



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.


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 Rainer, voted to approve the requested variances. Exh. 21.

10. Petitioner William Mckindley-Ward stated that Mr. Cedroth has accurately characterized his needs rather well. He added that it is quite hard to access the back yard; the current 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.

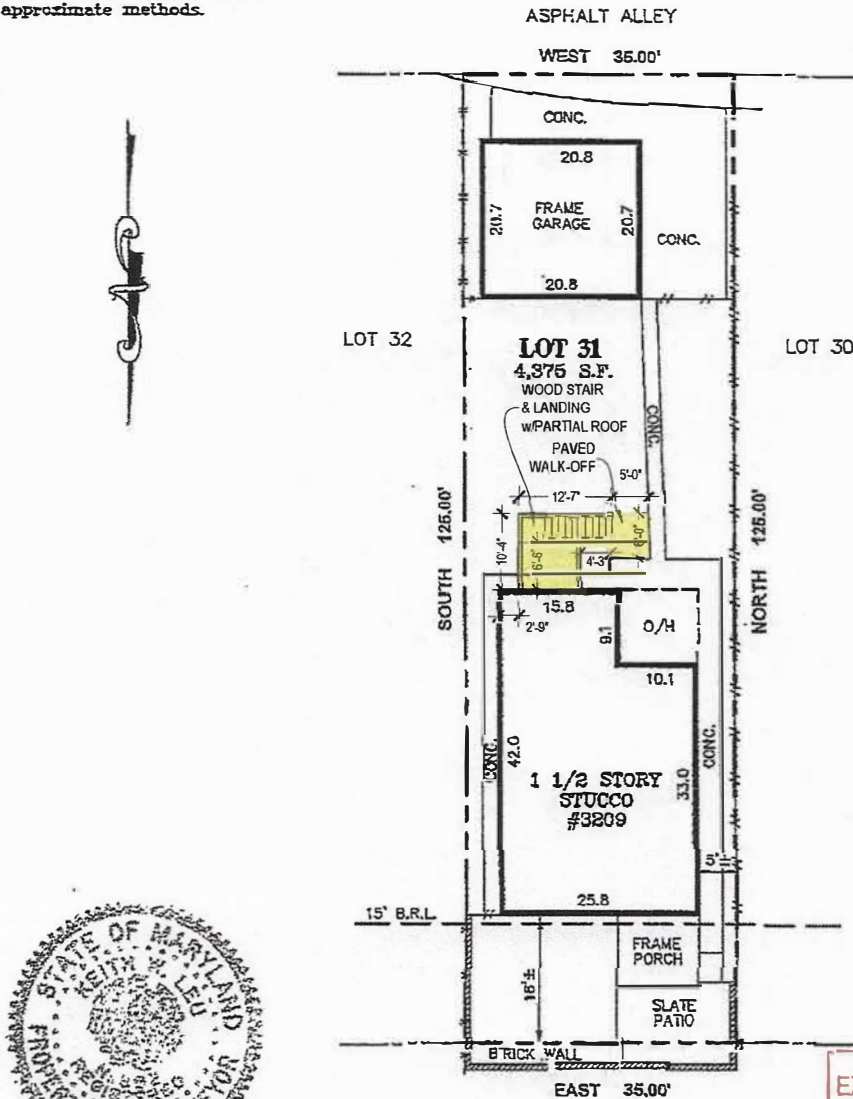
CONSUMER INFORMATION NOTES:

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.

Notes:

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 found.
Fences, if shown, have been located by approximate methods.

Attachment G (Proposed Plat)



BOARD OF APPEALS

APPROVED APR 16 2022



ADMINISTRATOR



LOCATION DRAWING
LOT 31, BLOCK 5
ROGERS' SECOND ADDITION TO
MOUNT RAINIER
PRINCE GEORGE'S COUNTY, MARYLAND

PERRY STREET
(NEWTON STREET PER PLAT)
(50' WIDE R/W PER PLAT)

EXH. # 3
V-13-22

SURVEYOR'S CERTIFICATE		REFERENCES		SNIDER & ASSOCIATES LAND SURVEYORS 18544 Amaranth Drive Germantown, Maryland 20874 301/948-5100 Fax 301/948-1288 WWW.SNIDERSURVEYS.COM
THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION USUALLY TO THE DEED OR PLAT OF RECORD. EXISTING LOCATIONS SHOWN HAVE BEEN FIELD LOCATED BASED ON MEASUREMENTS FROM PROPERTY MARKERS FOUND IN FIELD EVIDENCE OR LINES OF APPARENT OCCUPATION.		PLAT BK. 1		
		PLAT NO. 48		
		DATE OF LOCATIONS	SCALE: 1" = 20'	
		WALL CHECK:	DRAWN BY: D.M.L.	

