



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-13-22 Hannah Cole-Chu & William McKindley-Ward

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: April 6, 2022

CERTIFICATE OF SERVICE

This is to certify that on May 3, 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", is positioned above the printed name and title.

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: Hannah Cole Chu and William Mckindley-Ward

Appeal No.: V-13-22

Subject Property: Lot 31, Block 5, Mount Rainier Rogers 2nd addition Subdivision, being 3209 Perry Street,
Mount Rainier, Prince George's County, Maryland

Municipality: Mount Rainier

Witness: Nathan Cederoth, Designer, Operant Studios

Heard: March 9, 2022; Decided: April 6, 2022

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 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, Petitioners request that the Board approve variances from Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 4800 square feet. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose validate existing conditions (net lot area, front yard depth, and net lot coverage) and propose exterior wood stairs and landing with partial roof to access to the rear of the main floor. Variances of 425 square feet net lot area, 13.5 feet front yard depth and 21.2 % net lot coverage were requested.

Evidence Presented

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

1. The property was subdivided in 1907, contains 4,375 square feet, is zoned R-55 (One Family Detached Residential), and is improved with a single-family dwelling, concrete drive, garage and covered front porch. Exhibits (Exhs.) 2, 3, 5, 9, 10 and 11 (A) thru (F).
2. The subject rear lot line abuts an alley way. The lot is long (125 feet) and very narrow (35 feet). Exhs. 3 and 5.
3. Petitioners propose validate existing conditions (net lot area, front yard depth, and net lot coverage) and propose exterior wood stairs and landing with partial roof to access to the rear of the main floor. A variance of 425 square feet is needed as the net lot area regulated by the Zoning Ordinance in the R-55 zone, requires 4,800 square feet and the current net lot area is 4,375. A variance of 13.5 feet front yard depth is necessary as the required 25-foot front yard setback is not being met because the current front yard

setback is only 11.5 feet. A variance of 21.2% is required for net lot coverage. The maximum allowable coverage is 30% for lots within the R-55 Zone and the existing and proposed development's net lot coverage will be 51.2%. Exhs. 2, 3, 5, 9, 10 and 11 (A) thru (F).

4. Designer Nathan Cederoth testified that the issue is the Petitioners have no real access from the back of the house to the rear yard. He described the home as an old bungalow and the only way to access the back yard is down the interior stairs of the house which if your familiar with these bungalows, it is not what you would want in order to have your access to the rear yard. He stated that the existing rear door is not a safe way to exit the home because it is only 6'8" tall x 32" wide, causing the stairs height to have very low head room and is a head buster. The height of the basement is only 7 feet. Exhs. 2, 3, 4 (a) thru (c) and 6 (A) thru (F).

5. He stated that Petitioners are requesting the proposed stairs and landing because the garage and trash bins are located in the rear yard, and bicycles are stored in the rear. Exhs. 2, 3, 4 (a) thru (c) and 6 (A) thru (F).

6. He stated that between the front and the back yards the grade falls away (almost an entire story), the front of the house has a retaining wall, and there is an 8 feet difference between grade and the first floor. Petitioners would like to access to the back yard from the first floor. Exhs. 2, 3, 4 (a) thru (c) and 6 (A) thru (F).

7. Mr. Cederoth explained that constructing the new landing with stairs will bring them further over lot coverage. He opined that the improvement it is not egregiously; however, will not be considered out of character with the neighborhood. He stated that neighbors have written letters of support. Exhs. 2, 3, 4 (a) thru (c) and 6 (A) thru (F).

8. Petitioner have gone before the Mt. Rainier Design Review Board and receive a letter of support. Exhs. 2, 3, 4 (a) thru (c) and 6 (A) thru (F).

9. The City of Mount Rainier, voted to approve the requested variances. Exh. 21.

10. Petitioner William Mckindley-Ward stated that Mr. Cederoth has accurately characterized his needs rather well. He added that it is quite hard to access the back yard; the currant access is down a set of interior stairs to a doorway leading out the basement. He stated that he must crouch down to get through the space and he has hit his head quite a few times. He stated that in the rear is where groceries are brought into the house.

