

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. AA-1656 Cody and Jessica Lieuwen

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: August 21, 2013.

CERTIFICATE OF SERVICE

This is to certify that on April 21, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed) _____
Anne F. Carter
Administrator

cc: Petitioners
DPIE/Inspections Division
Town of Berwyn Heights
Office of Law

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

Petitioners: Cody and Jessica Lieuwen

Appeal No.: AA-1656

Subject Property: Lot 29, Block B, Greenbriar Knolls Subdivision, being 8504 60th Avenue,
Berwyn Heights, Prince George's County, Maryland

Counsel for Prince George's County: Thomas J. Mitchell, Esq., Associate County Attorney (on behalf
of Department of Environmental Resources "(DER"))

Witness: Kelli Armour, DER, Building Inspector

Heard and Decided: August 21, 2013

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought to the Board of Appeals for Prince George's County, sitting as the Board of Administrative Appeals in Prince George's County, Maryland (the "Board"), from the determination of the Department of Environmental Resources, Licenses and Inspections Division, to issue Violation Notice No. BVN 12958-13-01, dated May 15, 2013, citing Petitioners with violating IRC Code Sections R105.1 & R104.4 and Prince George's County Code Section 9-112 and requiring Petitioners to take the following corrective action: obtain the required building permit for a two-story structure in rear yard or remove, and restore area to previous condition and stabilize yard with ground cover; furnish certification from a Maryland registered structural engineer or architect responsible for foundation, framing, insulation, electric, and completion of structure built and installed without the required inspections; and obtain the required electric permit for branch circuits installed in two-story structure in rear yard, or remove two-story structure, on R-55 (One-Family Detached Residential) zoned property located at 8504 60th Avenue, Berwyn Heights, Prince George's County, Maryland.

Evidence Presented

The following testimony and evidence were presented to the Board for its consideration:

1. The subject property contains 5,500 square feet of land and is zoned R-55 (One-Family Detached Residential). Exhibits ("Exhs.") 4 and 5. The property is improved with a single-family dwelling, driveway and two-story accessory building.
2. On May 15, 2013, Violation Notice BVN 12958-13-01 ("Violation Notice") was issued by the Licenses and Inspections Division of the Department of Environmental Resources, requiring that Petitioners "[o]btain the required building permit for 2 story structure in rear yard or remove, and restore area to previous condition in rear yard and stabilize yard with ground cover." The Violation Notice also requires that Petitioners "[f]urnish certification from a Maryland registered structural engineer or architect responsible for foundation, framing, insulation, electric, and completion of structure built and installed without the required inspections" and "[o]btain the required electric permit for branch circuits installed in two-story structure in rear yard, or remove ... the two-story structure in the rear yard." Exh. 2.
3. On June 21, 2013, an appeal of the Violation Notice was filed with the Board of Administrative Appeals. Exhs. 1 through 3.
4. Kelli Armour, Building Inspector, testified that a code enforcement official from the Town of Berwyn Heights informed her that a two-story structure was built in the rear yard of the subject property

without a permit. Inspector Armour testified that she inspected the property, photographed the two-story structure and issued the Violation Notice. Exhibit 13. She stated that the structure is a shed with a small loft area that is used for storage. She explained that the structure is in good condition and well built and does not now need the registered certification. She took photographs of the structure on the day of the hearing. Exhs. 12 and 14. She stated that a building permit for the structure and an electrical permit for the circuits must still be obtained. She believes that the two-story structure was built sometime between 1983 and 1985. Exh. 12. She stated that she will work with Petitioners to get through the permit process.

5. Petitioner Cody Lieuwen testified that he and his wife purchased the property in June 2009 (Exhs. 1 and 4) and contacted the previous owner of the property who built the initial structure in the 1970s. Petitioner stated that the previous owner informed him that a nearby tree fell and damaged the initial structure in a storm in the mid-1980s and he added the loft, or second story, and the electrical work when he repaired the structure.

6. The Town of Berwyn Heights recommended that Petitioners keep the two-story structure on the property since it was constructed by a previous owner 30 years ago. Exh. 11.

Findings of the Board

After hearing all the testimony and reviewing the evidence presented, the Board finds that:

1. Petitioners are the owners of the subject property.
2. A two-story accessory structure was constructed without a building permit.
3. Construction of the two-story structure was in violation of IRC Code Sections R105.1 & R104.4 and Prince George's County Code Section 9-112 at the time the Violation Notice was issued.
4. The County has agreed that the only corrective action currently required is for Petitioners to obtain a building permit for the accessory structure and, if the structure remains wired for electrical service, to also obtain an electrical permit.

BE IT THEREFORE RESOLVED, unanimously, that the determination of the Department of Environmental Resources, Licenses and Inspections Division, to issue Violation Notice No. BVN 12958-13-01, dated May 15, 2013, be and is hereby AFFIRMED.

BOARD OF ADMINISTRATIVE 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.