OBLIQUE STRATEGY

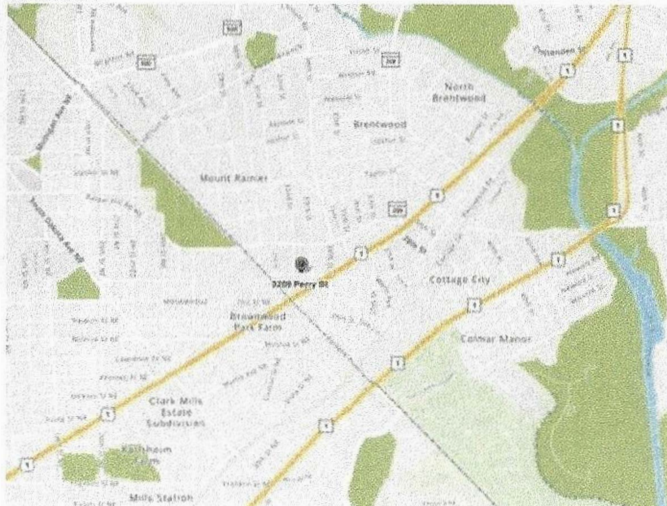
3209 Perry St
Mount Rainier MD 20712

Parcel: 0000 Subdivision: 5681
PRINCE GEORGES COUNTY, MD

BUILDING & PROPERTY INFORMATION:

MAP: 0049 **GRID:** 00F4
BLOCK: 5 **LOT:** 31
PLAT: A-1082 **ZONED:** R-55
CONSTRUCTION TYPE: Vb
STORIES: 1.5 Existing, (no change proposed)
EXISTING USE: Residential
PROPOSED USE: Residential
ABOVE GRADE SF: 1,431 sf (no change proposed)
SITE AREA: 4,375 sf
EXISTING LOT COVERAGE: 1,624 sf, 37.1% of 30% Allowed
PROPOSED LOT COVERAGE: 1,725 sf, 39.4% of 30% Allowed (ZONING VARIANCE PENDING)

SITE LOCATION



BOARD OF APPEALS

APPROVED

APR 16 2022

[Signature]
ADMINISTRATOR

SCOPE OF WORK:

NEW WOOD STAIR WITH ROOFED LANDING, 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:

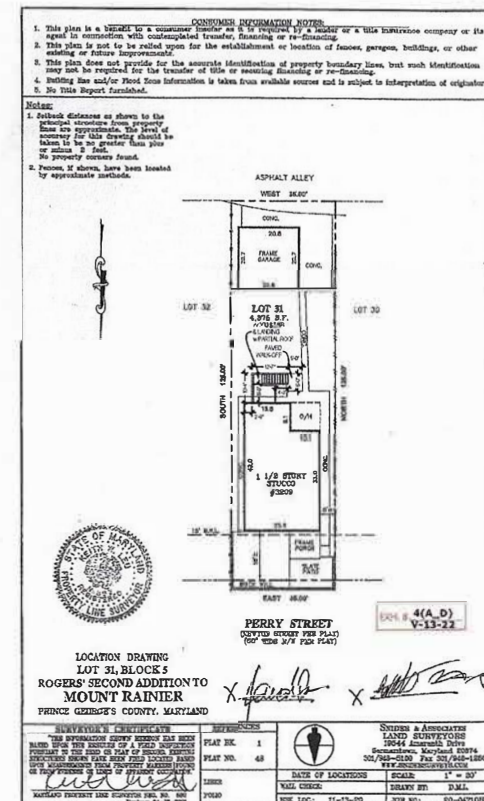
Property is zoned R-55 and characterized as "Traditional Residential Neighborhood Character Area" within the DDOZ.

