



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

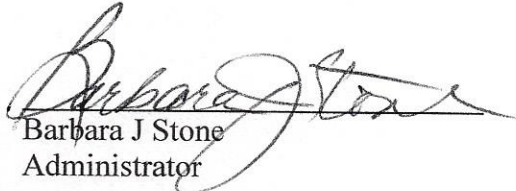
OF BOARD OF APPEALS

RE: Case No. V-39-23 Amani Stebbins

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: July 26, 2023.

CERTIFICATE OF SERVICE

This is to certify that on August 10, 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: Amani Stebbins

Appeal No.: V-39-23

Subject Property: Lot 1, Marietta Woods Subdivision, being 9924 Lanham Severn Road, Lanham,
Prince George's County, Maryland

Heard and Decided: July 26, 2023

Witness: Inspector Juan Swan, Department of Permitting, Inspections and Enforcement (DPIE)

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Carl Isler, Acting Vice Chair,
Renee Alston, Member
Teia Hill, Member

Board Member Absent: 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 variances 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 27-3613 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-5202. General Standards for all Accessory Uses and Structures prescribes that no accessory structure shall be located in a required front yard. Petitioner proposes to validate the front yard location of an existing condition being an accessory one story shed (22'5" x 12'.3") and obtain a building permit to construct a two-story shed (28' x 24') in front yard. Variances of the front yard location requirement for both a two-story shed and a one-story shed are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1980, contains 15,712 square feet, is zoned RSF-95 (Residential, Single-Family - 95) and is improved with a single-family dwelling, parking area, covered porch, 2 sheds and gazebo. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject property is a corner lot and irregular in shape. The dwelling (built in 1935) existed prior to the subdivision of Marietta Woods, as shown on Record Plat NLP 108@6 which included the subject lot. The dwelling sits toward the rear of the property. Exhs. 2 and 4.

3. Petitioner proposes to validate the front yard locations of an existing accessory one-story shed (22'5" x 12'.3") and obtain a building permit to construct a proposed two-story shed (28' x 24') in the legal front yard.¹ Variances of the front yard location requirement for the one-story shed and a two-story shed are requested. Exhs. 2, 3 and 5 (A) thru (H).

4. Petitioner Amani Stebbins testified that a prior variance had been granted for the two-story shed, but the work was not completed, and she was not aware that a variance expires.²

¹ Another shed exists in the rear yard. Exhs. 2 and 4.

² In 2018, variances were initially approved for the construction of the proposed 2-story shed in V-195-17. Exh. 13.

5. She explained that she needs the three sheds to store her special personal property as she does not have space within the house because her house is very small. One of the existing sheds is for lawn equipment and tools and the proposed two-story shed will store her wardrobe and art collection. The proposed shed will be a two-story shed (24' x 28'), but only 15 feet to the peak of the roof. Exhs. 2, 3, 5 (A) thru (H) and 13.

6. Board Member Hill questioned the Petitioner as to why the two-story shed needed to be located in the front yard. Ms. Stebbins replied that the property, which is a corner lot, was created in 1935, and the existing home was built towards the rear of the property. This does not allow her to build an additional shed in the "backyard". She noted that her front yard is rather large. Exhs. 2 and 9 (A) thru (F).

7. Ms. Stebbins submitted a letter stating that the proposed shed will not be used as a "2nd dwelling". Exh. 14.

8. Inspector Swann stated that there were several violations for lack of the required permits for two of the sheds, patio, gravel, and gazebo. He also stated that the proposed 2-story shed appears to have electricity which will require the appropriate permit. Exhs. 15 and 19.

9. Ms. Stebbins explained that permits had been applied for through DPIE for the prior "work" that was completed over 10 years ago. She stated that the proposed shed will have electricity, A/C and heating to maintain temperature control for Petitioner's personal collection.³

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features).
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Rived Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

³ Administrator Barbara Stone noted that a "revised" site plan (Exh. 2) replaced the site plan initially submitted over concerns regarding vehicular access to the open flagstone walkway. The revised site plan demonstrated a barrier between the driveway area and the flagstone walkway. Ms. Stebbins also stated that she will be placing two large cement (balls) and some low flagstone chips as a barrier that will run from the apron of the driveway to the house. Exh. 2.

