4109 29<sup>th</sup> Street, Mount Rainier, 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 3 and approved elevation plans, Exhibits 4 (a) thru (f).

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.



# BOARD OF APPEALS

APPROVED FEB 23 2022

*By Stone*  
ADMINISTRATOR

## Cornbrooks/Johnson Rear Deck & Patio 4109 29TH ST MOUNT RAINIER MD 20712

LOT 19, BLOCK 8  
Map: 0049 Grid:00E3  
Parcel: 0000 Subdivision: 5681  
PRINCE GEORGES COUNTY, MD

### BUILDING & PROPERTY INFORMATION:

PLAT: A-1070 ZONED: R-55  
CONSTRUCTION TYPE: III, CMU w/Truss Roof  
STORIES: 1 Existing, 1 Proposed  
EXISTING USE: Residential  
PROPOSED USE: Residential  
ABOVE GRADE SF: XXX sf (no change proposed)  
SITE AREA: 7,500 sf  
EXISTING LOT COVERAGE: 1,258 sf, 16.8% of 30% Allowed  
PROPOSED LOT COVERAGE: 1,686 sf, 22.5% of 30% Allowed

### SCOPE OF WORK:

NEW WOOD PORCH, NEW BRICK PATIO.

### APPLICABLE CODES:

SINGLE FAMILY DWELLING:  
2015 IBC and Subtitle 4 Prince George's County Building Code  
2015 International Residential Code  
2014 NFPA 70 National Electrical Code and Subtitle 2, Group 14B and  
Subtitle 9 Prince George's County Electrical Code  
2015 NFPA 101 Life Safety Code and Subtitle 11 Prince George's  
County Fire Safety Code  
CR-78-2004 Gateway Arts District Overlay Zone  
NPS & MHT PG-74 Mount Rainier Historic District

### ZONING ANALYSIS:

Property is zoned R-55 and characterized as "Traditional Residential Neighborhood Character Area" within the DDOZ.

### GENERAL CONSTRUCTION NOTES:

1. All work shall conform with applicable building codes and regulations.
2. All dimensions and conditions to be verified in the field.
3. Dimensions govern over drawing scale. large-scale details govern over small-scale unless noted otherwise.
4. All work shall be performed in good workmanlike manner and shall be executed to completion with all due diligence.
5. All cutting and patching shall be performed in a neat, professional manner.
6. All adjacent work and areas or items not in construction shall be protected from any damage from this work, as shall any existing finishes that are to remain.
7. Inspect & evaluate all existing structural elements revealed during demolition and construction, and remediate any deficiencies before completion of further work.

EXH. # 4101  
V-6-22

SHEET LIST			
Sheet #	Sheet Title	Issue	Revised
G101	Cover Sheet & Site Data	02/12/21	
A101	Architectural Plan	02/12/21	
A102	Framing Plan	02/12/21	
A103	Rail & Bench Framing Plan	02/12/21	
A201	Elevations	02/12/21	

### SITE LOCATION



(a)

**OPERANT**  
STUDIO

3100 Webster Street  
Mount Rainier, MD 20712  
240 603 3652  
operantstudio.com

CLIENT:  
Peter CornBrooks,  
Meril Johnson  
4109 29th St.  
Mount Rainier MD 20712  
503-944-9580

BUILDER:

This project has been designed in accordance with the 2015 International Residential Code in conjunction with local and state amendments

