



# 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*

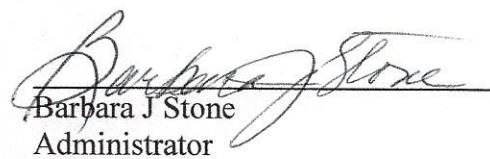
## *OF BOARD OF APPEALS*

RE: Case No. V-95-21 Bradley Padavick and Jamilyah Smith-Kanze

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: October 20, 2021

## **CERTIFICATE OF SERVICE**

This is to certify that on January 3, 2022 , 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: Bradley Padavick and Jamilyah Smith-Kanze

Appeal No.: V-95-21

Subject Property: Lot 16, Block 4, Mount Rainier Subdivision, being 4011 31<sup>st</sup> Street, Mount Rainier,  
Prince George's County, Maryland

Municipality: Mt. Rainier

Witnesses: Lynn and John Topp, Neighbors

Michael Romero, Architect

Heard: October 6, 2021; Decided: October 20, 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 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 obtain a building permit for the construction of a 2<sup>nd</sup> story addition and a 1<sup>st</sup> story addition. A variance of 9.1% net lot coverage is requested.

**Evidence Presented**

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

1. The property was subdivided in 1930, contains 7,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and garage. Exhibits (Exhs.) 2, 5, 7, 8 and 9 (A) thru (F).
2. The subject property is rectangular in shape being 150 feet long by 50 feet wide. Exhs. 2, 5, 7, 8 and 9 (A) thru (F)
3. Petitioners propose to obtain a building permit for the construction of a 2<sup>nd</sup> story addition and a 1<sup>st</sup> story addition. Exhs. 2, 5, 7, 8 and 9 (A) thru (F).
4. The existing construction exceeds the minimum lot coverage by 8 %. With the new construction, the net lot coverage increases by approximately 1.1%. The variance request for the total net lot coverage is, therefore, for 9.1%. Exhs. 2, 5, 7, 8 and 9 (A) thru (F).
5. Architect Michael Romero explained that the owners purchased the property in 2014. He stated that like many dwellings in Mt. Rainier, their house is beautiful but very small. The dwelling has one and half stories with a second floor that has a very low in head height. The square footage of the house is just above 900 square feet which is very limited. The first issue was where to put the staircase to go up to the second floor that will be properly scaled and to code and would allow for more bedrooms. To conform with character of the house, Petitioners have decided to build a small addition off the rear of the home that will basically constitute a mud room and staircase up to the second floor where the second-floor roof will be

raised up to 3 feet. The knee wall with the new roof will allow for a proper master suite and an extra bedroom. The second issue is the topography of the property. The garage was previously placed at the rear of the property, which is flat. The slope comes all the way down to the house. As a result of the garage being in the rear, the concrete driveway comes from the street all the way to the rear of the property. The concrete driveway represents a large percentage of the lot coverage. Obviously, the house and the garage are quite small. Further complicating matters, concerning subject property and the neighboring property Lot 17, is that the driveway is shared. The adjoining neighbors (Topps) are present at this hearing and are in support of the project. The impetus for the new construction starts with the growing family and the desire to stay within the house footprint as much as possible. These conditions are not at the fault of the Petitioners as all of these conditions: the smaller than usual second floor, the steep staircase, the steep grade and the long concrete driveway were all existing conditions when the Petitioners purchased the property. Exhs. 3, 4 (a) thru (d), 6 (A) thru (E).

6. Ms. Lynn Topp, 4009 31st Street. Mt. Rainier, testified that she and her husband have lived in Mt. Rainier for 35 years and these old houses need very much to be brought up to code. She supports the request for the variance.

7. Mr. John Topp, 4009 31st Street. Mt. Rainier, corroborated the architect's statement that the upstairs of Petitioner's house is very small. He stated that he has a similar (size) house. He stated that the upstairs is really nothing more than a storage area. He supports their project to raise the roof a little bit.

8. Petitioner Bradley Padavick stated with a growing family, the current house simply does not accommodate the needs of his family. He noted specifically that the staircase has been a serious health risk as he is 6'3" in height. He has hit his head and actually fallen down the stairs once or twice. Exhs. 3, 4 (a) thru (d), 6 (A) thru (E).

