



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

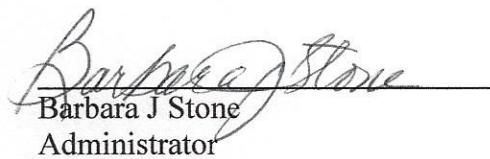
OF BOARD OF APPEALS

RE: Case No. V-35-21 Susan Dorn and Roman Lesiw

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: June 9, 2021

CERTIFICATE OF SERVICE

This is to certify that on July, 20, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
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: Susan Dorn and Roman Lesiw

Appeal No.: V-35-21

Subject Property: Lot 9, Block 47, College Heights Estates Subdivision, being 7008 40th Avenue,
University Park Prince George's County, Maryland

Witness: Jeff Tice, Contractor/Builder

Heard: May 26, 2021; Decided: June 9, 2021

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 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 27-229 of the Zoning Ordinance, Petitioners request that the Board approve variances from 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 (lot coverage) and obtain a building permit to enclose an existing breezeway in front of the house and rebuild the rear porch. A variance of 1.5% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 2002, contains 12,895 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling (with porch), breezeway and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioners propose to validate an existing condition (lot coverage) and obtain a building permit to enclose an existing breezeway¹ in front of the house and rebuild the rear porch. Because the original development was constructed in 1955, Petitioners would like to validate the coverage from that preexisting condition resulting from the current net lot coverage requirement as set forth in 27-442(c)(Table II). To permit the validation, a variance of 1.5% net lot coverage is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioner Susan Dorn testified that the property was purchased years ago (1998), and the house was built in 1955. Exh 8.

4. She explained that a small portion of the front of the house has a roof which protrudes from the outside door of the kitchen to an outside porch into the garage. They would like to continue to use the enclosed breezeway for safety reasons. Furthermore, she described the entrance to the kitchen (which is used as an everyday entrance) where the roof of the porch is in disrepair and requires repair. They would similarly like to enclose the porch for weather protection when utilizing the "entrance" door. She testified

¹ The breezeway allows access to the garage and provides weather protection when accessing from the house. Exh. 2.

that these structures have been in place since 1955 and nothing has changed since the original construction of the house.²

5. The parts of the roof structures that are in disrepair are small at 4.5' 5' in the front of the dwelling and 4' x 4' in the rear of the house. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (M).

6. She alerted the Board that in the rear there is an open covered stoop below the overhanging roof that is in disrepair and falling apart. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (M).

7. The Town of University Park has voting unanimously in approval of the variance request. Exh. 16.

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

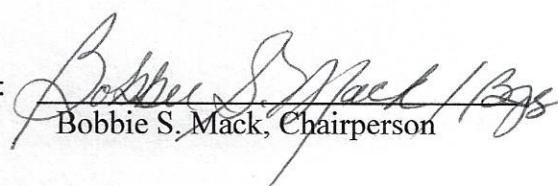
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the structures (breezeway and rear porch) being dangerously in disrepair, the urgent need for repair and improvement of the structures, the need for safety in accessing the garage, the reasonable validation of the development of the existing structures built in 1955, the modest variance that is requested to facilitate the permit process for the repairs 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.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 1.5% net lot coverage in order to enclose an existing breezeway in front of the house and rebuild the rear porch, on the property located at 7008 40th Avenue, University Park, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (c).

BOARD OF ZONING APPEALS

By:



Bobbie S. Mack / BSM

Bobbie S. Mack, Chairperson

² She opined that the only way to make the needed repairs and meet the current lot coverage, without the variance, is to reduce the driveway which is not their preference.

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.