GENERAL CONSTRUCTION NOTES:

- All work shall conform with applicable building codes and regulations.
- All dimensions and conditions to be verified in the field.
- Dimensions govern over drawing scale. large-scale details govern over small-scale unless noted otherwise.
- All work shall be performed in good workmanlike manner and shall be executed to completion with all due diligence.
- All cutting and patching shall be performed in a neat, professional manner.
- 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.
- Inspect & evaluate all existing structural elements revealed during demolition and construction, and remediate any deficiencies before completion of further work.

SHEET LIST

Sheet #	Sheet Title	Bid Set	Permit Set
G101	Cover Sheet & Site Data	09/22/21	11/29/21
A101	Architectural Drawings	09/22/21	11/29/21
A102	Structural Drawings	09/22/21	11/29/21



OPERANT STUDIO
3100 Webster Street
Mount Rainier, MD 20712
240 803 3652
operantstudio.com

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

BUILDER:
Pete 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

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

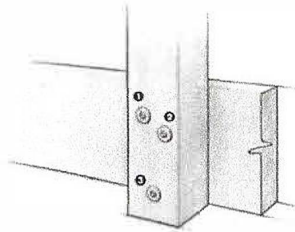
Set	Date	Rev
BID SET	09/22/21	
PERMIT SET	11/29/21	

Design by: NTC Drawing by: NTC

Set: PERMIT SET

OBLIQUE STRATEGY

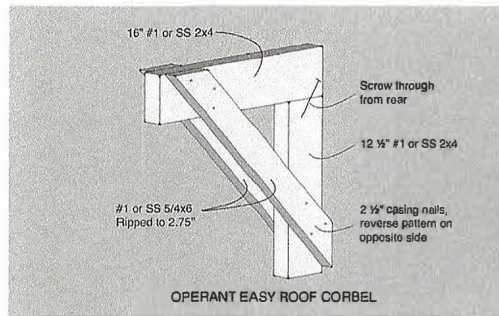
G101
COVER, CODE,
& SITE PLANS



POST ATTACHMENT DETAIL A:

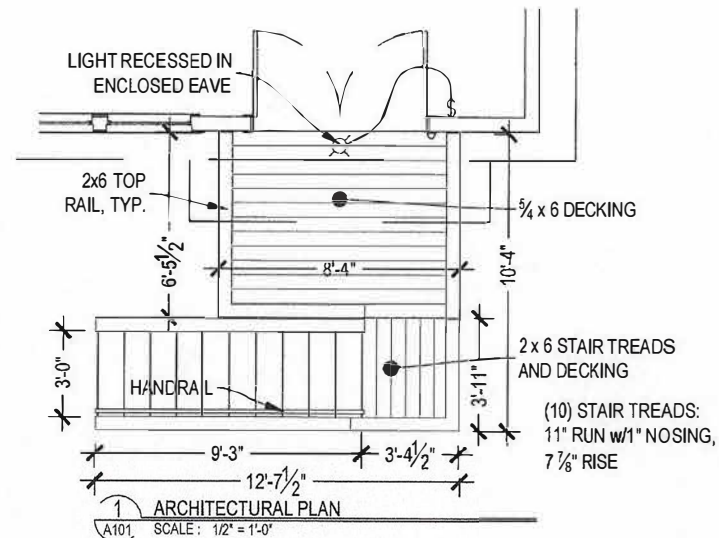
For this condition, use the 6-1/4" ThruLOK fastener