Set	Date	Rev
PERMIT SET	02/12/21	

Design by: NTC Drafting by: NTC

Set: PERMIT

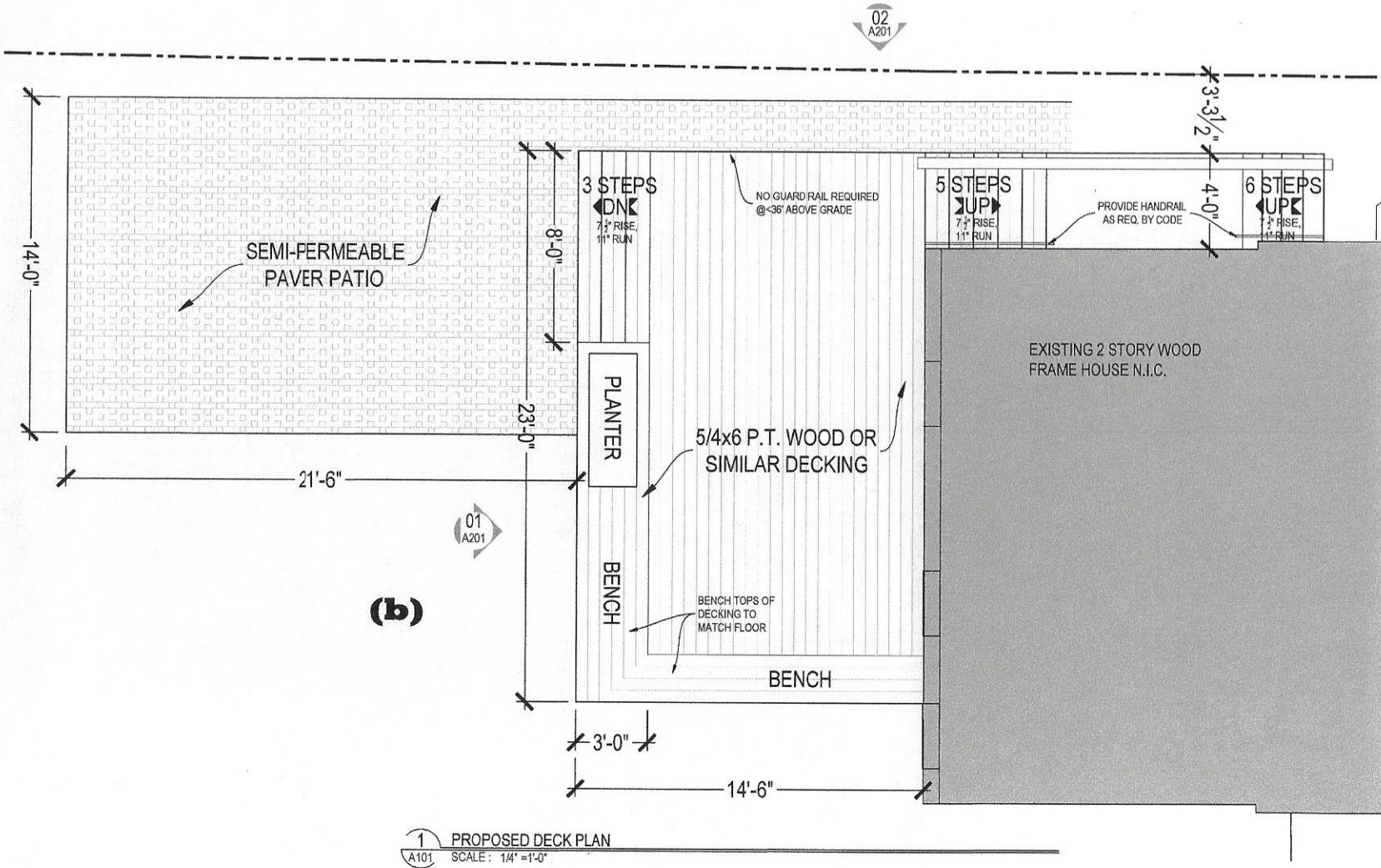
4109 29th Street  
DECK

**G101**  
COVER, CODE,  
& SITE PLANS

# BOARD OF APPEALS

APPROVED FEB 23 2022

*B Stone*  
ADMINISTRATOR



**OPERANT**  
STUDIO

3100 Webster Street  
Mount Rainier, MD 20712  
240 603 3652  
operantstudio.com

CLIENT:  
Peter CornBrooks,  
Meril Johnson  
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Set	Date	Rev
PERMIT SET	02/12/21	