9. The Town of Mt. Rainier voted to approve the variance request. Exh. 17.

#### 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

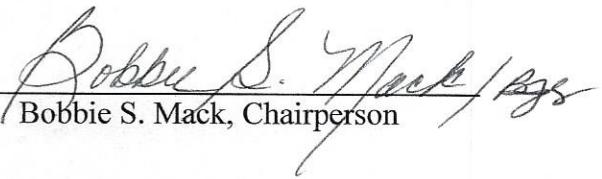
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the existing development already exceeding the current net lot coverage requirement, the topography of the subject property also impacting the existing net lot coverage, smaller than usual second floor, the steep staircase, the steep grade and the long concrete driveway being existing conditions, the need to provide additional square footage for living for the growing family 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 9.1% net lot coverage in order to obtain a building permit for the construction of a 2<sup>nd</sup> story addition and a 1<sup>st</sup> story addition, on the property located at 4011 31<sup>st</sup> Street, Mount Rainier, 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 3 and approved elevation plans, Exhibits 4 (a) thru (d).

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.

## **BOARD OF APPEALS**

## PADAVICK/SMITH-KANZE RESIDENCE

# 4011 31ST STREET | MT. RAINIER, MD | 20712

## ADDITION & RENOVATIONS

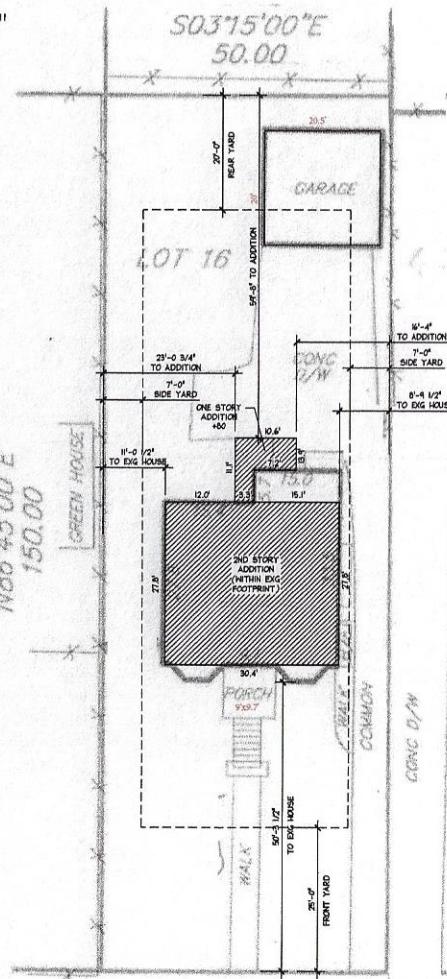
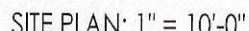
MUNICIPAL STAMPS

APPROVED OCT 20 2021

## ADMINISTRATOR

ROMERO ARCHITECTS, LLC  
4106 GALLATIN STREET  
HYATTSVILLE MD 20781  
202 436 2100  
[info@romero-architects.com](mailto:info@romero-architects.com)