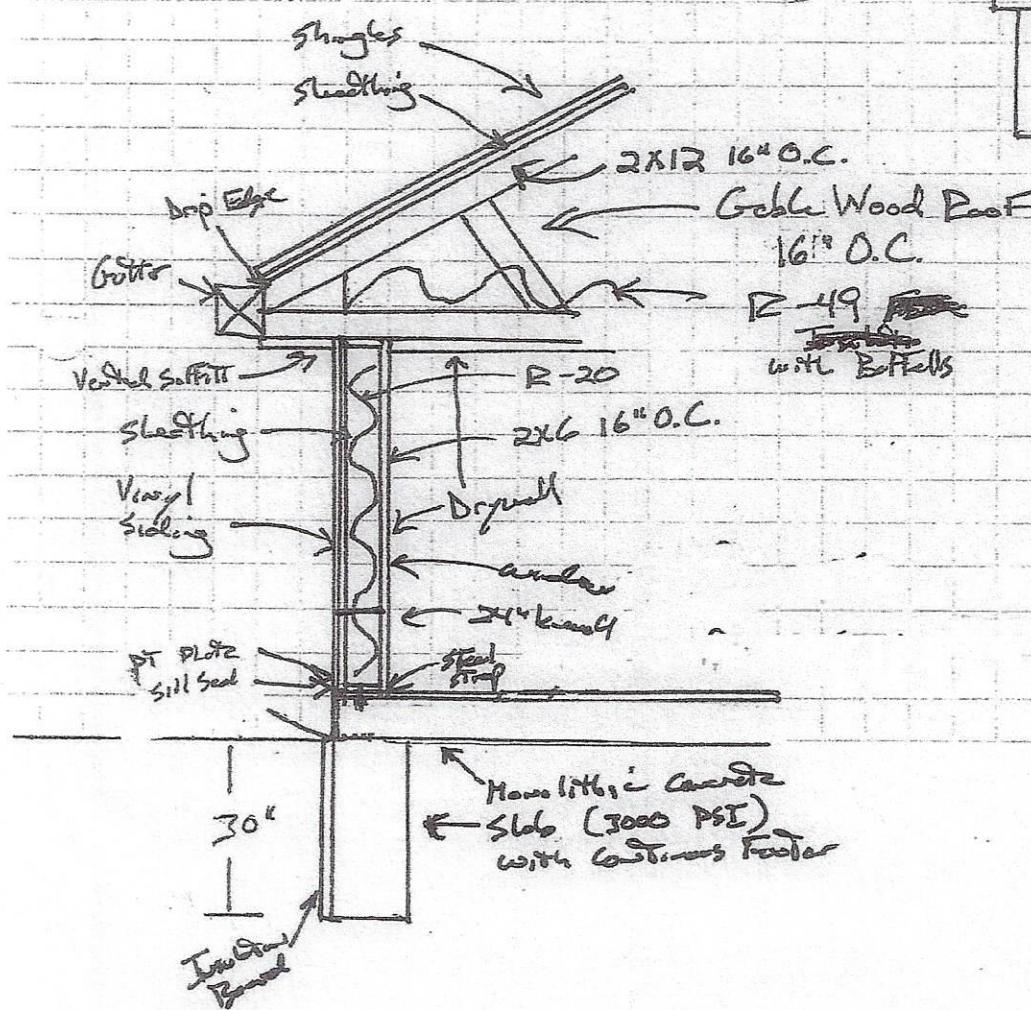
Further, Section 27-233(a) of the Prince George's County Code states:

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.

Cross Section Detail

Scale $\frac{1}{4}'' = 1'0''$

Left Front View



- * Structural lateral Bracing
- * Front & Rear Yard Intermittent Bracing Method (PBS)
- * Per Attached Sheet
- * Right Yard (CS-PF, Bracing Method)
- * Block Foundation Access Panel & Vents Per Code

* Roof live load
30 PSF
* Floor live load
40 PSF

* 90 mph, 3 Sec g.
* Seismic design Cet. I

(a)