Findings of the Board

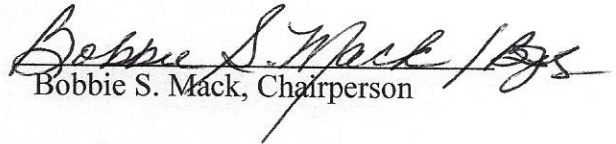
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the subject property being a corner lot, the dwelling being constructed in 1935 prior to the subdivision of the property, the preexisting location of the dwelling in the extreme rear of the lot, the lack of rear yard area, the special need for storage of certain personal property 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, by majority vote, Ms. Anastasia Johnson absent, that a variance of the front yard location requirement for a two-story shed and a one-story shed in order to validate the front yard location of an existing condition being an accessory one story shed (22'5" x 12'.3") and obtain a building permit to construct a two-story shed (28' x 24') in the legal front yard on the property located at 9924 Lanham Severn Road, Lanham, 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 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(c)(10)(B) 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.

LOCATION DRAWING

ADDRESS: 9924 LANHAM SEVERN ROAD

BOARD OF APPEALS

APPROVED JUL 26 2023

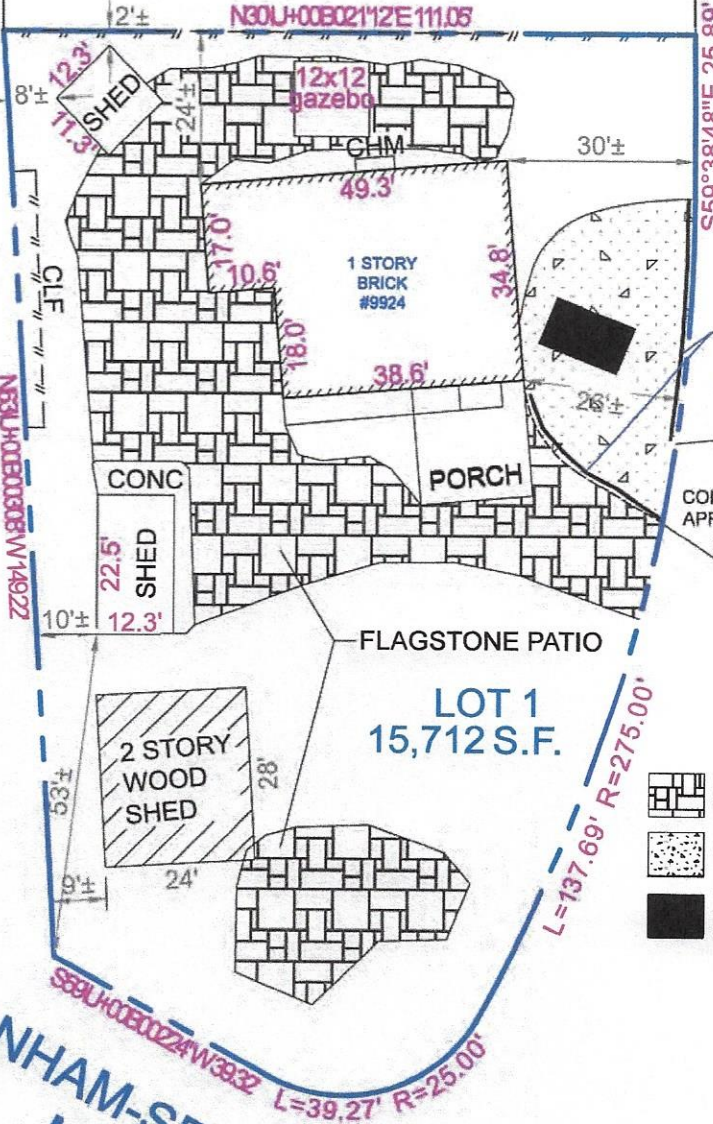
ADMINISTRATOR

[Signature]
ADMINISTRATOR

DANIEL M DENNEY, ET UX

- NOTES:
