



# 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*

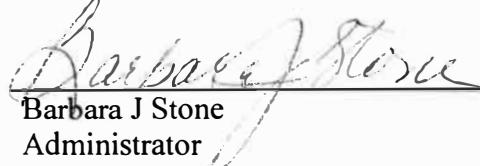
## *OF BOARD OF APPEALS*

RE: Case No. V-80-21 Kristina Harvey

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: November 03, 2021.

## **CERTIFICATE OF SERVICE**

This is to certify that on March 3, 2022, 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

***dBEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND***  
***Sitting as the Board of Zoning Appeals***

Petitioner: Kristina Harvey

Appeal No.: V-80-21

Subject Property: Lot 43, Mt. Rainier Rhode Island Avenue 2<sup>nd</sup> Addition, being 4022 37<sup>th</sup> Street, Mount Rainier, Prince George's County, Maryland

Municipality: City of Mt. Rainier

Witness: Outram Hussey, Architect

Hugh Harvey, Petitioner's Father

Heard and Decided: November 3, 2021

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

Albert C. Scott, Vice Chairman

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 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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(e)(Table IV)(Footnote #5) prescribes that each corner lot shall have a side yard along the side street at least 15 feet in depth. Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner is requesting to validate existing conditions (front yard depth, side street yard depth, side yard width and net lot coverage) and obtain a building permit for the construction of a one-story addition on the rear of the dwelling. Variances of 10.3 feet front yard depth, 5.7 feet side street yard depth (Footnote #5), 6 feet side yard width and 0.8% net lot coverage are requested.

**Evidence Presented**

1. The property was subdivided in (researched by deed) approximately in 1854, the record plat does not contain an exact date, contains 5,112 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibit (Exhs.) 3, 5, 8, 9 and 10 (A) thru (F).

2. The subject lot is a corner lot and shaped generally like a rectangle, although the Sheppard Street lot line is slightly angled. The lot width is only 37.9 feet wide, and the length is 125 feet. Both the front and side yards of the property are on a steep grade. Exhs. 3, 5, 8, 9 and 10 (A) thru (F).

3. Petitioner is requesting to validate existing conditions (front yard depth, side street yard depth, side yard width and net lot coverage) and obtain a building permit for the construction of a one-story addition on the rear of the dwelling. Because the recorded lot was created approximately in 1854, it does not meet current zoning standards. The front yard depth requirement is 25 feet, but is currently 14.7 feet, requiring a variance of 10.3 feet; the side street yard depth must provide 15 feet, but is currently 9.3 feet, requiring a variance of 5.7 feet; and the side yard setback requirement is 8 feet, but is currently 2 feet, requiring a variance of 6 feet. The maximum allowable net lot coverage is 30% and is currently at 30.8%, requiring a variance of 0.8%. Exhs. 3, 5, 8, 9 and 10 (A) thru (F).

3. Mr. Outram Hussey, an architect, explained that the Petitioner would like to add an addition to the rear of the home due to the small size of the dwelling; being only 872 square feet. He believed that the house was constructed in such a way that it did confine to side and front yards setback requirements because of the narrowness of the corner lot and the topography. He opined that this happens a lot in Mt. Rainier. Regarding the steps along Sheppard Street, he pointed out that they were existing when the subject property was purchased. Exhs. 3, 4 (a) thru (f), 6 (A) thru (E).

4. Petitioner purchased the property on January 27, 2021. She testified that neighbors have not said anything about the proposed one-story addition. Exhs. 8 and 9

5. The City of Mt. Rainier approved the variance requests on October 5, 2021. Exh. 18.

#### 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.

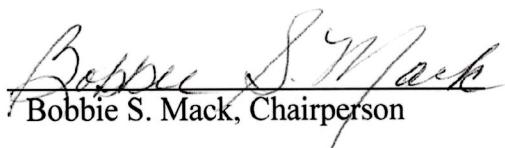
#### Findings of the Board

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 creation of the lot in approximately 1854, the house being built in 1968 prior to the enactment of the current Zoning Ordinance, the lot being a corner lot and having steep topography, the need for more living space 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 variances of 10.3 feet front yard depth, 5.7 feet side street yard depth, 6 feet side yard width and 0.8% net lot coverage in order to validate existing conditions (front yard dept, side street yard depth, side yard width and net lot coverage) and obtain a building permit for the construction of a one-story addition on the rear of the dwelling on the property located at 4022 37<sup>th</sup> Street, Mount Rainier, 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 3 and approved elevation plans, Exhibits 4 (a) thru (f).

