

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Wernek Bruce S. Living Trust (Stanley Bruce Wernek, Trustee)

Appeal No.: V-36-19

Subject Property: Lot 14, Block 34, Riverdale Park Subdivision. being 4606 Queensbury Road, Riverdale, Prince George's County, Maryland

Municipality: Town of Riverdale Park

Heard: May 22, 2019; Decided: July 3, 2019

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 variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate an existing condition (dwelling) and obtain a building permit to extend the driveway and construct a detached garage. Variances of 5 feet front yard depth and 9.9% net lot coverage are requested.

Evidence Presented

1. The property was subdivided in 1904, contains 10,059 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway with existing extension and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).

2. Petitioner would like to validate existing conditions (front yard setback) and driveway extension and construct a detached 20' x 32' garage. The existing dwelling was constructed in 1918, but a variance of 5 feet front yard setback is required under current set back requirements for new construction. In addition, the construction of the proposed detached garage increases the existing lot coverage over an additional 6% over the current net lot restriction. Therefore, a variance for 9.9% lot coverage is required. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (F).

3. The Town of Riverdale Park Council supported the request for variances for a 5-foot front yard setback and net lot coverage of .9%. Exhs. 27 and 28.

4. Trustee Bruce Wernek testified that he would like to build a workshop because the house is 101 years old and in need of constant repair and remodeling. Petitioner stated that he himself does a majority of the maintenance and remodeling work and needs an area in which to store materials. He stated that because materials and lumber are so expensive, he cannot afford to store the materials in the basement because of wetness and the shed (which will be replaced with the proposed garage) is already completely full. His resolution to storage is to construct the garage workshop, which will provide adequate space. He further stated that prior to his purchasing of the property, the house was a rooming house and he is attempting to restore the property to its original condition. Exhs. 2, 3 (a) thru (d), 5 (A) thru (F), 14, 22 (A) thru (E), 23 (A) thru (B) and 24 (A) thru (D).

5. The property is designated a Prince George's County Historic Site (PG:68-004-76) and Petitioner testified that he has been restoring the aesthetics of the house for 30 years and will continue to do so in the future. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (F).¹

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 age of the dwelling, the need for constant maintenance of the dwelling, the need to store materials for repairs for the maintenance 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 variances of 5 feet front yard depth and 9.9 net lot area on the property located at 4606 Queensbury Road, Riverdale, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 14 and approved elevation plans, Exhibits 3 (a) thru (d).

BOARD OF ZONING APPEALS

(ORIGINAL SIGNED)

By: _____

Bobbie S. Mack, Chairperson

¹ The Historic Preservation Section of the Maryland-National Capital Park and Planning Commission requested the Board of Appeals to issue its decision prior to a decision being made by the Historic Preservation Commission (HPC) for a Historic Area Work Permit (HAWP) proposal for the subject property. Exhs. 17 and 25.

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.