1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.
 2. THIS LOCATION DRAWING IS NOT TO BE USED FOR BUILDING OF FENCES OR OTHER IMPROVEMENTS.
 3. THIS LOCATION DRAWING IS NOT TO BE RELIED UPON FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
 4. LEVEL OF ACCURACY IS 1".

LANHAM-SEVERN ROAD
MD RTE 564
120' R/W



- FLAGSTONE PATIO WALKWAY
- GRAVEL DRIVEWAY
- TEMPORARY PORTABLE TRAILER

LOUISE STREET
'R/W

DRAWN BY: BF

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, UNLESS OTHERWISE NOTED. WE ASSUME NO RESPONSIBILITY, OR LIABILITY FOR ANY RIGHT-OF-WAYS ON THE RECORD OR EASEMENTS RECORDED OR UNRECORDED NOT APPEARING ON THE RECORDED PLAT OR MENTIONED IN THE DEED REFERRED TO HEREON. NO TITLE REPORT WAS FURNISHED.



PROFESSIONAL SEAL

5/31/2023
DATE

EXH. # 2
V-39-23

LAND PRO ASSOCIATES, LLC.

8843 GREENBELT ROAD SUITE 334
LANHAM, MD 20770
PHONE 301-388-1944
FAX 301-794-8751
LANDPRO@MAIL.COM

LOCATION DRAWING
MARIETTA WOODS
LOT 1 DISTRICT 14
BOOK 17848 PAGE 37
PLAT BOOK 10808

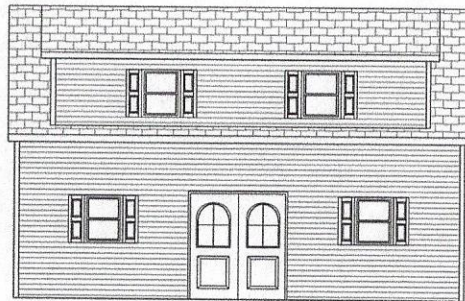
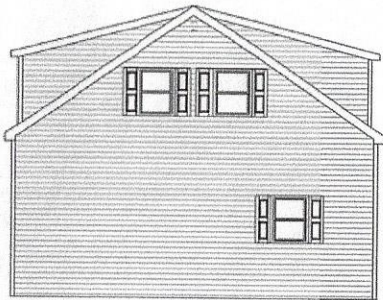
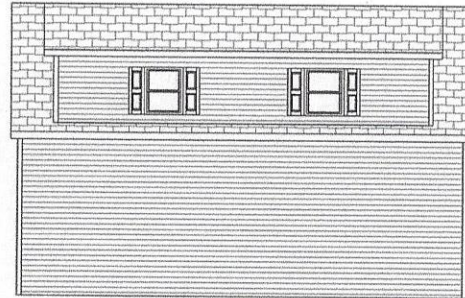
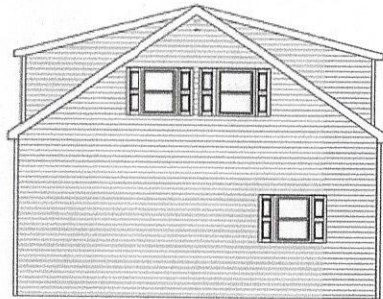
PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1" = 30'

DATE: 5/31/23

FILE: #9924 LANHAM SEVERN ROAD

CASE: # 0



15' - 0"

