



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-41-21 Andrea Gaetano Cassar, Armand Victor Cucciniello, III

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 September 2, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "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: Andrea Cassar and Armand Cuciniello, III

Appeal No.: V-41-21

Subject Property: Lot 17, Map 128, Grid D1, Duvall Sub North Subdivision, being 10008 Thomas Broke Place, Upper Marlboro, Prince George's County, Maryland

Witnesses: Grizelda Guzman, Luna Property Maintenance

Hernan Luna, Luna Property Maintenance

Sharron Lewis, Member, Duvall Woods Homeowners Association (HOA)

Heard and Decided: June 9, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Present

Albert C. Scott, Vice Chairman - Present

Anastasia T. Johnson, Member - Absent

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, Petitioner(s) request(s) that the Board approve variances from Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line, 2 feet from any side or rear lot line, shall not exceed 15 feet in height and generally be located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces the side street. Petitioners propose to obtain a building permit for the construction of a garage. Variance of 19 feet front street line setback, and a waiver of the rear yard location requirement for an accessory building (garage) are requested.

Evidence Presented

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

1. The property was subdivided in 2005, contains 200,366 square feet, is zoned R-E (Residential Estate) and is improved with a single-family dwelling, driveway, garage and retaining wall. Exhibits (Exhs.) 2 (A) thru (B), 4, 8, 9 and 10 (A) thru (F).

2. The property is extremely irregular in shape and a large portion of the lot is subject to a Conservation Easement. In addition, the Septic Field and Septic Pump are located in the east portion of the rear yard. Exhs. 2 and 4.

3. The rear yard also slopes in the rear with existing retaining walls. Exh. 2

4. Petitioners propose to obtain a building permit for the construction of a detached garage. Because of the location of the septic field in the rear yard, the most suitable location of garage is beside the dwelling (near the existing driveway) and thus require a waiver of the rear yard location requirement for an accessory building (garage). Exhs. 2 (A) thru (B), 4, 8, 9 and 10 (A) thru (F).

5. Petitioner Andrea Cassar testified that they are proposing to build a detached garage on the east side of the house to connect with to the existing driveway. He stated that the garage is necessary because the

by-laws of the HOA require that trash cans cannot be visible from the street.¹ Exhs. 2 (A) thru (B) 3 (a) thru (j), 5 (A) thru (E).

6. HOA Member Ms. Sharron Lewis, testified that the residents submitted their plans to the HOA. The HOA visited the site and subsequently approved the request for the proposed garage. An approval letter was provided to the Board of Appeals. Exh. 6.

7. Ms. Lewis further stated that the detached garage will not be out of character with the (residential) neighborhood.

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

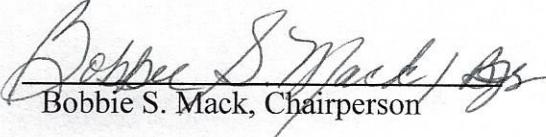
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to topography sloping in the rear yard, the limitations in suitability of development areas imposed by the Conservation Easement and expansive septic fields, the preexisting location of the side-yard driveway to which the proposed garage will be near, the irregular shape of the lot, the trash can placement requirement of the HOA 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, by majority vote, Ms. Anastasia Johnson absent, that variance of 19 feet front street line setback, and a waiver of the rear yard location requirement for an accessory building (garage) in order to obtain a building permit for the construction of a garage on the property located at 10008 Thomas Broke Place, Upper Marlboro, 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 (j).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

¹ Petitioners have a two-car attached garage, but when two cars are in the garage, there is insufficient space for trash cans to fit in the garage.

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.

2 (A) thru (B), 4, 8, 9 and 10 (A) thru (F).

BOARD OF APPEALS

APPROVED JUN 09 2021

[Signature]
ADMINISTRATOR

SURVEYOR'S CERTIFICATE:
I CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT
THE EXISTING VISIBLE IMPROVEMENTS SHOWN HEREON HAVE BEEN
ESTABLISHED BY ACCEPTED LAND SURVEYING PRACTICES AND THAT
UNLESS OTHERWISE SHOWN THERE ARE NO VISIBLE
ENCROACHMENTS.

[Signature]
MARWAN F. MUSTAFA
PROFESSIONAL LAND SURVEYOR
MARYLAND REG. NO. 20007
LICENSE EXPIRATION 09-25-2020

12-12-2018
DATE:



CAPITAL DEVELOPMENT DESIGN, INC.
ENGINEERS PLANNERS SURVEYORS
4600 Powder Mill Road, Suite 200, Beltsville, Maryland 20705
Tel: (301) 937-3501 Fax: (301) 937-3507

WALL CHECK DATE: 11/30/18	DRAWN BY: EJA	RECORD NO.: 02-096	DRAWING NO.:
FINAL DATE: 11/30/18	CHECKED BY: SEC	IN FLOOD ZONE HAZARD AREA	"C"
RECERT DATE:	SCALE: 1" = 50'	PER F.E.M.A. MAP (CP NO.: 24033C0270E, EFF. 9/16/16)	