11. Petitioner Hannah Cole Chu testified that her neighbors have back steps. The main issue is the topography of the land and not having easy and safe access to their rear yard. Exhs. 2, 3, 4 (a) thru (c) and 6 (A) thru (F).

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

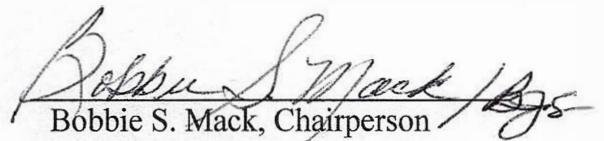
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically

Due to the topography of the lot sloping from the front down to the rear yard by at least 8 feet, the only access to the rear yard is through the basement which is unsafe, the need for a first-floor rear emergency access to the back yard, both side yards are extremely narrow for access to the rear yard 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 425 square feet net lot area, 13.5 feet front yard depth and 21.2 % net lot coverage in order to validate existing conditions (net lot area, front yard depth, and net lot coverage) and propose exterior wood stairs and landing with partial roof to access to the rear of the main floor on the property located at 3209 Perry Street, Mount Rainier, 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 3 and approved elevation plans, Exhibits 4 (a) thru (c).

BOARD OF ZONING APPEALS

By:



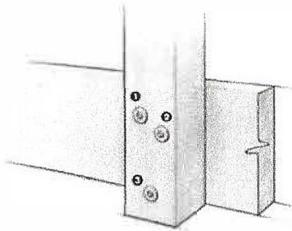
Bobbie S. Mack, Chairperson

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:

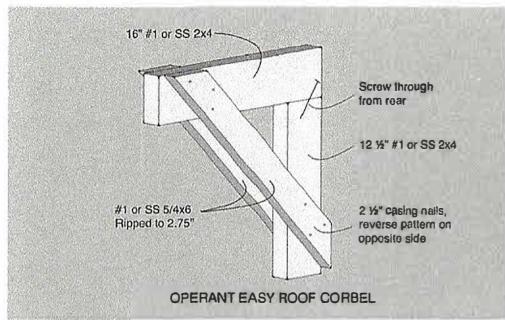
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.



POST ATTACHMENT DETAIL A:

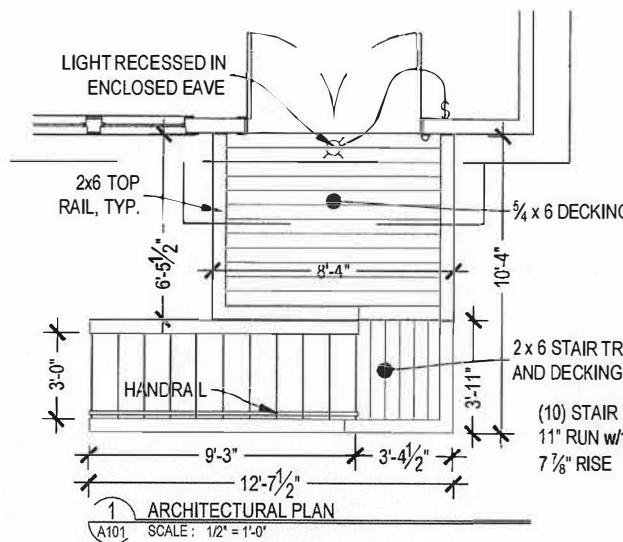
For this condition, use the
6-1/4" THRUOK fastener

1. Install first screw 1" in from the edge of the post and 2" (± 1/4") from the top of the rim board
2. Install second screw 1" in from the other edge of the post and 3" (± 1/4") from the top of the rim board
3. Install third screw in the center of the post and 2" (± 1/4") from the bottom of the rim board



POST ATTACHMENT DETAIL B:
SAME PATTERN AS DETAIL A,
EXCEPT w/SDWS22800DB SCREWS
THROUGH POST, DIRECTLY INTO
SOLID MEMBER BEYOND

POST ATTACHMENT DETAIL C:
TITAN 4x4 POST ANCHOR, BRACED
AT TOP AGAINST ADJACENT POST



OPERANT
STUDIO

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

CLIENT:
Hannah Cole-Chu
Will McKinley-Ward
3209 Perry St
Mount Rainier MD 20712

BUILDER:
Pete McAvoy
4315 34th St
Brentwood MD 20722
MHIC Reg. # 108176
301 256-5727