General Notes

1. Builder must verify all dimensions and accuracy before construction.
2. Written dimensions shall take precedence over scaled measurements.
3. Window and door, sizes and locations may vary.
4. All structural lumber shall be Spruce-pine-fir #2 or better unless otherwise noted.
5. Any wood in contact with masonry to be pressure-treated wood.
6. Grills must slope away from structure.
7. Wood framing to be min 6" from grade level, except at door ways.
8. Wood trusses shall be designed by a registered engineer.
9. Wall bracing provided by continuous sheathing method.
10. Tempered glazing requirement:
 - (1) in windows 4 doors within (1) 18" of walking surface
 - (2) in any individual panel greater than (8) sq/ft
 - (3) in windows within 24" of any operable door when door is in closed position
 - (4) in panels within stairways, landing and ramps, and within (36) inches horizontally of walking surface, unless protected with bars 3" O.C. capable of withstanding 50 LB per linear foot
 - (5) in panels adjacent to stairway within (60") horizontally of the bottom tread of a stairway in any direction, and when the panel is within 60" inches of the tread nosing.

Fastener Schedule for Structural Members

Description of Building Elements	No. and type of fastener	Spacing of fasteners
Ceiling joists to plate, toe nail	(3) 8d	— — —
Ceiling joists not attached to parallel rafter laps over partitions, face nail	(3) 10d	— — —
Collar tie rafters, face nail	(3) 10d	— — —
Rafter to plate, toe nail	(2) 16d	— — —
Roof rafters to ridge, valley or hip rafters, toe nail	(4) 16d	— — —
Built-up corner studs	10d	24" OC
Built-up header, two pieces	16d	6" O.C. along all edges
Continuous header to stud, toe nail	(4) 8d	— — —
Double studs, face nail	10d	24" OC
Double top plates, face nail	10d	24" OC
Double top plates, minimum 48" offset of end joints, face nail in lap area	(8) 16d	— — —
Sole plate to joist or blocking, face nail	16d	16" OC
Sole plate to joist or blocking at braced wall panels	(3) 16d	16" OC
Top or sole plate to stud, end nail	(2) 16d	— — —
Top plates, laps at corners and intersections, face nail	(2) 10d	— — —
Joist to sill or girder, toe nail	(3) 8d	— — —
Rim joist to top plate, toe nail	8d	6" OC

Wood structural panels, subfloor, roof and interior wall sheathing to framing and particleboard wall sheathing sheathing to framing

5/16" - 1/2"	6d common nails (subfloor, wall)	6	12
19/32" - 1"	8d common nails (roof)	6	12

Alternate Attachments

NOM. Material Thickness (inches)	Description of fastener and length (inches)	Spacing of fasteners (inches)	
		Edges	Intermediate Supports
Up to 1/2"	Staples 16 GA 1 3/4"	4	8
	Nails 2 1/4"	3	6
23/32" and 3/4"	Staples 16 GA 1 3/4"	4	8
	Nails 2 1/4"	3	6

Construction Notes:
 Home Lead: 48 gal
 Wood Lead: 110 gal
 Washing Street
 Trunk: Make sure to carry
 Down: Right to Motorist
 Flood Hazard: see Local Flood Map

Builder:
 Stutzman Structures
 5075 Lower Valley Road
 Annapolis, Pa 21403
 www.mysheets.com

Job Name:
 Amani Stebbins
 9924 Lanham Severn Rd
 Lanham, MD 20706

Dimensions:
 24X28

EXH. # 3
 V-39-23

BOARD OF APPEALS

APPROVED JUL 26 2023

[Signature]
 ADMINISTRATOR



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
 SHEET TITLE

PROJECT DESCRIPTION:
 PROPOSED SHEED AT STEBBINS RESIDENCE @
 9924 LANHAM SEVERN RD LANHAM, MD 20706

DRAWING REVIEWED BY:
 TY O'HAS DESIGN
 SERVICES, INC.
 6311 Glen Dale, Maryland 20769
 (301) 717-0168

DATE:
 4/1/2018
 SCALE:
 SHEET:
 A-3