Garage Size:
12.5ft by 18ft

Concrete Foundation
13ft x 19ft
Stone & Siding

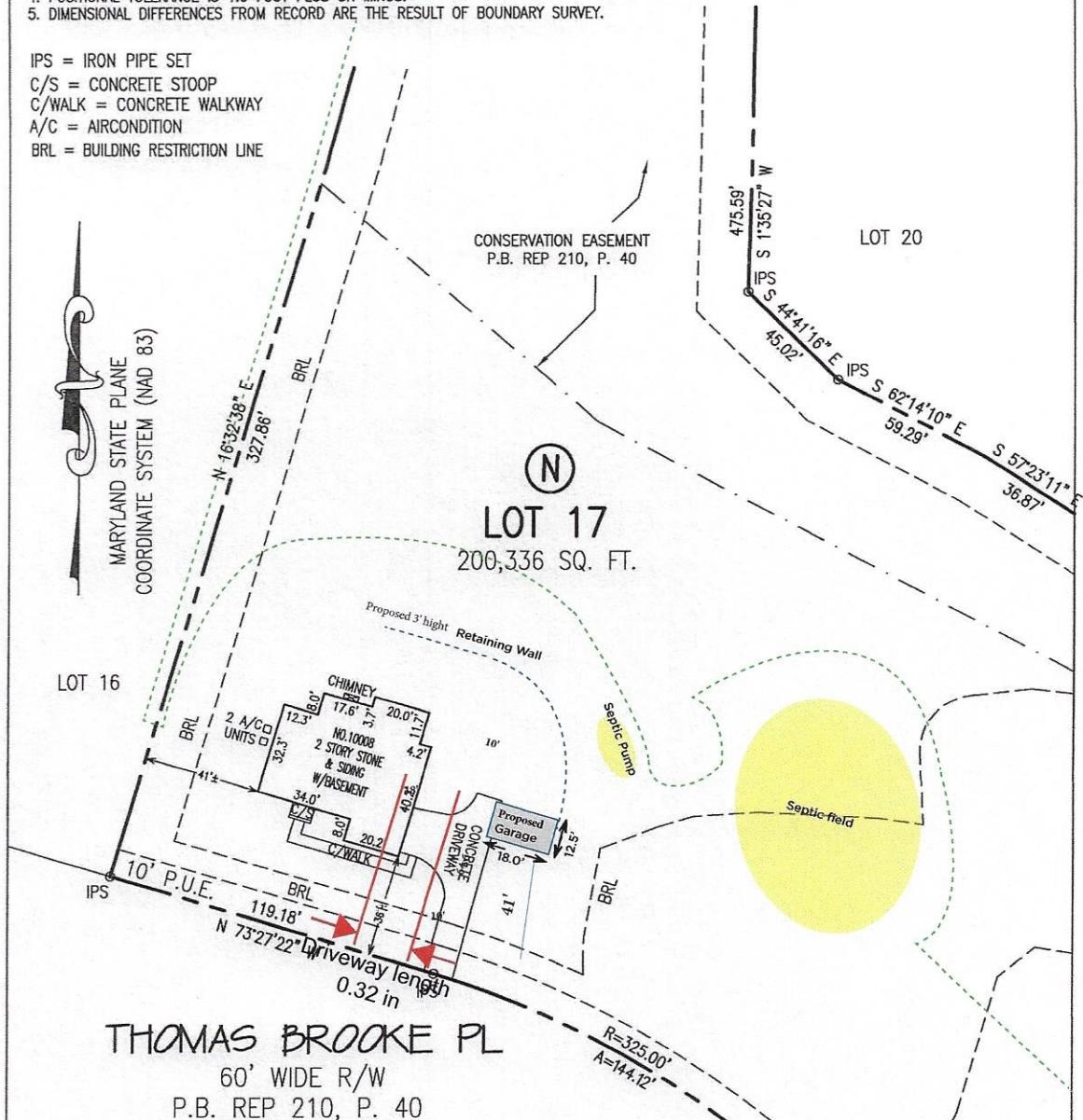
3ft Retaining wall

Septic Field/waste

Forest Restoration

NOTES:
1. THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE PLAT OF SUBDIVISION AND/OR DEED AS RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.
2. THE LOCATION AND SIZE OF IMPROVEMENTS SHOWN HEREON ARE APPROXIMATE AND ARE FOR INFORMATIONAL PURPOSE ONLY. DETAILS OF THE SITE NOT CONSIDERED SIGNIFICANT BY THIS OFFICE ARE NOT SHOWN.
3. THE TITLE REPORT WAS NOT FURNISHED. THE PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.
4. POSITIONAL TOLERANCE IS 1.0 FOOT PLUS OR MINUS.
5. DIMENSIONAL DIFFERENCES FROM RECORD ARE THE RESULT OF BOUNDARY SURVEY.

IPS = IRON PIPE SET
C/S = CONCRETE STOOP
C/WALK = CONCRETE WALKWAY
A/C = AIRCONDITION
BRL = BUILDING RESTRICTION LINE



LOCATION DRAWING

LOT 17, BLOCK N

DUNWELL WOODS

PLAT BOOK REP 210, PLAT 40

MELWOOD (15TH) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

Plot # 17N
10008 Thomas Brooke Pl
Upper Marlboro, MD 20772

Shown:

- Front Stoop
- Walkway

Walkway 49 1/2 ft in length by 3 ft

3 inches length by 36

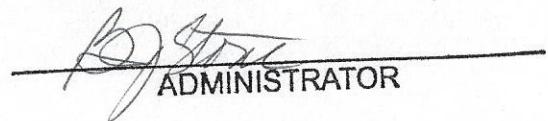
Walkway 103 inches length by 5 ft

First Step, 12 inches by 5 ft

The stoop is 5 inches by 8 ft.