Design by: NTC Drafting by: NTC

Set: PERMIT

4109 29th Street

DECK

**A101**

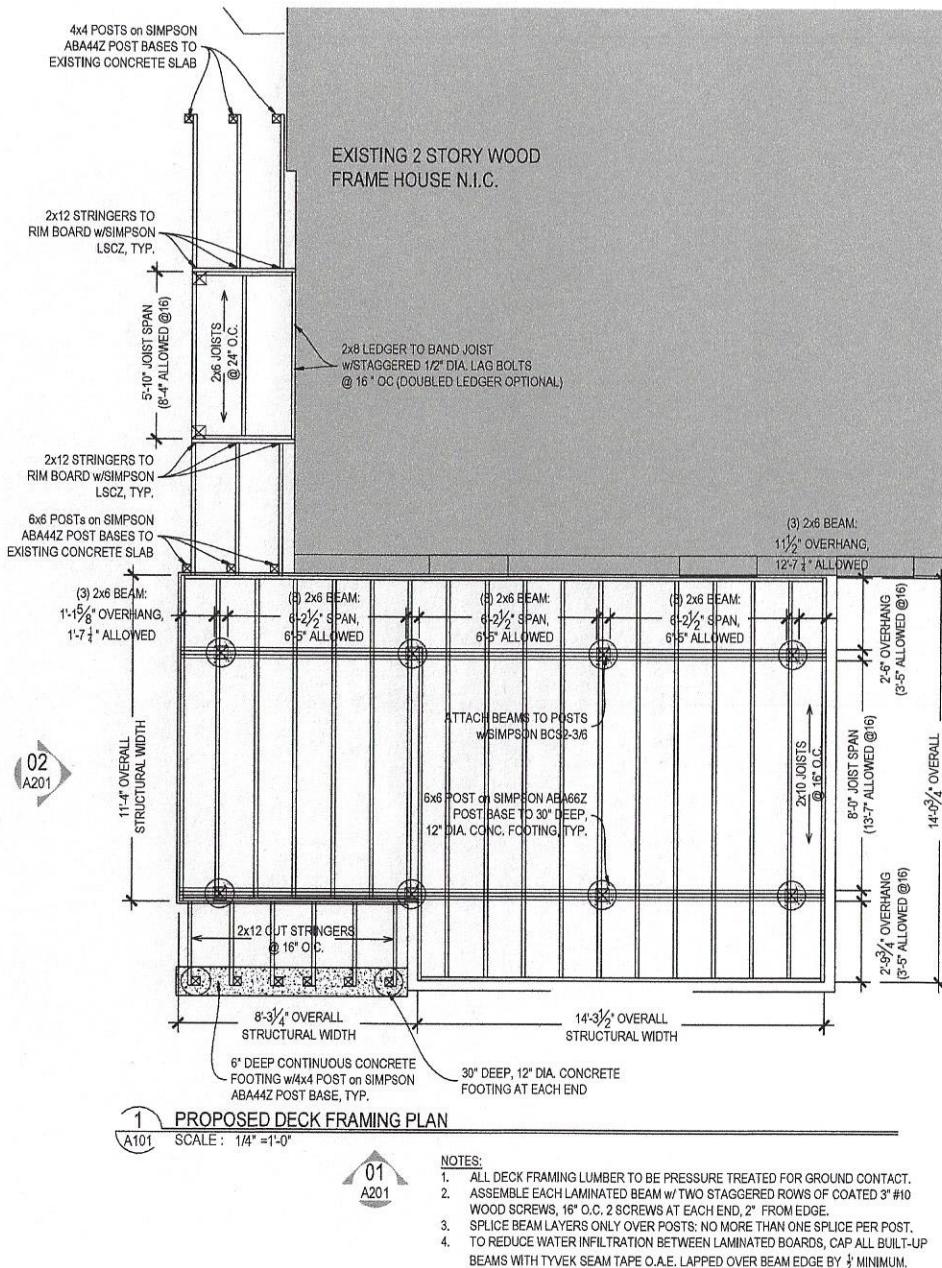
ARCHITECTURAL PLAN

# BOARD OF APPEALS

APPROVED FEB 23 2022

*P. Stone*  
ADMINISTRATOR

(c)



**OPERANT**  
STUDIO

3100 Webster Street  
Mount Rainier, MD 20712  
240 603 3652  
operantstudio.com

CLIENT:  
Peter CornBrooks,  
Meril Johnson  
4109 29th St.  
Mount Rainier MD 20712  
503-944-9580

BUILDER:

This project has been designed in accordance with the 2015 International Residential Code in conjunction with local and state amendments

Set	Date	Rev
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PERMIT SET	02/12/21	

