



# 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*

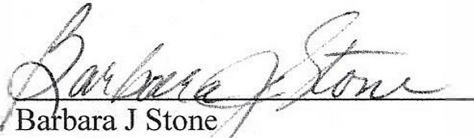
### *OF BOARD OF APPEALS*

RE: Case No. V-19-22 Brenda W. Via

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 2, 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***

Petitioner: Brenda W. Via

Appeal No.: V-19-22

Subject Property: Lot 3, Block 2, Pennyton Estates Subdivision, being 5501 Burrell Court, Clinton  
Prince George's County, Maryland

Witness: Lewis Frank, Contractor

Heard and Decided: April 6, 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, Petitioner requests 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 front yard at least 25 feet in depth. Petitioner proposes validate an existing condition (rear yard depth/width) and obtain a building permit for the construction of a sunroom. A variance of 5.7 feet rear yard depth/width is requested.

Evidence Presented

1. The property was subdivided in 1964, contains 10,332 square feet, is zoned R-R (Rural-Residential) and is improved with a single-family dwelling, driveway, two-car carport, shed and rear fence. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject lot is a corner lot with the legal front being Pella Place. Burrell Court is the legal side street curving at the driveway. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioner proposes to validate the existing location of the 2<sup>nd</sup> floor deck (rear yard depth/width) and obtain a building permit for the construction of a sunroom.<sup>1</sup> The current Zoning Ordinance requires a 20-foot setback, and a variance of 5.7 feet rear yard depth is required for the current deck location. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

4. Petitioner Brenda Via testified that the intent is to convert the deck into a sunroom. The sunroom (located in the rear of the home) is creating an additional handicap accessible area for her mother who is 91 years old and uses a wheelchair. Because the family room is on the lower level, it is not accessible to her mother. With the sunroom on the main level, her mother would be able to access the sunroom along with the family. She stated that in a wheelchair, her mother cannot see out of windows, but in having the sunroom, she will be able to view and enjoy the outside. Exhs. 2, 3 (a) thru (j), and 5 (A) thru (F).

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<sup>1</sup> The rear yard setback was not covered under prior variance #12253, approved on February 2, 1994.

5. Petitioner described the home as having a main level deck and a basement level with a sliding glass door below. The converted deck to sunroom (18 feet x 14 feet) will be larger than the existing deck. The length of the deck and sunroom will be the same, but the depth will be increased.<sup>2</sup> Exhs. 2, 3 (a) thru (j), and 5 (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

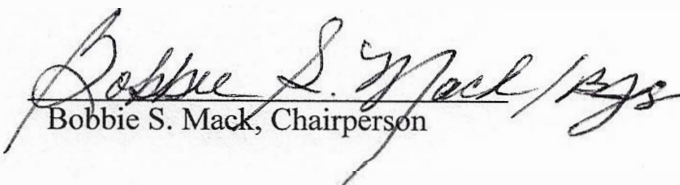
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject property being a corner lot, the need to validate an existing condition (rear yard depth/width) because it was overlooked in the prior variance #12253 in 1994, the need for a handicapped accessible exterior sunroom for her mother 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 a variance of 5.7 feet rear yard depth/width in order to validate an existing condition (rear yard depth/width) on the property located at 5501 Burrell Court, Clinton, 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 2 and approved elevation plans, Exhibits 3 (a) thru (j).

BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson

<sup>2</sup> She noted that a large, dying tree will be removed. Exh. 5 (F).