BOARD OF APPEALS

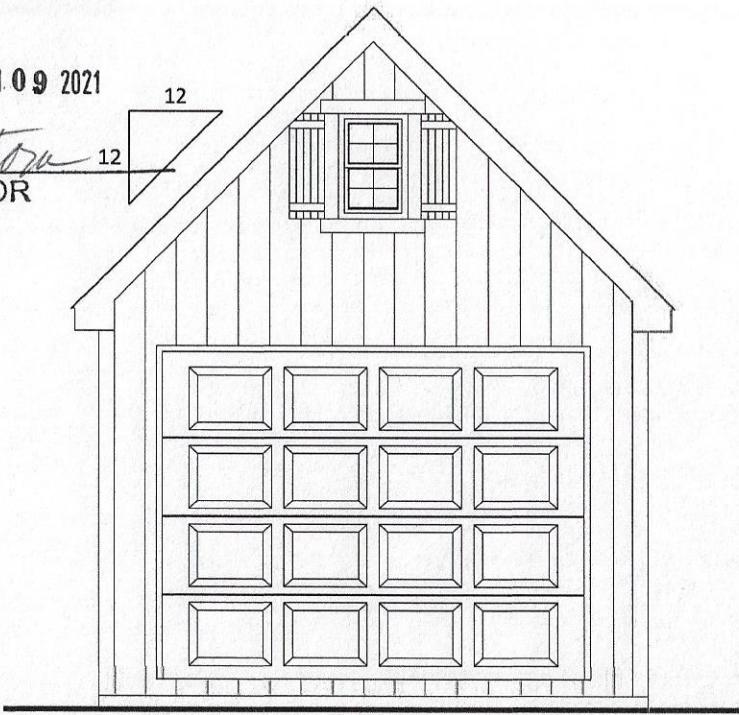
APPROVED JUN 09 2021


Administrator

BOARD OF APPEALS

APPROVED JUN 09 2021

B. Stora
ADMINISTRATOR



(a)

CODE & LOADING INFORMATION

OCCUPANCY TYPE

- RESIDENTIAL STORAGE

CONSTRUCTION TYPE

- TYPE 5 B

LOADING NOTES

- 1st FLOOR LIVE = 50 PSF

- 2nd FLOOR LIVE = 30 PSF

- GROUND SNOW = 25 PSF
- DEAD LOADS = 10 PSF
- BASIC WIND SPEED = 115 MPH
- EXPOSURE CLASS = B
- SEISMIC DESIGN CATEGORY = B
- FROST LINE DEPTH = 30"
- ASSUMED SOIL CLASS = GM, GC
- SOIL BEARING CAPACITY = 2000 PSF
IF SOIL DIFFERS FROM ASSUMED ABOVE
(REFER TO IRC CODES)

EXH. # **3(a-j)**
V-41-21

BUILDER:

Valley View Structures
2445-A Valley View Rd.
Narvon, PA 17555

PROJECT:

Andrea Cassar
10008 Thomas Brook Pl.
Upper Marlboro, MD 20772

FINAL	1/20/21	E.S.



DRAFTING
CONCEPTS

5219 Old Strasburg Rd.
Kinzers, PA 17535

P. 717-442-5053 F. 717-370-5925
John@DraftingConceptsLLC.net

SCALE:

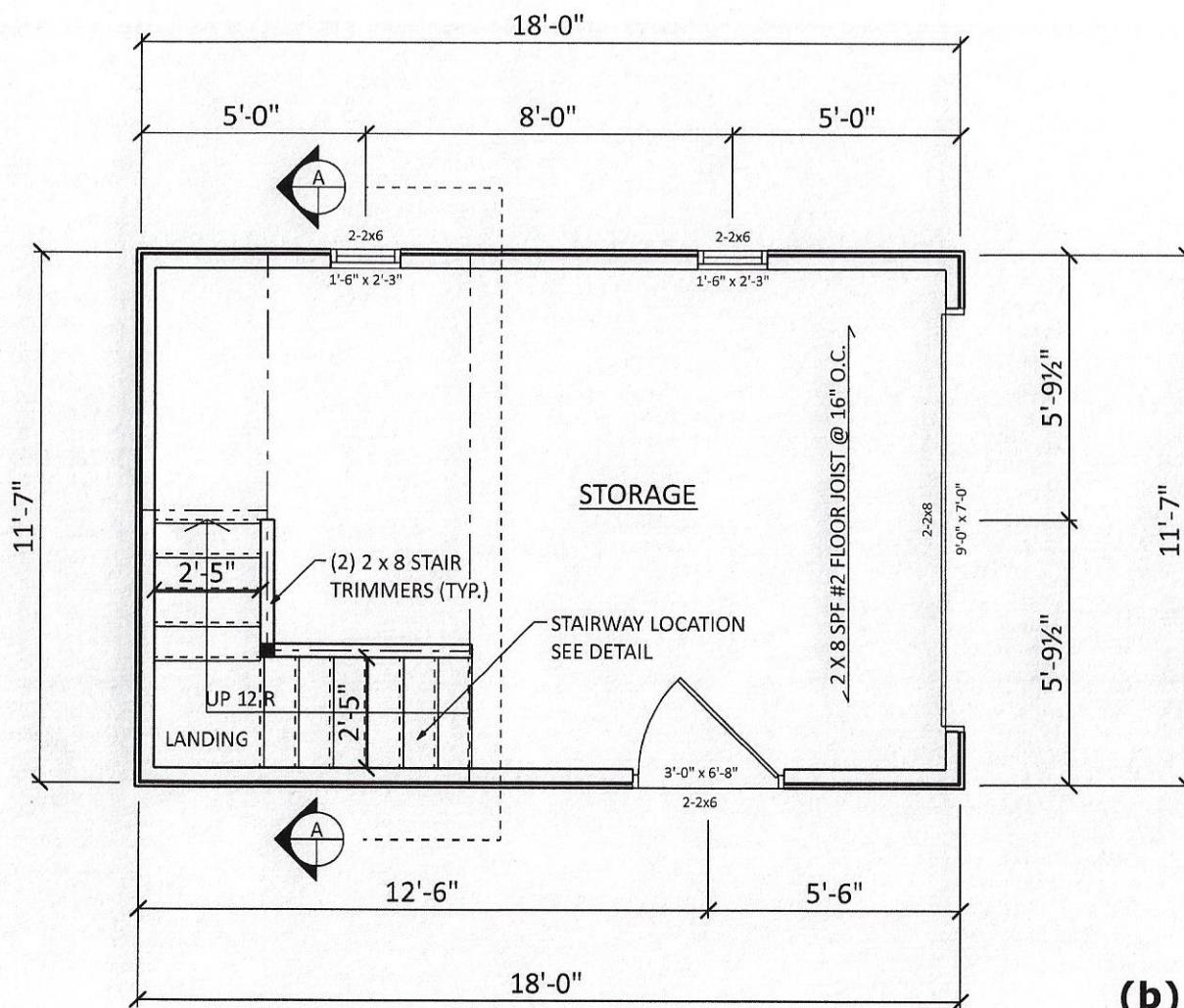
AS NOTED

SHEET TITLE:

Cover sheet

PROJECT NO.:

D010-21



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

BOARD OF APPEALS

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ADMINISTRATOR

2

BUILDER:

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SCALE:

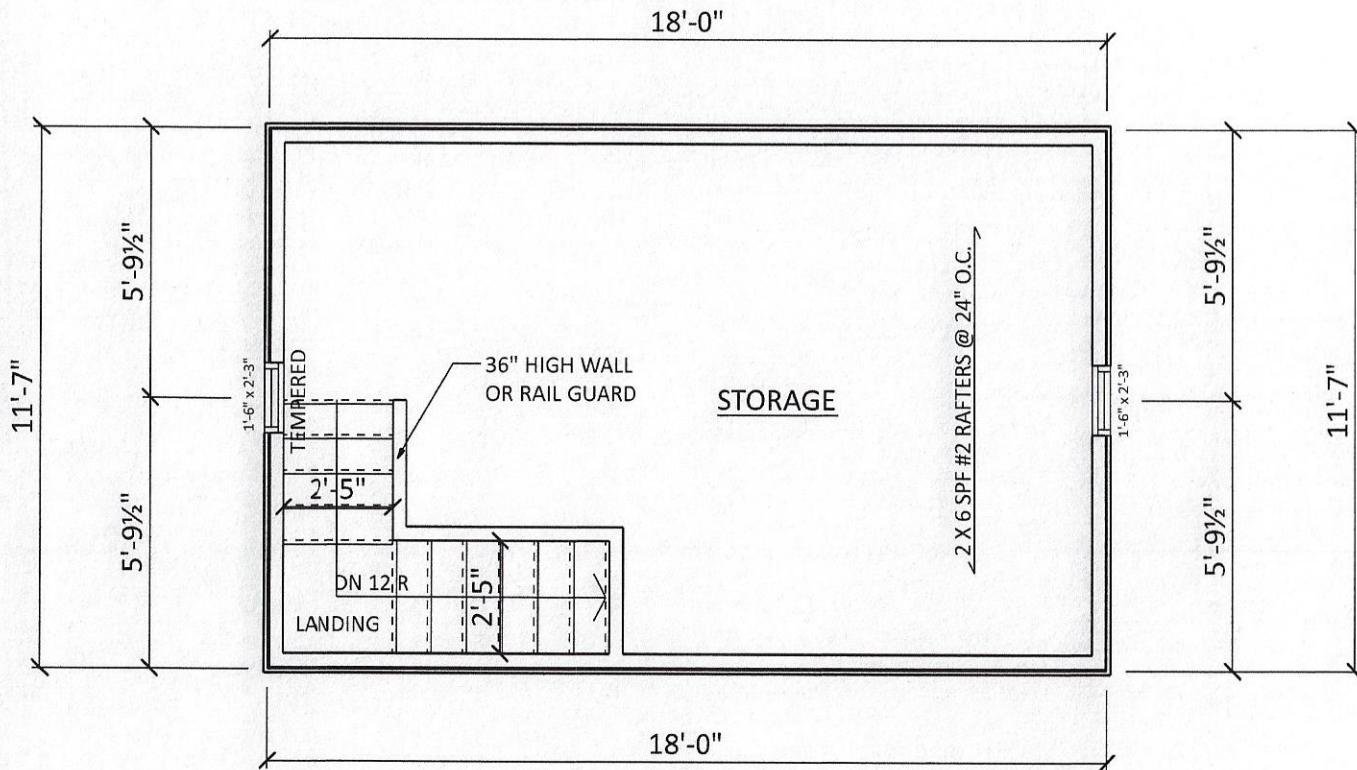
AS NOTED

SHEET TITLE:

First floor plan

PROJECT NO.:

D010-21



SCALE: 1/4" = 1'-0"

BOARD OF APPEALS

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B. Stone
ADMINISTRATOR

3

BUILDER:

Valley View Structures
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SCALE:

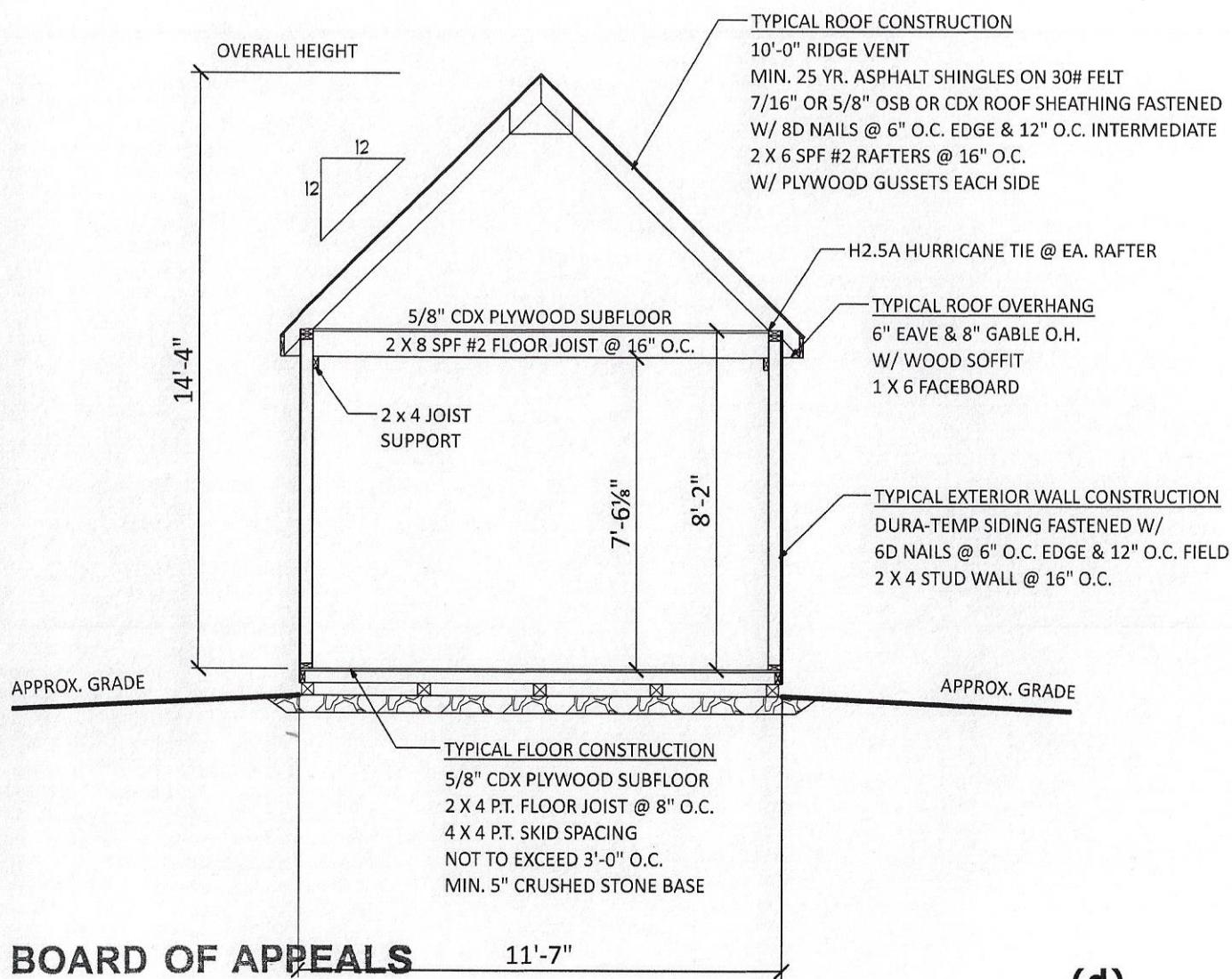
AS NOTED

SHEET TITLE:

2nd floor plan

PROJECT NO.:

D010-21



APPROVED JUN 09 2021

SECTION A

SCALE: 1/4" = 1'-0"