Design by: NTC Drafting by: NTC

Set: PERMIT

4109 29th Street

DECK

**A102**

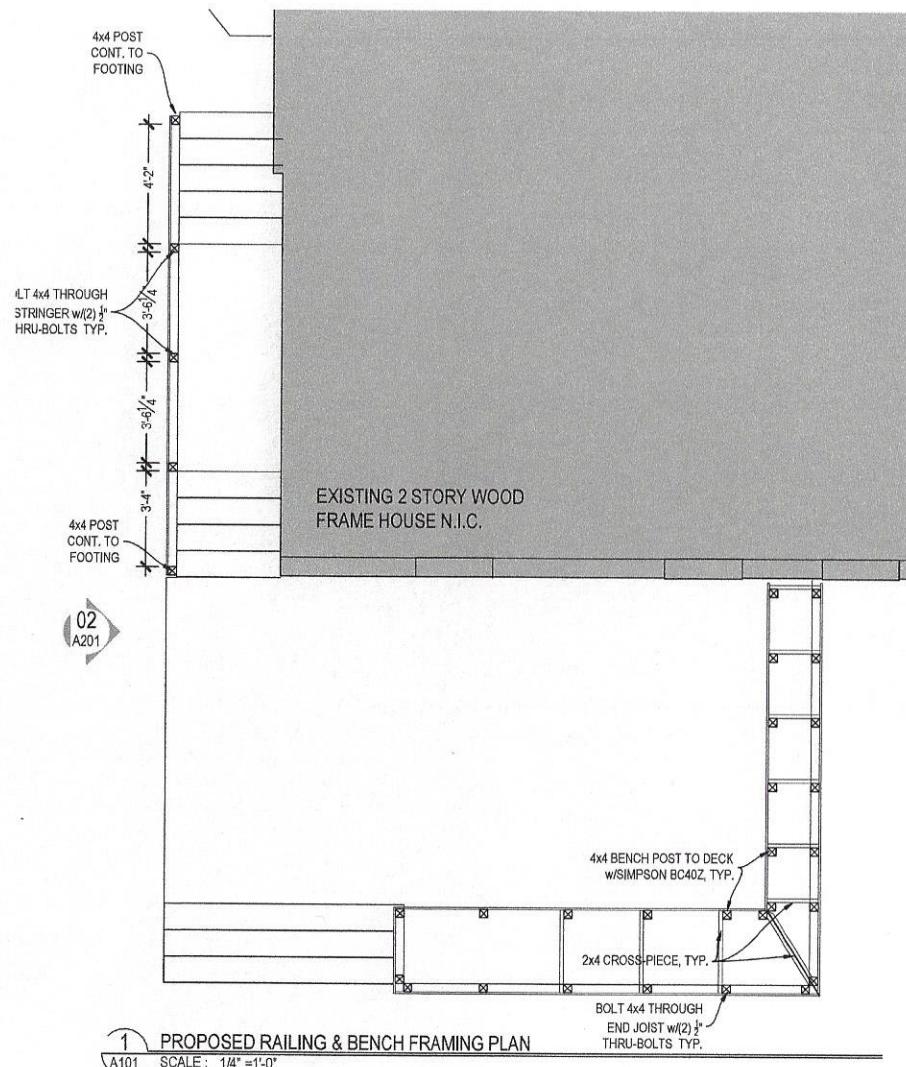
PROPOSED  
FRAMING PLAN

# BOARD OF APPEALS

APPROVED FEB 23 2022

*John Stone*  
ADMINISTRATOR

(d)



**OPERANT**  
STUDIO

3100 Webster Street  
Mount Rainier, MD 20712  
240 603 3652  
operantstudio.com

CLIENT:  
Peter CornBrooks,  
Meril Johnson  
4109 29th St.  
Mount Rainier MD 20712  
503-944-9580

BUILDER:

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Set	Date	Rev
PERMIT SET	02/12/21	