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



1 ARCHITECTURAL PLAN
A101 SCALE: 1/2" = 1'-0"

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

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Date	Rev
09/22/21	
11/28/21	

Design by: NTC Drafting by: NTC

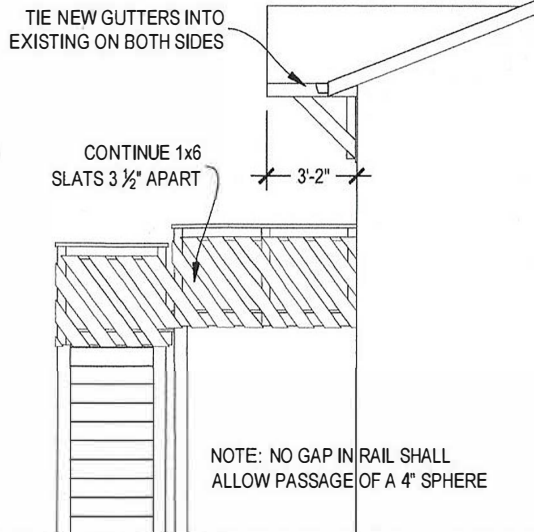
PERMIT

OBLIQUE
STRATEGY
A101
ARCHITECTURAL
DRAWINGS

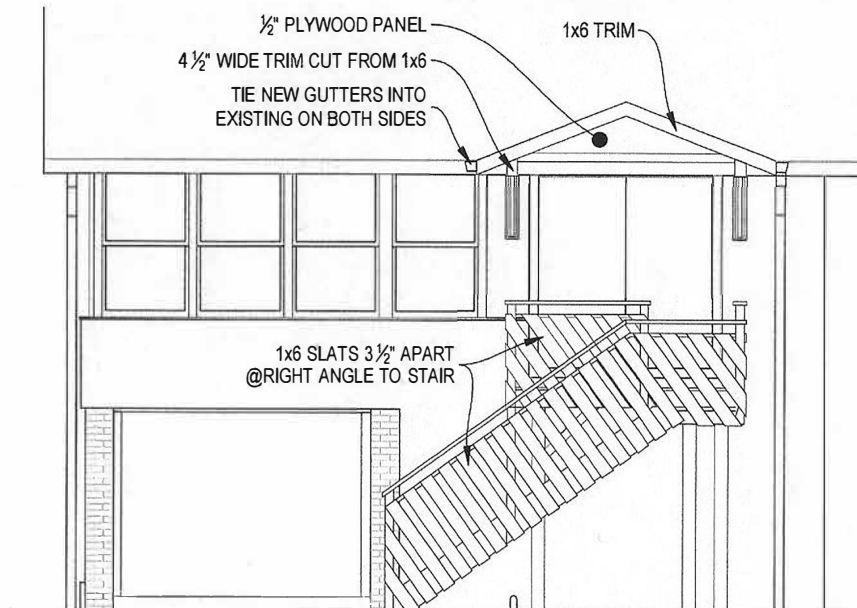
(B)

APPROVED APR 16 2022

BOARD OF APPEALS



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



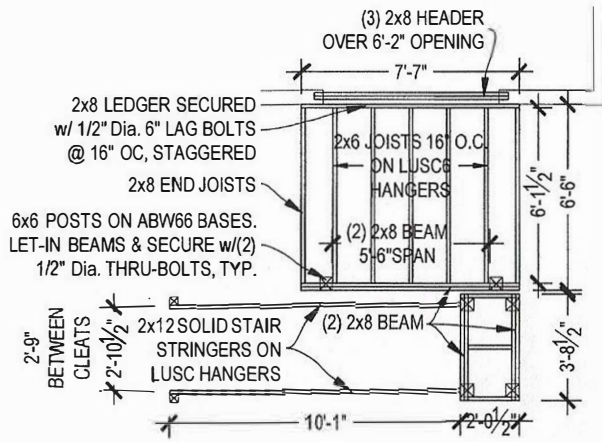
3 PROPOSED EAST ELEVATION
A101 SCALE: 1/2" = 1'-0"