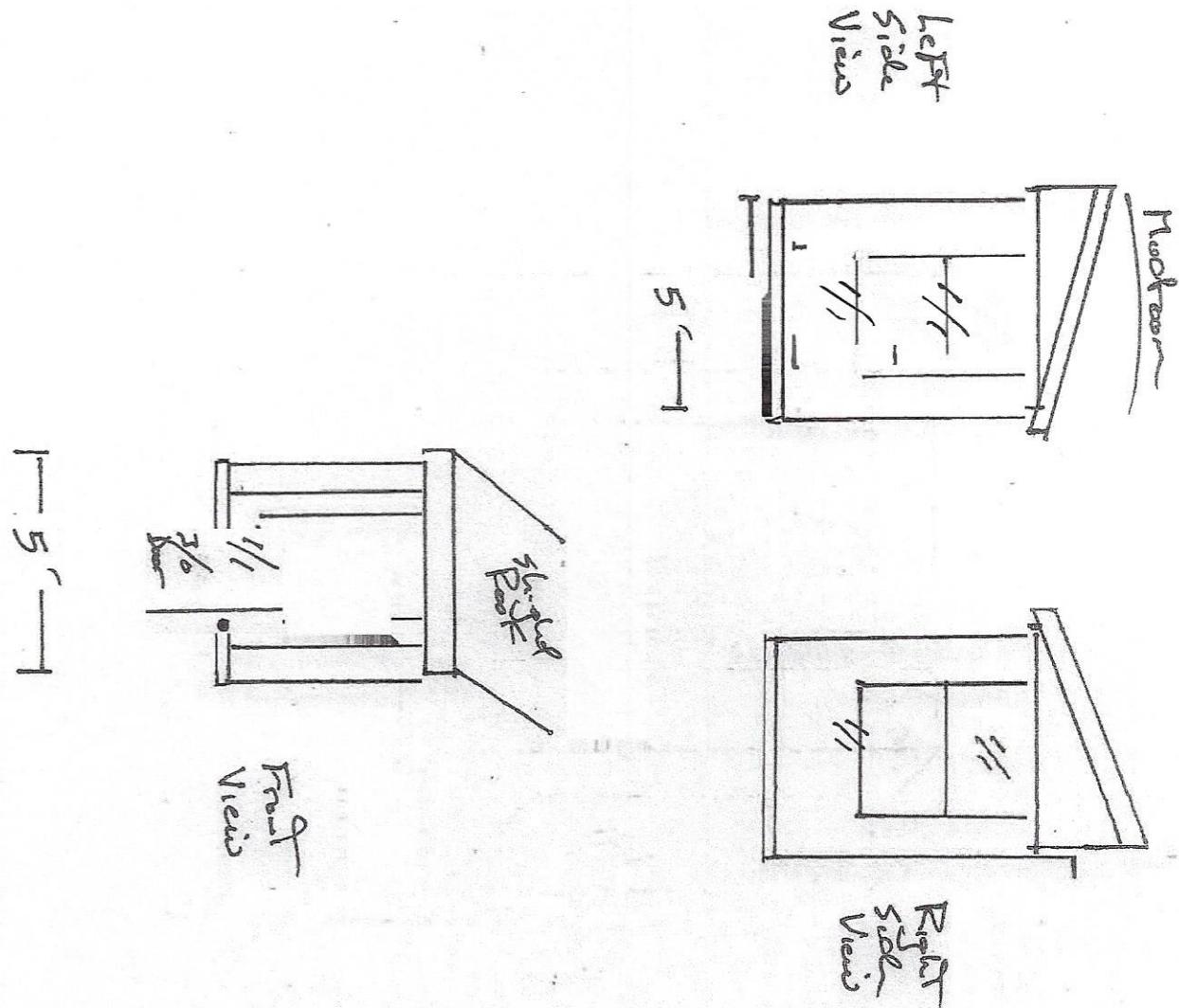
BOARD OF APPEALS

APPROVED JUN 09 2021

Johnston

ADMINISTRATOR

EXH. # **3(a-c)**
V-35-21

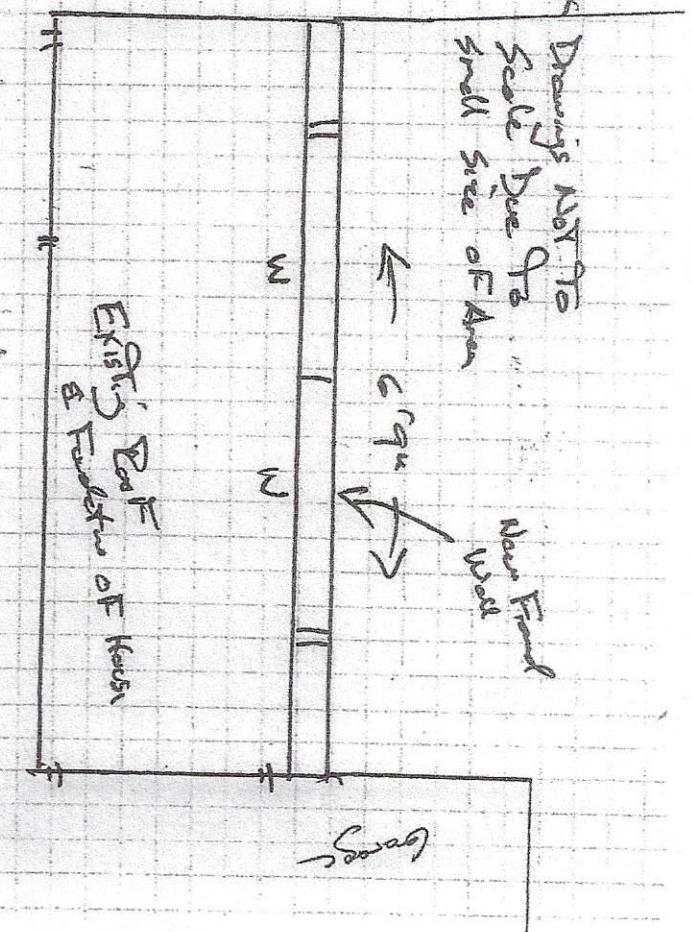