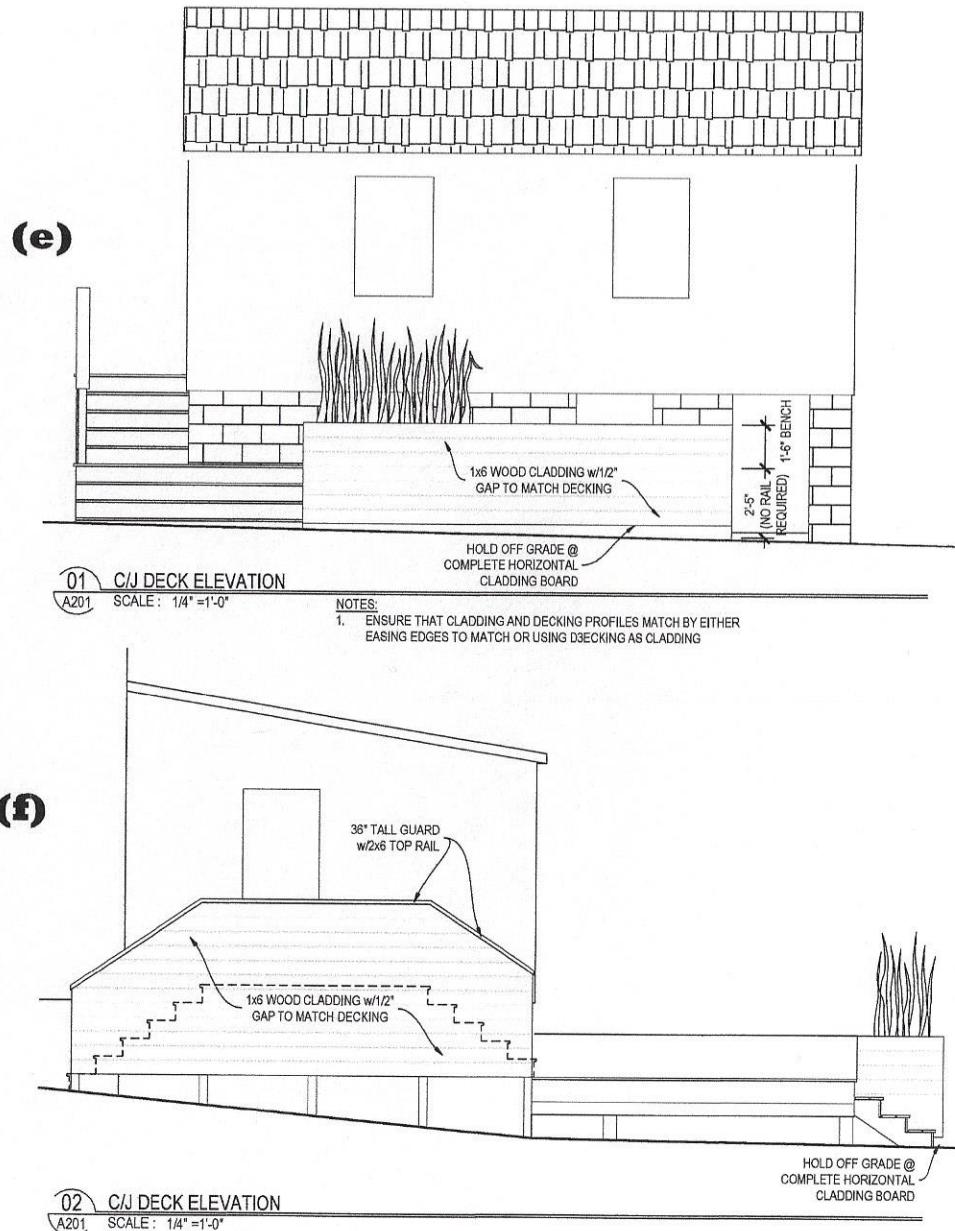
Design by: NTC Drafting by: NTC  
Set: PERMIT

4109 29th Street  
DECK  
**A103**  
PROPOSED  
FRAMING PLAN

# BOARD OF APPEALS

APPROVED FEB 23 2022

*B. Stone*  
ADMINISTRATOR



<b>OPERANT STUDIO</b>		
3100 Webster Street Mount Rainier, MD 20712 240 603 3652 operantstudio.com		
CLIENT: Peter CornBrooks, Meril Johnson 4109 29th St. Mount Rainier MD 20712 503-944-9580		
BUILDER:		
This project has been designed in accordance with the 2015 International Residential Code in conjunction with local and state amendments		
Set	Date	Rev
PERMIT SET	02/12/21	
Design by: NTC Drafting by: NTC		
Set: PERMIT		
4109 29th Street DECK <b>A201</b> PROPOSED ELEVATIONS		