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

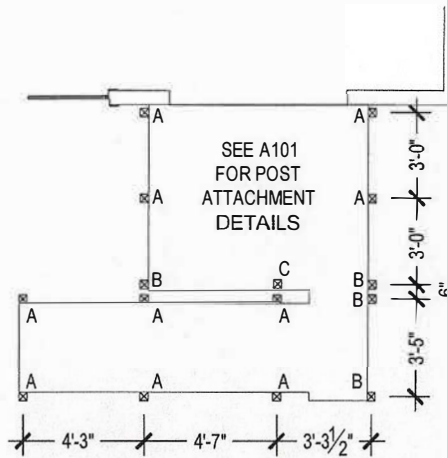
BOARD OF APPEALS

APPROVED APR 16 2022

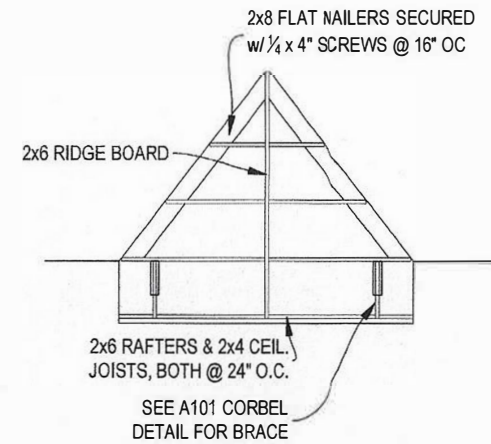
by Stone
ADMINISTRATOR



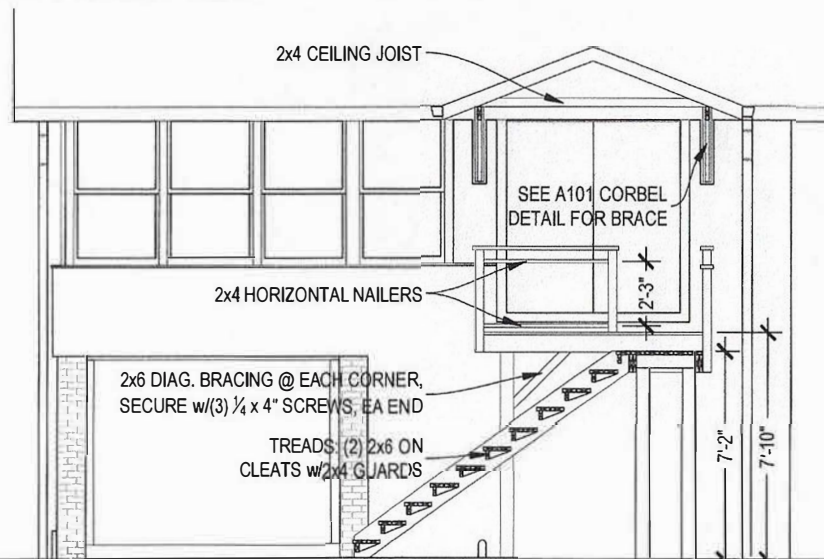
1 STRUCTURAL PLAN
S101 SCALE: 1/2" = 1'-0"
NOTE: ALL GROUND CONTACT POSTS ON 30" DEEP 12" DIA. CONC. FOOTING



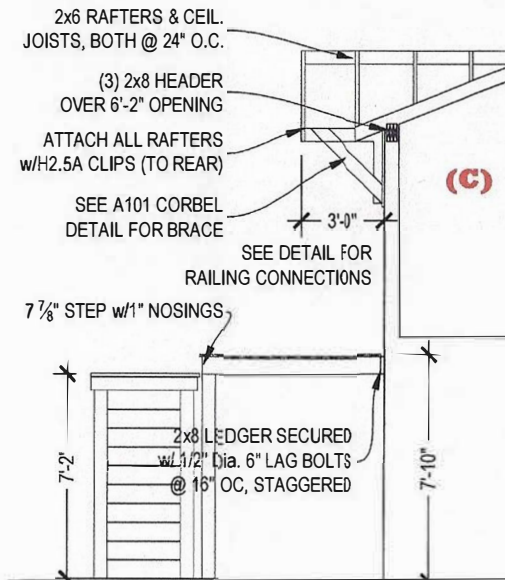
2 RAILING PLAN
S101 SCALE: 1/2" = 1'-0"



3 ROOF FRAMING PLAN
S101 SCALE: 1/2" = 1'-0"



4 PROPOSED SIDE ELEVATION
S101 SCALE: 1/2" = 1'-0"



5 PROPOSED SIDE ELEVATION
S101 SCALE: 1/2" = 1'-0"

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Set	Date	Rev
910 SET	09/22/21	
PERMIT SET	11/28/21	

Design by: NTC Drafting by: NTC

Set: PERMIT

OBLIQUE STRATEGY S101
STRUCTURAL