BOARD OF ZONING APPEALS

By:   
Bobbie S. Mack, Chairperson

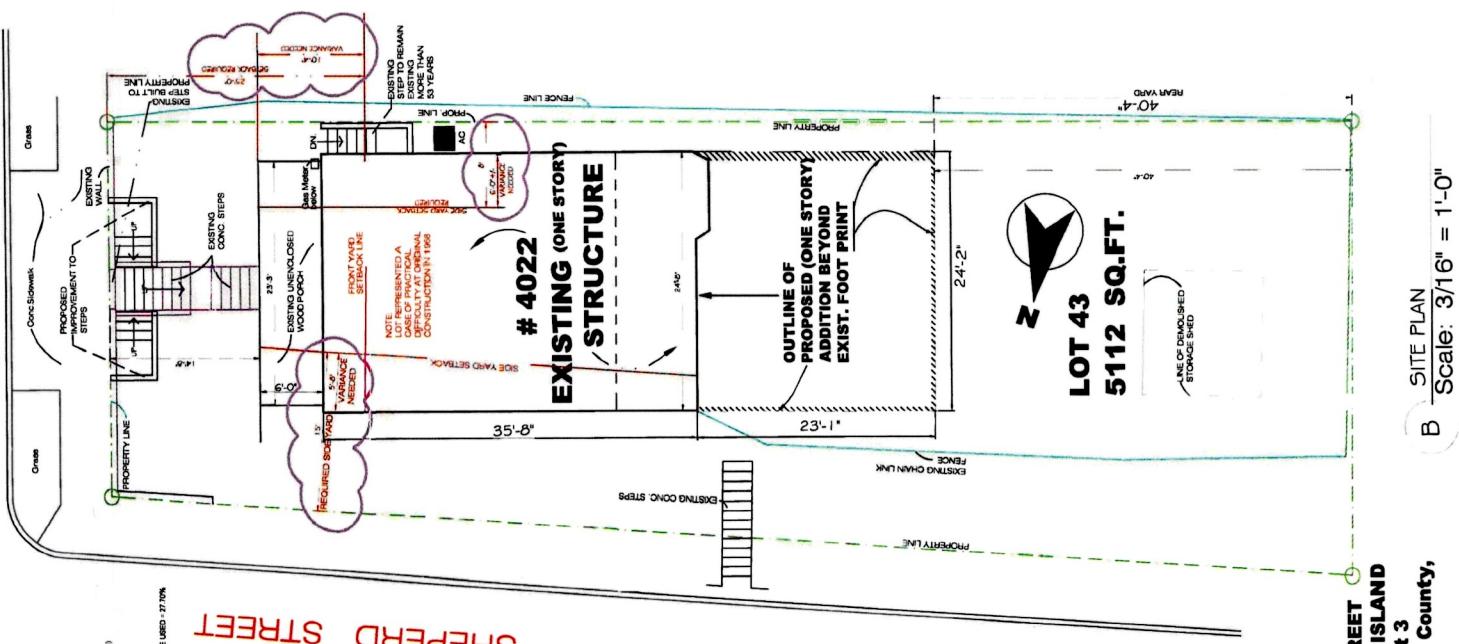
**NOTICE**

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(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.

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|  | <b>THE KRISTINA HARVEY INNOVATION</b><br>4202 37TH STREET, MOUNT RAINIER MD, 20712<br>OWNER'S TELEPHONE NO. 240-997-1167<br>SURVEY PLAN, SITE PLAN AND EXISTING PLANS<br>CHRISTINA HARVEY ASSOCIATES INC.<br>1000 31ST STREET, SUITE 100, ALEXANDRIA, VA 22314<br>(703) 549-1888 FAX (703) 549-1889<br>www.christinaharvey.com |
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37 th. STREET

SHEPHERD STREET

## ADMINISTRATOR

AREA SUMMARY

## VARIANCE NEEDED

REFER TO INDIVIDUAL SURVEY PLAT  
ATTACHED WITH THIS APPLICATION.

**BOARD OF APPEALS**

EXH. # 3(A-B)

4022 37th. STREET  
LOT 43, RHODE ISLAND  
Plat Book 1, Plat 3  
Prince George's County,  
MARYLAND