**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.



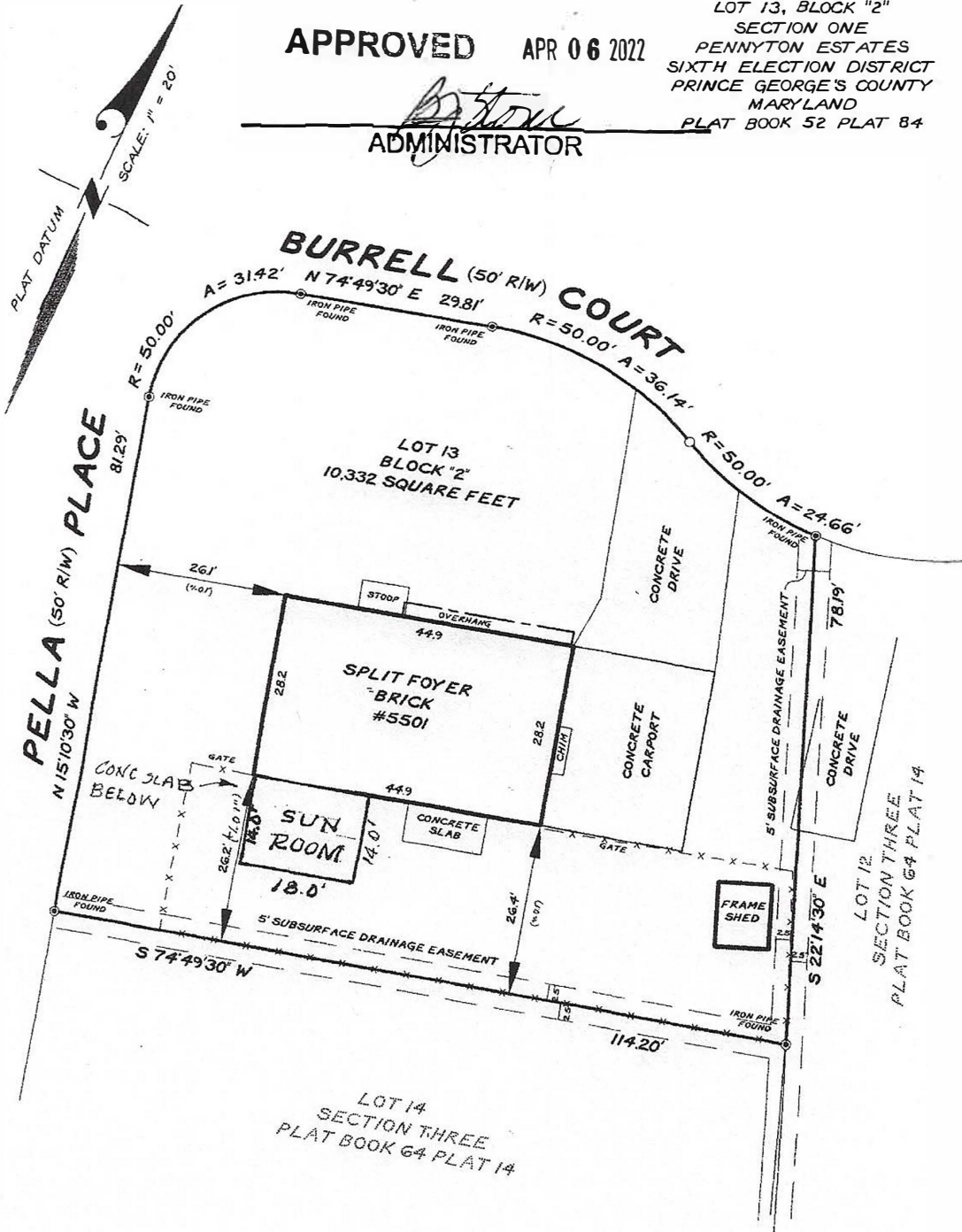
# BOARD OF APPEALS

DM-197-19

APPROVED APR 06 2022

ADMINISTRATOR

BOUNDARY SURVEY  
LOT 13, BLOCK "2"  
SECTION ONE  
PENNYTON ESTATES  
SIXTH ELECTION DISTRICT  
PRINCE GEORGE'S COUNTY  
MARYLAND  
PLAT BOOK 52 PLAT 84