ENGINEER:
Norion Consulting Engineers
5718 Nottingham Place
Adamstown, MD 21710
License: MD28903
240 393-3672

(B)

APPROVED APR 16 2022
[Signature]

BOARD OF APPEALS

PROJECT	Date	Rev
09/22/21		
PERMIT SET	11/28/21	
DESIGN BY	NTC	DRAFTING BY NTC
SET		
PERMIT		

OBlique
STRATEGY
A101
ARCHITECTURAL
DRAWINGS

2 PROPOSED NORTH ELEVATION
A101 SCALE: 1/2" = 1'-0"

3 PROPOSED EAST ELEVATION
A101 SCALE: 1/2" = 1'-0"

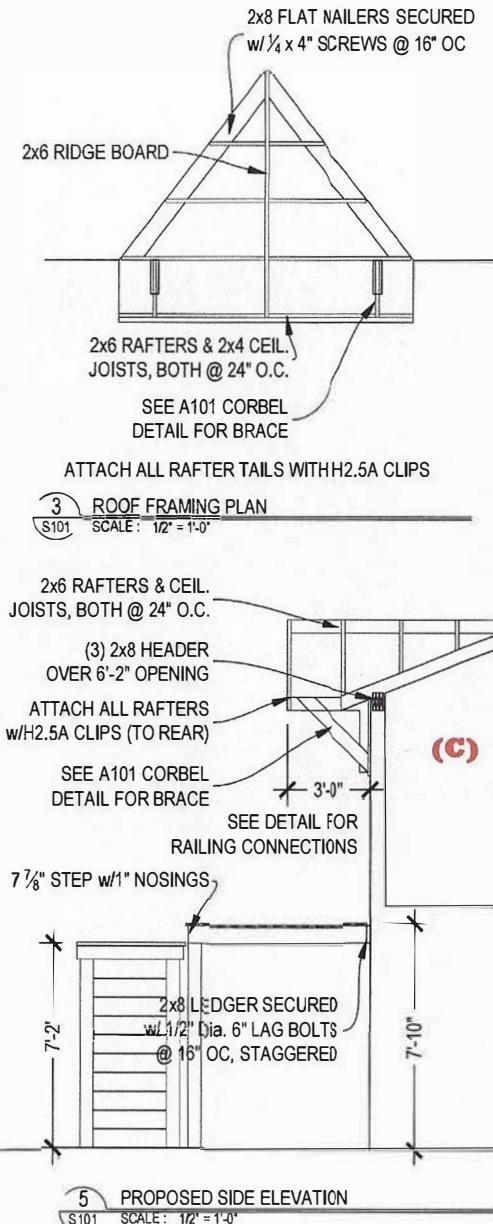
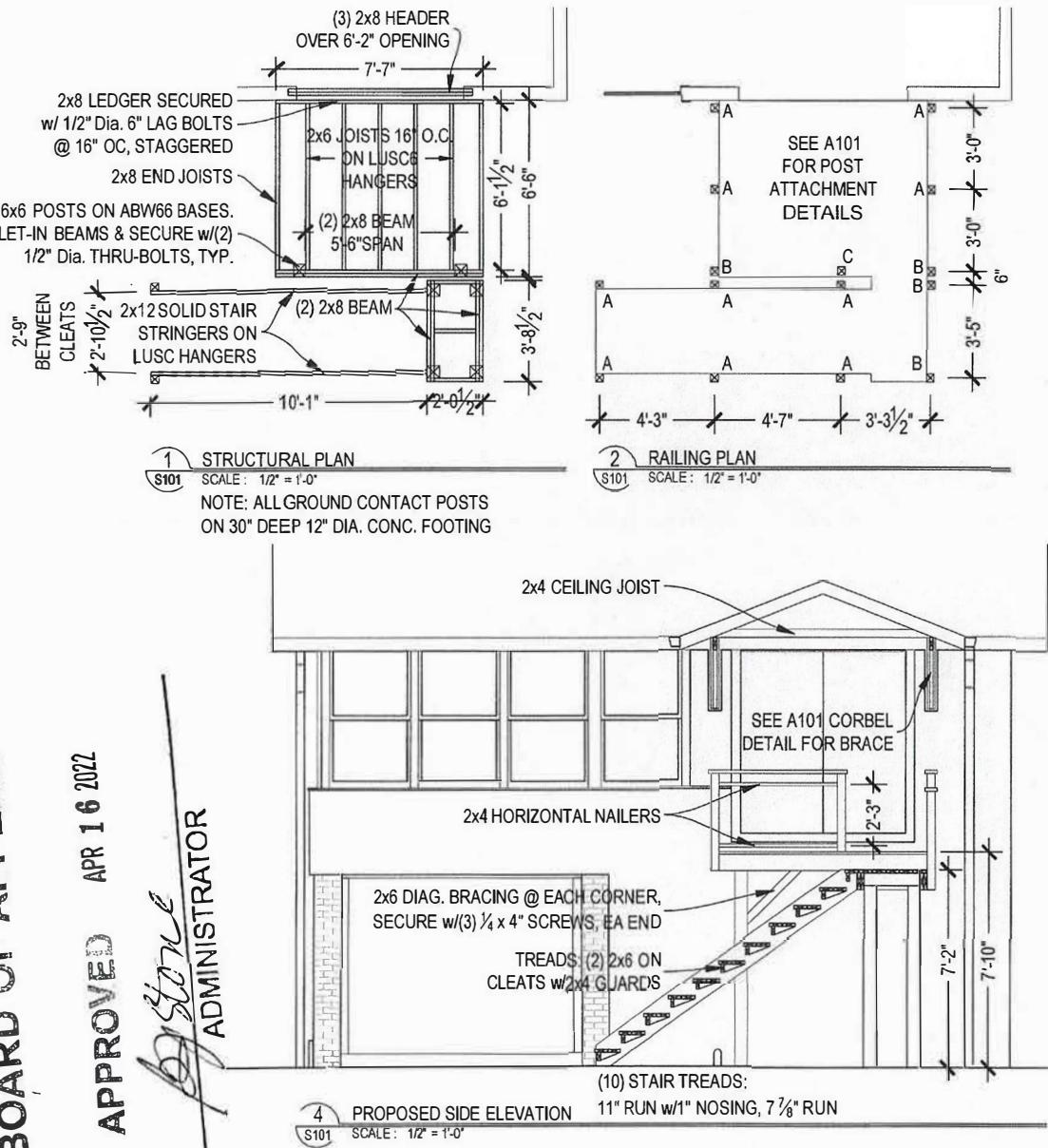
NOTE: NO GAP IN RAIL SHALL
ALLOW PASSAGE OF A 4" SPHERE

