



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-58-20 Anthony W Bailey

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: March 3, 2021.

CERTIFICATE OF SERVICE

This is to certify that on June 4, 2021, 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".

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: Anthony W. Bailey

Appeal No.: V-58-20

Subject Property: Lot 15, Block 1, Mount Rainier Subdivision, being 4109 34th Street, Mount Rainier, Prince George's County, Maryland

Witness: Kenneth Harrison, Inspector, Department of Permitting, Inspections and Enforcement

Heard: January 27, 2021; Decided: March 3, 2021

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 to validate existing conditions (front yard depth, side yard width and lot coverage) and obtain a building permit for the unauthorized construction of a driveway extension. Variances of 14 feet front yard depth, 3 feet side yard width and 17.6 % net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1903, contains 6,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, a two-car garage and shed. Exhibits (Exhs.) 3, 8, 9 and 10 (A) thru (F).

2. The subject property is very small and minimal in length at 130 feet and narrow at 50 feet. Exhs. 3, 8, 9 and 10 (A) thru (F).

3. Petitioner would like to validate existing conditions, (front yard depth, side yard width and lot coverage) and obtain a building permit for the unauthorized construction of the driveway extension. The validation of the existing conditions consists of an 11-foot encroachment of the front yard setback requiring a variance of 14 feet. In addition, the side yard setback back of 5 feet is lacking 3-feet from the required 8 feet necessitating a variance of 3 feet side yard setback. The lot coverage is over the allowable 30% coverage and requiring a 17.6% variance of net lot coverage. Exhs. 3, 8, 9 and 10 (A) thru (F).

3. Petitioner testified that he did not know that he needed a building permit to extend the driveway with gravel/millings. When he first purchased the property, there was an existing garage in the rear, although it fell down in the mid 1990's. He received a building permit in 1994 and variance to construct the new two car garage. There were two existing tire slabs of concrete from the driveway to only the left door of the garage. Mr. Bailey explained that in March of 2020, he put gravel/millings down to fill up the two tire slabs of concrete to both doors of the garage instead of just the left door. Exhs. 2, 3, 14 (A) thru (G).

4. Prince George's County issued Violation Notice 26236-2020-0 on July 1, 2020. Exh.13.

5. The Town of Mount Rainier issued Code Compliance Correct on March 18, 2020. Exh. 6

6. The Town of Mount Rainier, on March 2, 2021 voted to approve the conditions of the variance. Exhs. 18 and 19.

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 requirement of the Mt. Rainier Code Enforcement and Prince George's County Enforcement, Petitioner is required to obtain a building permit for laying millings down on his driveway. In order to obtain the building permit, two variances were required before the violations could be closed and building permit obtained. The property is in 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 variances of 14 feet front yard depth, 3 feet side yard width and 17.6 % net lot coverage in order to validate existing conditions (front yard depth, side yard width and lot coverage) and obtain a building permit for the unauthorized construction of a driveway extension. on the property located at 4109 34th Street, Mount Rainier, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:

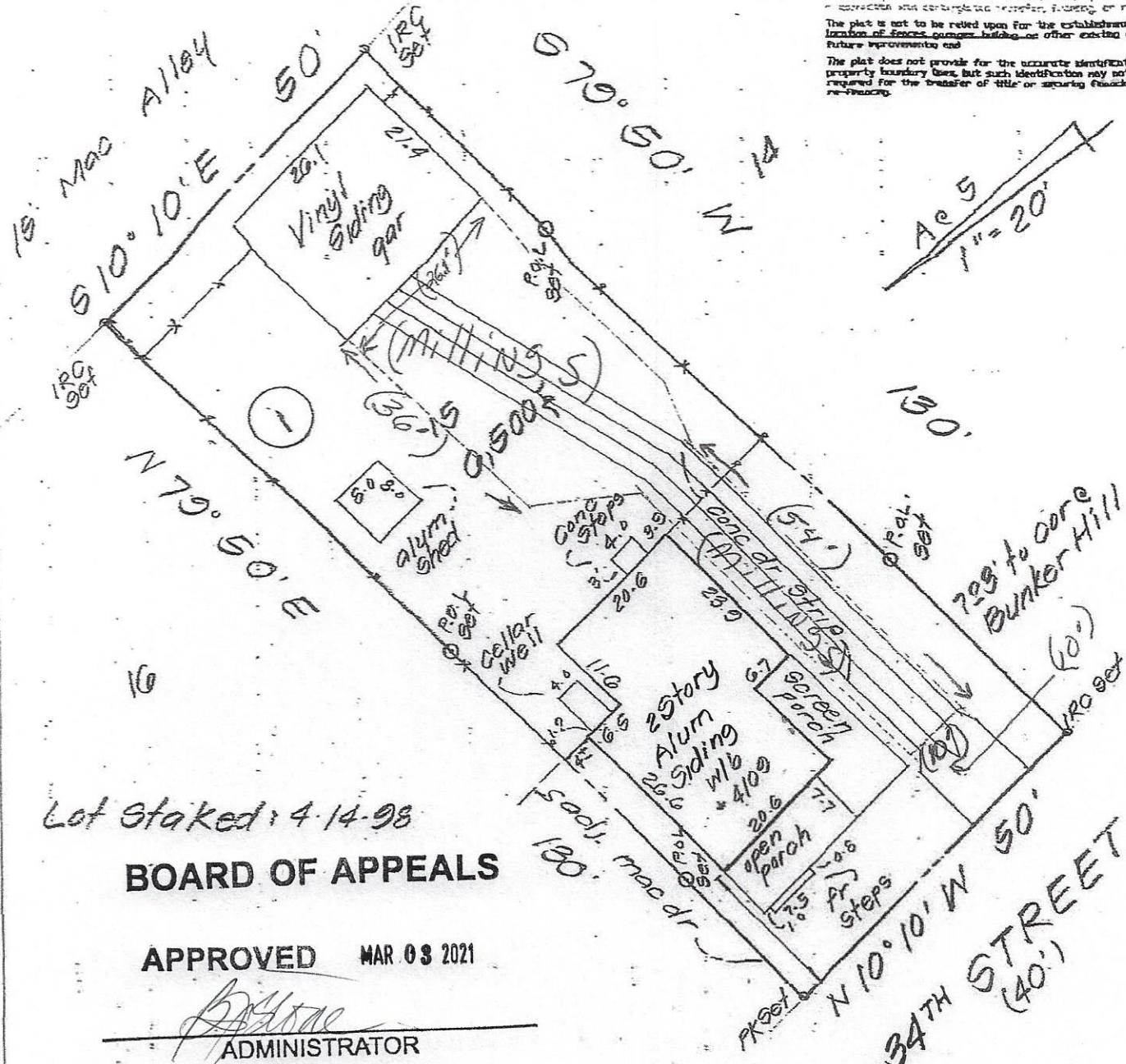

Bobbie S. Mack, Chairperson

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.



Lot Staked: 4-14-98

BOARD OF APPEALS

APPROVED MAR 03 2021

B. J. Bertrand
ADMINISTRATOR

NOTES:

Not located in a H.U.D. designated Flood Hazard Zone as per F.E.M.A. Community Panel No. 2453080025C

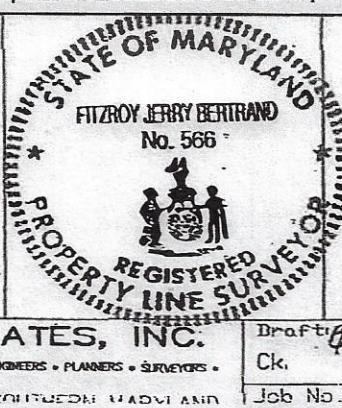
Prepared without the benefit of a title report.

Information contained herein should not be relied upon for construction of improvements.

295G-21
F.B. 03-14-16

I hereby certify that I have surveyed the property shown here on for the purpose of locating the improvements only, and the improvements are located as shown. Exact property corners have not been established or set, unless otherwise noted. We assume no responsibility or liability for any rights-of-way or easements recorded or unrecorded not appearing on the record plat or mentioned in the title deed referred to hereon.

Fitzroy Jerry Bertrand 4-14-98
Fitzroy Jerry Bertrand Date
Reg. Property Line Surveyor #566



LOT IMPROVEMENT SURVEY

4109 34th Street
Lot 15 Block 1

MOUNT RAINIER

Chillum, EXH. # 3
Prince George, V-58-20

LIGHT, ELLIOTT, & ASSOCIATES, INC.
8508 ADELPHI ROAD
ADELPHI, MARYLAND 20783



• ENGINEERS • PLANNERS • SURVEYORS •
CONSTRUCTION MANAGEMENT

Drafts Ck.	Plat Book / Page A 5	Case No.
Job No.	Libor / Folio	File Number