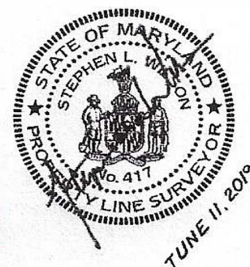


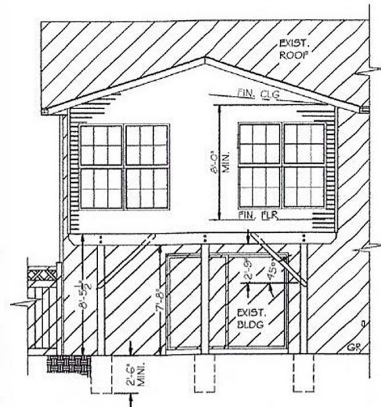
SURVEYOR'S CERTIFICATE:  
I HEREBY CERTIFY THAT I HAVE PERSONALLY MADE A CAREFUL FIELD-RUN SURVEY OF LOT 13, BLOCK "2", THAT IT IS ALL AND THE SAME PROPERTY CONVEYED BY GEORGE M. VIA AND BRENDA W. VIA TO BRENDA W. VIA, AS SOLE TENANT BY DEED DATED MAY 21, 2007 AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY IN LIBER 28021 FOLIO 678, AND THAT PERMANENT IRON MARKERS ARE IN PLACE AS INDICATED HEREON. THIS SURVEY IS IN CONFORMANCE WITH TITLE 9, SUBTITLE 13, CHAPTER 6, SECTION 12 OF THE MARYLAND MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS. MY LICENSE EXPIRES NOVEMBER 20, 2020.

STEPHEN L. WILSON  
DRASTIC MEASURES, INC.  
6503 STEUBEN COURT  
CLINTON, MARYLAND 20735  
OFFICE: 301-856-3152  
FAX: 301-856-8569



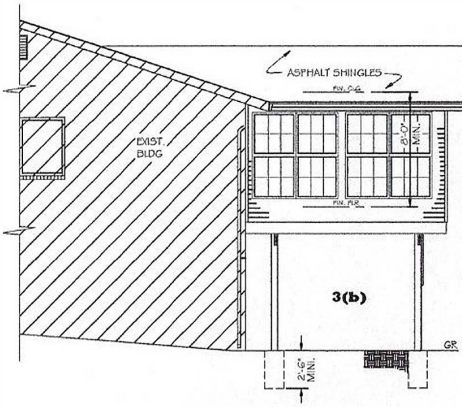
EXH. # 2  
V-19-22





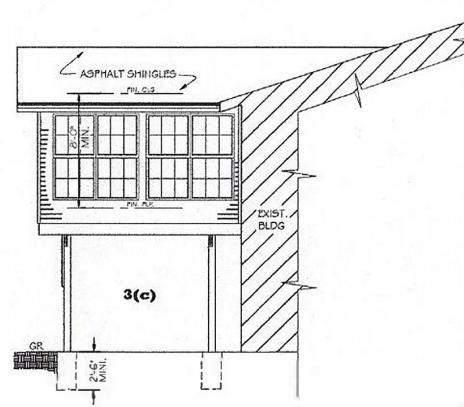
**SOUTH ELEVATION**  
SCALE:  $\frac{1}{4}'' = 1'-0''$

3(a)



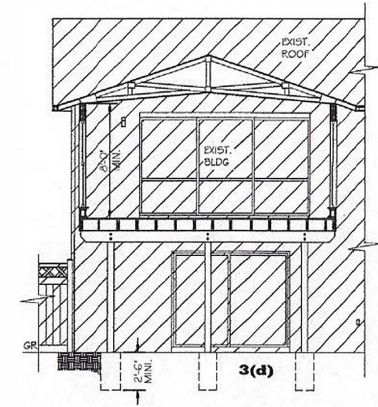
**WEST ELEVATION**  
SCALE:  $\frac{1}{4}'' = 1'-0''$

3(b)



**EAST ELEVATION**  
SCALE:  $\frac{1}{4}'' = 1'-0''$

3(c)



**SOUTH SECTION**  
SCALE:  $\frac{1}{4}'' = 1'-0''$

3(d)

