

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

Petitioner: Christopher Wells

Appeal No.: V-95-19

Subject Property: Lot 16, Block 5, Rogers Second Addition to Mount Rainier Subdivision, being 3711 Eastern Avenue Northeast, Mount Rainier, Prince George's County, Maryland

Municipality: City of Mount Rainier

Witness: Angela Staffone, Architectural Designer

Heard: October 23, 2019; Decided: November 20, 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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-442(e)(Table IV) which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. 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. Petitioner proposes to validate an existing condition (dwelling) and obtain a building permit for a proposed second story addition above existing main level including a rear deck and extend covered porch. Variances of 15 feet front yard depth, 1-foot right side yard width, 16 feet rear yard depth/width and 8%<sup>1</sup> net lot coverage are requested.

**Evidence Presented**

1. The property was subdivided in 1907, contains 4077 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and concrete driveway strips. Exhibits (Exhs.) 4, 6, 7, 8 (A) thru (G) and 24.

2. The subject property is an odd shaped triangular lot. The dwelling was constructed in 1952 and does not meet current zoning standards. The northeast corner of the dwelling was constructed to run parallel with the angle of the lot line. Exhs. 4, 6, 7, 8 (A) thru (G) and 24.

3. Petitioner is requesting permission to construct a second story addition, a rear deck and extend the covered front porch with steps. Because the dwelling was constructed in 1952, the current front yard, side yard and rear yard setbacks do not meet current standards for the development, therefore, variances of 15 feet front yard depth, 1-foot side yard width and 16 feet rear yard depth are requested, respectively. Exhs. 3 (a) thru (c), 5 (A) thru (H) and 24.

4. In consonance with the City of Mount Rainier, Petitioner submitted a revised site plan changing the pitch of the roof and overhang of the roof. Exhs. 21 and 24.

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<sup>1</sup> The revised site plan, Exh. 24, increased the initial lot coverage from 4.6% to 8% because of the added extension of the roof overhang requested by the City of Mount Rainier.

5. Angela Staffone, explained the roof line is changing to meet snow and wind loads. She stated that Petitioner is not looking to occupy the attic space which will be used only for the manufactured trusses. Exhs. 3 (a) thru (c), 5 (A) thru (H) and 24.

6. Petitioner stated that he will be residing at the subject residence and the need for the 2<sup>nd</sup> story addition is that the current configuration of the house includes only 2 small bedrooms and living area. His proposal is to move the two bedrooms to the second floor keeping the living area on the first floor. He further explained that he works from home, so one of the rooms will serve as his home office. Exhs. 3 (a) thru (c), 5 (A) thru (H) and 24.

#### 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 odd shape of the subject lot, the dwelling being constructed in 1952, the need for additional living area 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 15 feet front yard depth, 1-foot right side yard width, 16 feet rear yard depth/width and 8% net lot coverage in order to validate an existing condition (dwelling) and obtain a building permit for a proposed second story addition to include a rear deck with steps and extend covered porch on the property located at 3711 Eastern Avenue Northeast, Mount Rainier, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved revised site plan, Exhibit 24 and approved elevation plans, Exhibits 3 (a) thru (c).

#### BOARD OF ZONING APPEALS

(

By:

ORIGINAL SIGNED)  
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.