B. Stone
ADMINISTRATOR

BUILDER:
Valley View Structures
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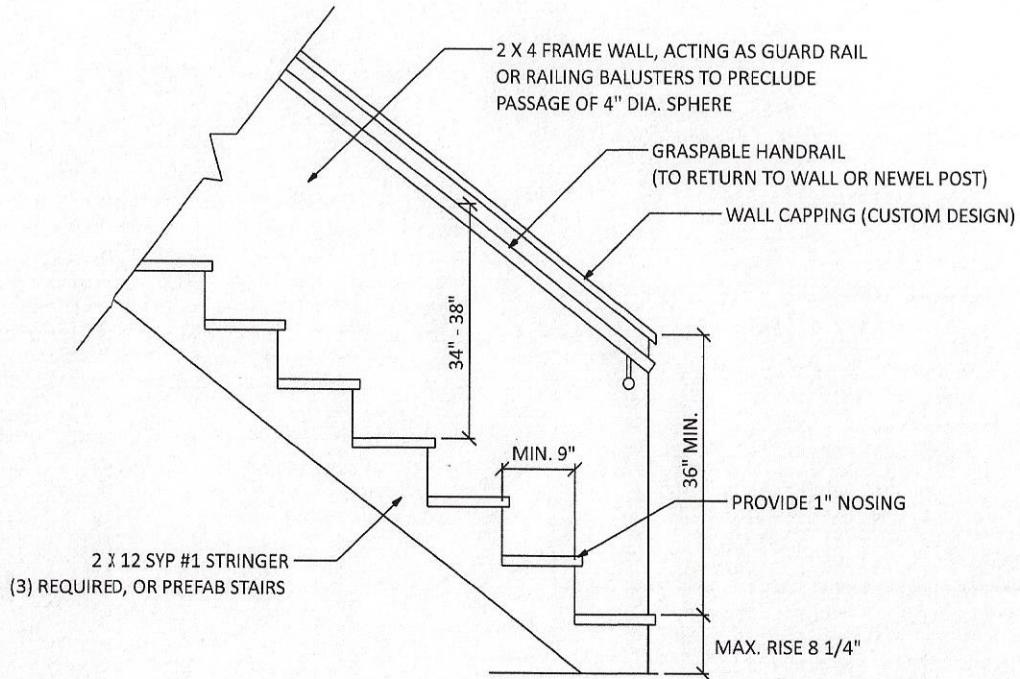
5219 Old Strasburg Rd.
Kinzers, PA 17535
P. 717-442-5053 F. 717-370-5925
John@DraftingConceptsLLC.net

SCALE:
AS NOTED

SHEET TITLE:
Section A

PROJECT NO.:
D010-21

4



BOARD OF APPEALS

STAIR DETAIL

APPROVED JUN 09 2021

[Signature]
ADMINISTRATOR

(e)

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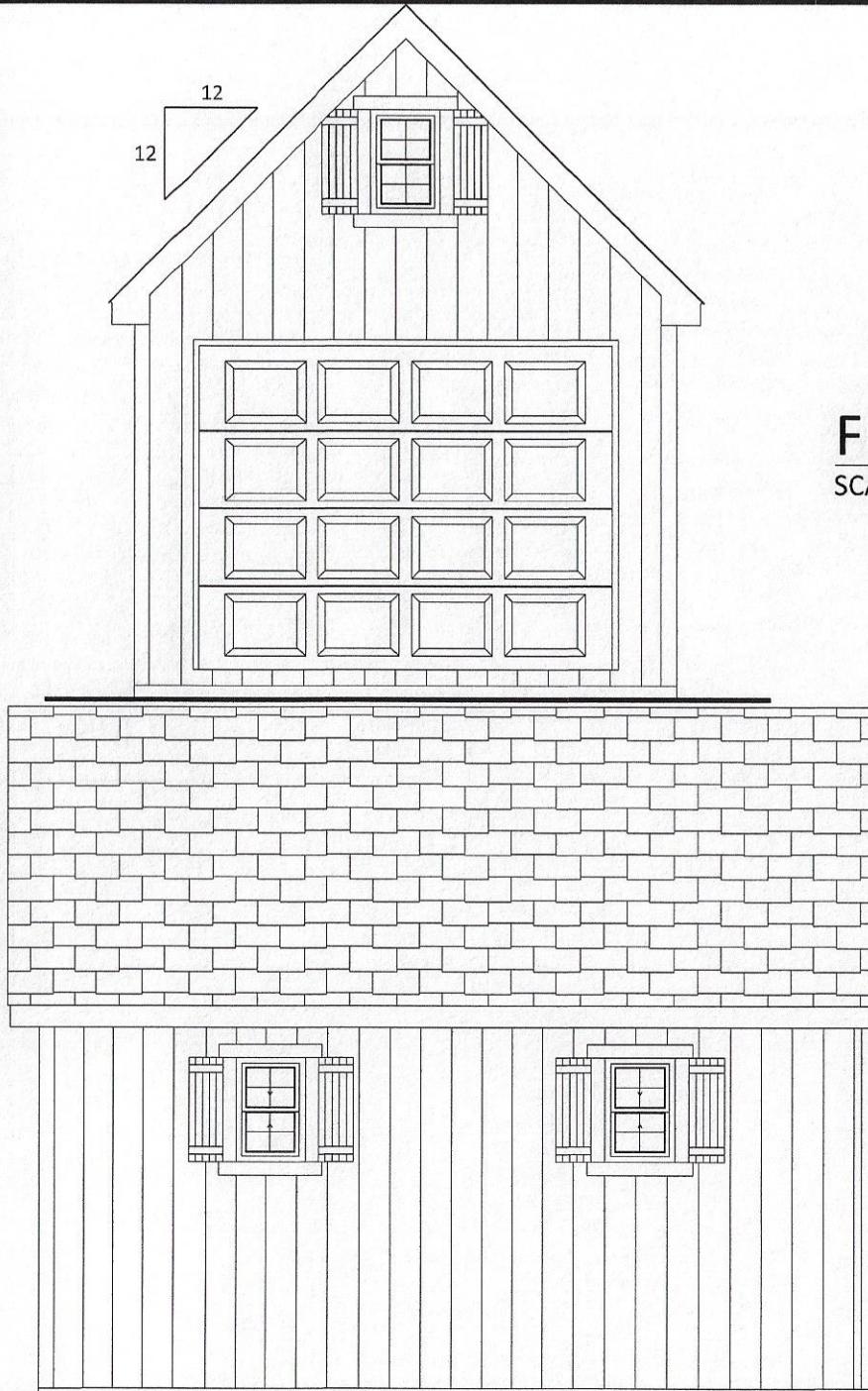
P. 717-442-5053 F. 717-370-5925
John@DraftingConceptsLLC.net

SCALE:
AS NOTED

SHEET TITLE:
Stair detail

PROJECT NO.:
D010-21

5



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

BOARD OF APPEALS

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JUN 09 2021

B. Stover
ADMINISTRATOR

RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

(f)

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FINAL 1/20/21 E.S.