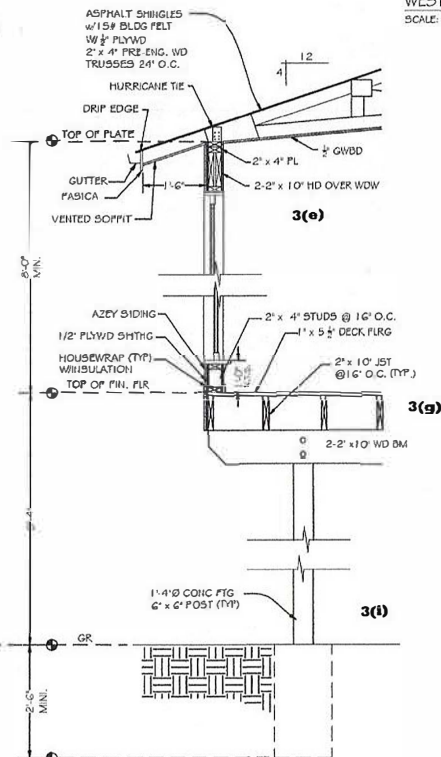
# BOARD OF APPEALS

**APPROVED** APR 06 2022

**ADMINISTRATOR**

## NOTES

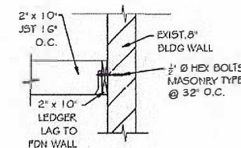
1. Contractor shall verify all dimensions, conditions, etc. in the field before starting work.
2. Contractor shall provide all materials, labor, tools, equipment and facilities including working permits for both demolition and construction, certificates, etc., of material necessary to construct and complete all work in accordance with the drawings and specifications, applicable to local, state, national and health regulations.
3. All work shall be performed in accordance with best acceptable standards and practices for the trades involved.
4. **EXCAVATION:**
  1. Excavation shall be to a minimum depth of 2' below grade.
  2. Excavation shall be to a minimum depth of 2' below grade.
  3. Excavation shall be to a minimum depth of 2' below grade.
  4. Excavation shall be to a minimum depth of 2' below grade.
5. **FOUNDATION:**
  1. Foundation shall be to a minimum depth of 2' below grade.
  2. Foundation shall be to a minimum depth of 2' below grade.
  3. Foundation shall be to a minimum depth of 2' below grade.
  4. Foundation shall be to a minimum depth of 2' below grade.
6. **ROOFING:**
  1. Roofing shall be to a minimum depth of 2' below grade.
  2. Roofing shall be to a minimum depth of 2' below grade.
  3. Roofing shall be to a minimum depth of 2' below grade.
  4. Roofing shall be to a minimum depth of 2' below grade.
7. **WALLS AND PARTITIONS:**
  1. Walls and partitions shall be to a minimum depth of 2' below grade.
  2. Walls and partitions shall be to a minimum depth of 2' below grade.
  3. Walls and partitions shall be to a minimum depth of 2' below grade.
  4. Walls and partitions shall be to a minimum depth of 2' below grade.
8. **FLOORING:**
  1. Flooring shall be to a minimum depth of 2' below grade.
  2. Flooring shall be to a minimum depth of 2' below grade.
  3. Flooring shall be to a minimum depth of 2' below grade.
  4. Flooring shall be to a minimum depth of 2' below grade.
9. **CEILING:**
  1. Ceiling shall be to a minimum depth of 2' below grade.
  2. Ceiling shall be to a minimum depth of 2' below grade.
  3. Ceiling shall be to a minimum depth of 2' below grade.
  4. Ceiling shall be to a minimum depth of 2' below grade.
10. **MECHANICAL, ELECTRICAL, PLUMBING (MEP):**
  1. MEP shall be to a minimum depth of 2' below grade.
  2. MEP shall be to a minimum depth of 2' below grade.
  3. MEP shall be to a minimum depth of 2' below grade.
  4. MEP shall be to a minimum depth of 2' below grade.



**WALL DETAIL**  
SCALE:  $\frac{1}{4}'' = 1'-0''$

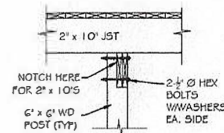
3(e)

3(f)



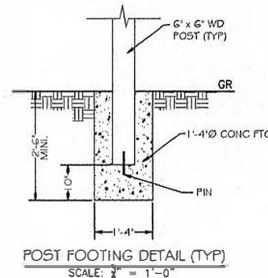
**LEDGER DETAIL**  
SCALE:  $\frac{1}{4}'' = 1'-0''$

3(g)



**POST CONNECTIONS**  
@ 2'-2\"/>

3(h)



**POST FOOTING DETAIL (TYP)**  
SCALE:  $\frac{1}{4}'' = 1'-0''$

3(i)

EX-1-1  
V-18-22

DECK & SUN ROOM	
BRENDA VIA 5501 BURRELL COURT CLINTON, MD 20735	
Project	3 OF 2
Date: 12-7-21	2 OF 2
Notes	AS SHOWN