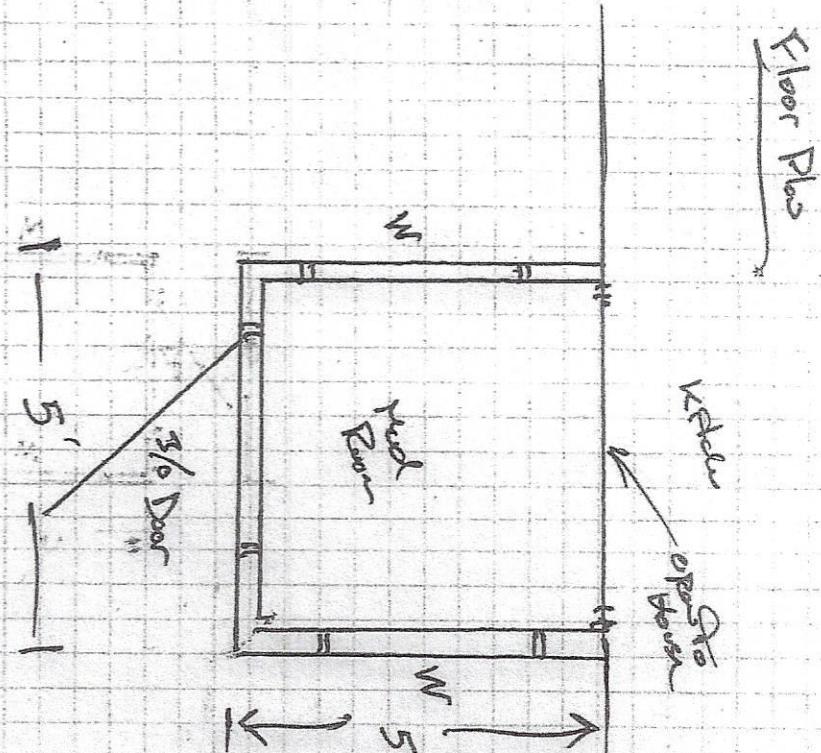


(b)

BOARD OF APPEALS

APPROVED JUN 09 2021

[Signature]
ADMINISTRATOR



BOARD OF APPEALS

APPROVED JUN 09 2021

Administrator