NOTE: NO GAP IN RAIL SHALL
ALLOW PASSAGE OF A 4" SPHERE

BOARD OF APPEALS

APPROVED APR 16 2021

by Stone
ADMINISTRATOR



OPERANT STUDIO																														
3100 Webster Street Mount Rainier, MD 20712 240 603 3652 operantstudio.com																														
CLIENT: Hannah Cole-Chu Will McKinley-Ward 3209 Perry St Mount Rainier MD 20712																														
BUILDER: Peter McAvoy 4315 34th St Brentwood MD 20722 MHIC Reg. # 108176 301 256-5727																														
ENGINEER: Norton Consulting Engineers 5718 Nottingham Place Adamstown, MD 21710 License: MD28903 240 393-3672																														
<p>This project has been designed in accordance with the 2015 International Residential Code in conjunction with local and state amendments</p> <table border="1"> <tr> <td>Set</td> <td>Date</td> <td>Rev</td> </tr> <tr> <td>BID SET</td> <td>09/22/21</td> <td></td> </tr> <tr> <td>PERMIT SET</td> <td>11/26/21</td> <td></td> </tr> <tr> <td colspan="3"> </td> </tr> </table> <p>Design by: NTC Drafting by: NTC</p> <p>Set: PERMIT</p> <p>OBLIQUE STRATEGY S101 STRUCTURAL</p>				Set	Date	Rev	BID SET	09/22/21		PERMIT SET	11/26/21																			
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