



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-81-23 Elizabeth & Nicholas Lorenz

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: February 21, 2024.

CERTIFICATE OF SERVICE

This is to certify that on June 13, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature of Barbara J. Stone is shown above a horizontal line.

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

Petitioners: Elizabeth & Nicholas Lorenz

Appeal No.: V-81-23

Subject Property: Lot 9, Block 37, Charlton Heights Subdivision, being 6107 Seminole Street, Berwyn Heights, Prince George's County, Maryland

Municipality: Berwyn Heights

Witness: Robert Hyman, Hyman Remodeling

Heard and Decided: February 21, 2024

Board Members Present and Voting: Carl Isler, Vice Chairman

Renee Alston, Member

Teia Hill, Member

Board Member Absent: Bobbie S. Mack, Chairperson

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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e) of the Zoning Ordinance, which prescribes that each lot shall have a minimum width of 65 feet measured along the front building line and a minimum side yard width of 8 feet. Petitioners propose to construct two 2' x 20.3' additions to the dwelling. Variances of 13 feet lot width, 1-foot left side yard width, and 1-foot right side yard width are requested.

Evidence Presented

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

1. The property was subdivided by deed in 2021, contains 12,405 square feet, is zoned RSF-65 (Residential, Single Family-65), and is improved with a single-family dwelling, driveway, screen porch, and shed. Exhibits Exhs. 2, 4, 7, 8, and 9 (A) thru (F).

2. The subject lot has a unique shape when compared to surrounding properties, and rear lot is angled and leaning westward. The lot is 235 feet in length and 60 feet in width which is narrow in shape and size. Exh. 2.

3. Petitioners propose to construct two 2' x 20.3' overhangs to the dwelling. Variances of 13 feet lot width, 1-foot left side yard width, and 1-foot right side yard width are requested. Exhs. 2 and 3 (A) thru D).

4. Petitioner Nicholas Lorenz testified that a microburst that hit the area on July 12, 2022, mostly destroyed the house. His wife and two children were in the house at the time. Essentially, the house was a total loss. The house has been gutted by the remodeling company. It is in the process of being rebuilt. As you see on the site plan, a two-foot bump out on the front and rear of the house. Following the existing footprint. The Prince George's County Code required seven (7) feet of clearance to the property line. Currently, the code requires an 8-foot setback. Due to the Code requirements, they are requesting the 2 feet on the front and back. Exhs. 2, 3 (A) thru (D), 5 (A) thru (E).

5. As a point of clarification, Nicholas Lorenz stated that there is still an active permit for an addition that they were not able to complete because the water table was too high to support a foundation, and it did

not require a variance. So, this request is for a project with a smaller footprint. Exhs. 2, 3 (A) thru (D), 5 (A) thru (E).

6. Robert Hyman testified that work has begun on the addition. Mr. Lorenz stated that the permit for the addition was approved, but with the water table being too high, we had to change plans and decided to extend the overhang in the front and back two feet. Because the house was in such a condition, they went ahead and replaced the floor joists, walls, and roof, as per the original permit. They wanted to dry in the house; it is now protected from the elements. Exhs. 2, 3 (A) thru (D), 5 (A) thru (E).

7. He further noted that Berwyn Heights Town Council approved the proposal for a 2-foot overhang on the front and rear of the house. Exh. 12.

A Motion was made by Board Member Hill. Seconded by Vice Chair Isler. Motion carried 3/0. (Isler, Alston, and Hill)

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:

(d) 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) 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.

Findings of the Board

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

Due to the home being destroyed by a microburst storm, causing major damage to the structure, 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 owners of the property. Furthermore, the Petitioners' lot is

narrow, angled, and leaning westward; therefore, it is physically unique and unusual in a manner different from the nature of surrounding properties. Additionally, the particular uniqueness would cause a zoning provision to impact disproportionately upon this property in a manner different from the neighboring properties. Lastly, there was no evidence presented in the record that granting this variance would substantially impair the use and enjoyment of adjacent properties, and the practical difficulty was not self-inflicted as it was due to a microburst storm.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Mack absent, that variances of 13 feet lot width, 1-foot left side yard width, and 1-foot right side yard width in order to construct two 2' x 20.3' additions to the dwelling on the property located at 6107 Seminole Street, Berwyn Heights, 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 2, and approved elevation plans, Exhibit(s) 3 (A) through (D).

BOARD OF ZONING APPEALS

By: *Bobbie P. Mack*
Bobbie S. Mack, Chair

Approved for Legal Sufficiency

By: *Ellis Watson*
Ellis Watson (Jun 13, 2024 14:31 EDT)
Ellis Watson, Esq.

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 27-3613(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.

BOARD OF APPEALS

APPROVED FEB 21 2024

Barbara J. Stover
ADMINISTRATOR

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1 foot.
2. Fences, if shown, have been located by approximate methods.

SEMINOLE STREET
(50' R/W - PER P.B.44 P.No.25)

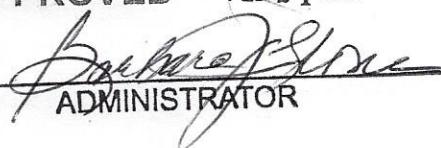
LOCATION DRAWING
LOT 9~BLOCK 37
CHARLTON HEIGHTS
PRINCE GEORGE'S COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE		REFERENCES	SNIDER & ASSOCIATES LAND SURVEYORS	
<small>THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.</small>		<small>PLAT BK. A PLAT No. 52</small>	<small>19544 Amaranth Drive Germantown, Maryland 20874 301/948-5100, Fax 301/948-1286 WWW. SNIDERSURVEYS.COM</small>	
<small>MARYLAND PROPERTY LINE SURVEYOR REG. NO. 582 Expires: 04-07-2023</small>		<small>LIBER POLIO</small>	<small>DATE OF LOCATIONS WALL CHECK: N/A HSE. LOC.: 05-17-2021</small>	<small>SCALE: 1" = 30' DRAWN BY: K.D.S. JOB NO.: 21-02052</small>

EXHIBIT

BOARD OF APPEALS

APPROVED FEB 21 2024



Administrator

Sketch: SKETCH02, Level: Front Elevation