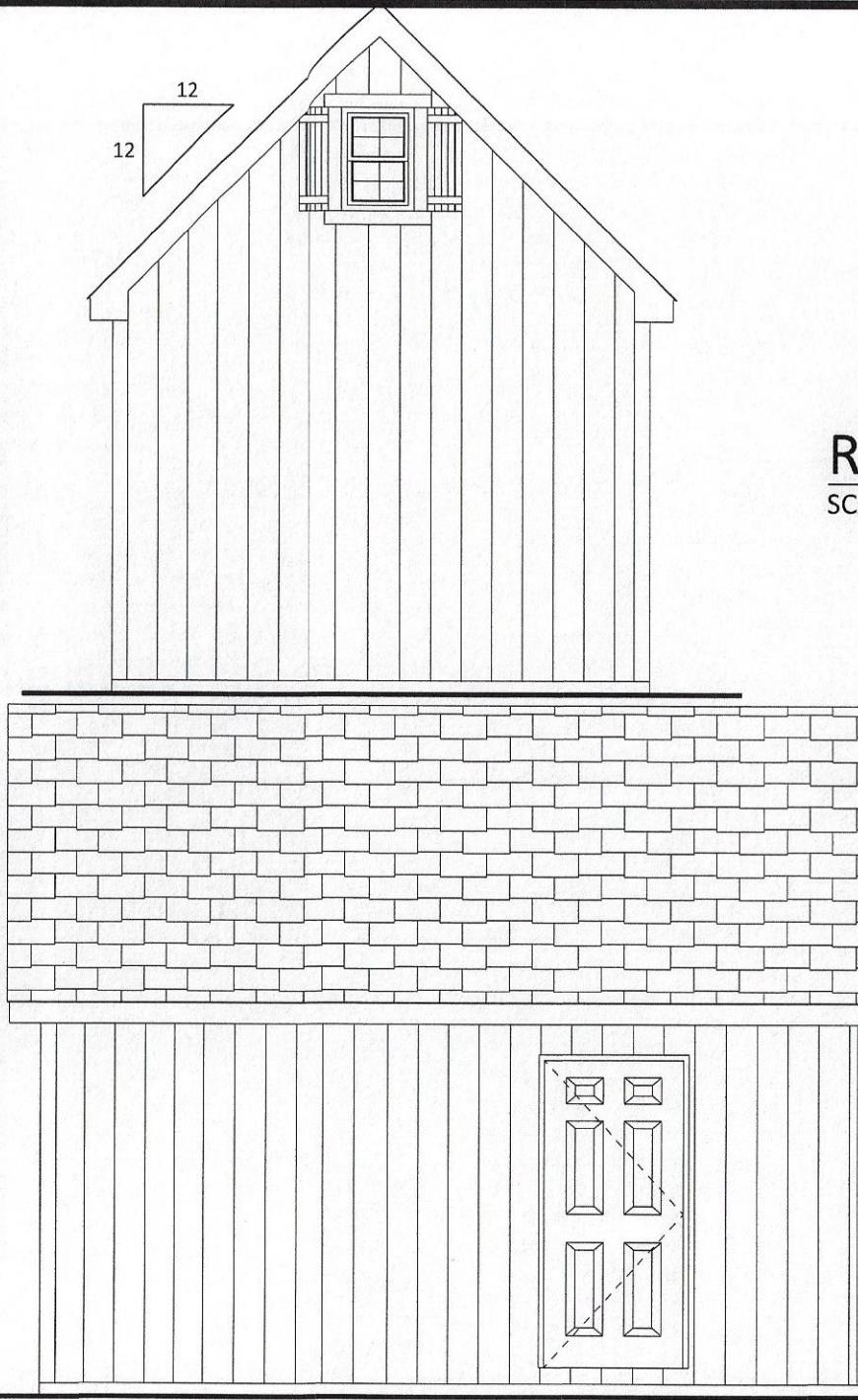
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CONCEPTS

5219 Old Strasburg Rd.
Kinzers, PA 17535
P. 717-442-5053 F. 717-370-5925
John@DraftingConceptsLLC.net

SCALE:
AS NOTED
SHEET TITLE:
Elevations

PROJECT NO.:
D010-21

6

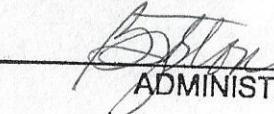


REAR ELEVATION

SCALE: 1/4" = 1'-0"

BOARD OF APPEALS

APPROVED JUN 09 2021


Administrator

LEFT ELEVATION

SCALE: 1/4" = 1'-0"

(g)

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SCALE:
AS NOTED

SHEET TITLE:
Elevations

PROJECT NO.:
D010-21

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FASTENER SCHEDULE FOR STRUCTURAL MEMBERS

DESCRIPTION OF BUILDING ELEMENTS	NUMBER AND TYPE OF FASTENER	SPACING OF FASTENERS	
ROOF			
CEILING JOISTS TO TOP PLATE	(3) 10d	TOE NAIL	
CEILING JOISTS NOT ATTACHED TO PARALLEL RAFTER, LAPS OVER PARTITIONS	(4) 10d	FACE NAIL	
COLLAR TIE TO RAFTER, FACE NAIL OR 13/16" 220 GAGE RIDGE STRAP TO RAFTER	(4) 10d	FACE NAIL EACH RAFTER	
RAFTER OR ROOF TRUSS TO PLATE	(3) 16d	TOE NAIL	
ROOF RAFTERS TO RIDGE, VALLEY OR HIP RAFTERS	(4) 16d	TOE NAIL	
WALL			
STUD TO STUD	16d	24" O.C. FACE NAIL	
BUILT-UP HEADER, TWO PIECES	16d	16" O.C. EA. EDGE FACE NAIL	
CONTINUOUS HEADER TO STUD	(4) 8d	TOE NAIL	
DOUBLE STUDS, FACE NAIL	10d	24" O.C.	
TOP PLATE TO TOP PLATE	10d	12" O.C. FACE NAIL	
DOUBLE TOP PLATES, MINIMUM 48-INCH OFFSET OF END JOINTS, FACE NAIL IN LAPPED AREA	(8) 16d	-----	
BOTTOM PLATE TO JOIST, RIM JOIST, BAND JOIST OR BLOCKING	16d	12" O.C. FACE NAIL	
BOTTOM PLATE TO JOIST, RIM JOIST, BAND JOIST OR BLOCKING (AT BRACED WALL PANEL)	(3) 16d	16" O.C. FACE NAIL	
TOP OR BOTTOM PLATE TO STUD	(3) 16d	END NAIL	
TOP PLATES, LAPS AT CORNERS AND INTERSECTIONS	(3) 10d	FACE NAIL	
JOIST TO SILL, TOP PLATE OR GIRDER	(4) 8d	TOE NAIL	
RIM JOIST, BAND JOIST, OR BLOCKING TO SILL OR TOP PLATE (ROOF APPLICATIONS ALSO)	10d	6" O.C. TO NAIL	
BUILT-UP GIRDERS AND BEAMS, 2-INCH LUMBER LAYERS	10d	24" O.C. FACE NAIL AT TOP AND BOTTOM STAGGERED ON OPPOSITE SIDES	
WOOD STRUCTURAL PANELS, SUBFLOOR, ROOF AND INTERIOR WALL SHEATHING TO FRAMING AND PARTICLEBOARD WALL SHEATHING TO FRAMING			
5/16" - 1/2"	6d COMMON NAIL (SUBFLOOR, WALL) 8d COMMON NAIL (ROOF)	6	12
19/32" - 1"	8d COMMON NAIL	6	12
1/2" GYPSUM SHEATHING	1 1/8" GALVANIZED ROOFING NAIL; STAPLE GALVANIZED, 1 1/8" LONG; 1 1/8" SCREWS, TYPE W OR S	7	7
5/8" GYPSUM SHEATHING	1 1/8" GALVANIZED ROOFING NAIL; STAPLE GALVANIZED, 1 1/8" LONG; 1 1/8" SCREWS, TYPE W OR S	7	7

ALTERNATE ATTACHMENTS

NOM. MATERIAL THICKNESS (INCHES)	DESCRIPTION OF FASTENER AND LENGTH (INCHES)	SPACING OF FASTENERS	
		EDGES (INCHES)	INTERMEDIATE SUPPORTS (INCHES)
WOOD STRUCTURAL PANELS, SUBFLOOR, ROOF AND INTERIOR WALL SHEATHING TO FRAMING AND PARTICLEBOARD WALL SHEATHING TO FRAMING			
UP TO 1/2"	STAPLES 15 GA. 1 1/4"	4	8
	NAIL 2 1/4"	3	6
	STAPLES 16 GA. 1 1/4"	3	6
23/32" AND 1 1/4"	STAPLES 14 GA. 2	4	8
	STAPLES 15 GA. 1 1/4"	3	6
	NAIL 2 1/4"	4	8

TABLE RG02.3(3) REQUIREMENTS FOR WOOD STRUCTURAL PANEL WALL SHEATHING USED TO RESIST WIND PRESSURES

SIZE	PENETRATION (INCHES)	MINIMUM WOOD STRUCTURAL PANEL SPAN RATING	MINIMUM NOMINAL PANEL THICKNESS (Inches)	MAXIMUM WALL STUD SPACING (Inches)	PANEL NAIL SPACING		MAXIMUM WIND SPEED (MPH)		
					EDGES (INCHES O.C.)	FIELD (INCHES O.C.)	WIND EXPOSURE CATEGORY		
							B	C	D
6d COMMON (2.0" X 0.113")	1.5	24/0	3/8	16	6	12	110	90	85
8d COMMON (2.5" X 0.131")	1.75	24/16	7/16	16	6	12	130	110	105
				24	6	12	110	90	85

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APPROVED JUN 09 2021


Administrator

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DRAFTING
CONCEPTS

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SCALE:

AS NOTED

SHEET TITLE:

General notes

PROJECT NO.:

D010-21

(h)

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