PROJECT TEAM	GRAPHIC SYMBOLS	CODE ANALYSIS
OWNERS: BRADLEY PADAVICK JAMILYAH SMITH-KANZE 4011 31ST STREET MT. RAINIER, MD 20712 (202) 509-5796	 SECTION CALLOUT  SHEET NUMBER	SCOPE OF WORK: AN EXISTING TWO STORY SINGLE FAMILY HOME TO HAVE A 2ND STORY ADDITION & REAR ADDITION WITH NEW STAIR
ARCHITECT: MICHAEL ROMERO ROMERO ARCHITECTS, LLC 4106 GALLATIN STREET HYATTSVILLE MD 20781 (202) 436-2200	 DETAIL CALLOUT  SHEET NUMBER	LOT: 16 BLOCK: 4 SUBDIVISION: MT RAINIER
STRUCTURAL ENGINEER: GEORGE GERBER, P.E. 1309 BALLANTRAE COURT MCLEAN, VA 22101 (703) 442-0903	 ELEVATION CALLOUT  SHEET NUMBER	CODE: IRC 2015 ZONE: R-55 CONSTRUCTION TYPE: ST NO. OF STOREYS: 2 SPRINKLERED: NO
	 DETAIL NUMBER  SHEET NUMBER	ALLOWED HEIGHT: PROPOSED HEIGHT: 35'-0" MAX. HEIGHT NO CHANGE
	 INTERIOR ELEVATION  SHEET NUMBER	SETBACKS: FRONT YARD: 25'-0" SIDE YARD: 7'-0" REAR YARD: 20'-0"
	 WALL TIE DESIGNATION  FIRE RATING	DESIGN CRITERIA: GROUND SNOW LOAD: 35 PSF WIND SPEED: 115 MPH SEISMIC DESIGN CATEGORY: B WEATHERING: SEVERE FLOOD PLAIN LINE: 30'-0" TERMITIC: 30'-0" DECAY: 10'-0" WATER DESIGN TEMP: 11°F ICE SHIELD UNDERLAYMENT REQ'D: YES FLOOD HAZARDS: JULY 2, 1979 AIR-FREEZING INDEX: 300 MEAN ANNUAL TEMP: 53°F
	 SPOT ELEVATION	
	 WINDOW IDENTIFIER	
	 DOOR IDENTIFIER	
	 FLOOR HEIGHT IDENTIFIER	
A2 EXTERIOR ELEVATIONS	 KEYNOTE	
A3 BUILDING SECTIONS	 HANDICAPPED	
A3.1 BUILDING SECTIONS		
A4 DETAILS		
S1 STRUCTURAL PLANS	 CORRIDOR  ROOM FINISH KEY	
S2 STRUCTURAL PLANS		
E1 ELECTRICAL PLANS	 REVISION INDICATOR	
SHEET INDEX		
ARCHITECTURAL		
CS COVER SHEET		
A1 EXISTING / DEMO FLOOR PLANS		
A1.1 PROPOSED FLOOR PLANS		
LOT COVERAGE		
		LOT AREA CALCULATIONS: LOT SIZE: 7,500.0 SQ. FT. (100.0%) MAX. LOT COVERAGE: 2,750.0 SQ. FT. (30.0%) EXG. LOT COVERAGE: 2,850.0 SQ. FT. (38.0%) PROPOSED COVERAGE: 2,930.0 SQ. FT. (39.1%)
FLOOR AREA		
		FLOOR LIVING AREA CALCULATIONS: EXISTING FLOOR AREA: 0 SQ. FT. BASEMENT: 980 SQ. FT. FIRST FLOOR: 354 SQ. FT. SECOND FLOOR: 1,268 SQ. FT.
		TOTAL EXISTING: 1,334 SQ. FT.
		PROPOSED FLOOR AREA: BASEMENT: 0 SQ. FT. FIRST FLOOR: 1,060 SQ. FT. SECOND FLOOR: 618 SQ. FT.
		TOTAL PROPOSED: 1,678 SQ. FT.



**PADAVICK / SMITH-KANZE RESIDENCE  
ADDITION AND RENOVATIONS**

PROFESSIONAL CERTIFICATION  
MICHAEL RODERO, HEREBY  
CERTIFY THAT THESE  
DOCUMENTS WERE PREPARED OR  
APPROVED BY ME, AND THAT I  
AM A DULY LICENSED ARCHITECT  
UNDER THE LAWS OF THE STATE  
OF MARYLAND, LICENSE NO.  
1846, EXPIRATION DATE JULY 11,  
2022

PRINTING LOG	
DATE	PURPOSE
1.20.21	SCHEMATIC DESIGN 1
1.29.21	SCHEMATIC DESIGN 2
2.15.21	SCHEMATIC DESIGN 3
4.4.21	SCHEMATIC DESIGN 4
4.9.21	SCHEMATIC DESIGN 5
4.26.21	PERMIT SET

DRAWN BY:  
MUR  
PROJECT NUMBER:  
21002

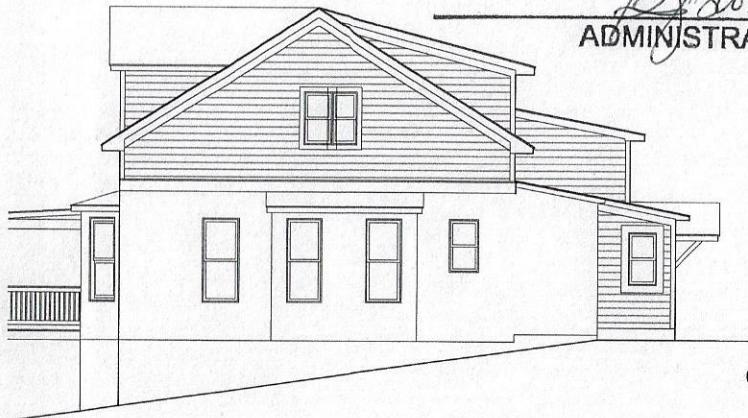
COVER SHEET  
AND GENERAL  
NOTES

CS

# BOARD OF APPEALS

APPROVED OCT 20 2021

*B. Stone*  
ADMINISTRATOR



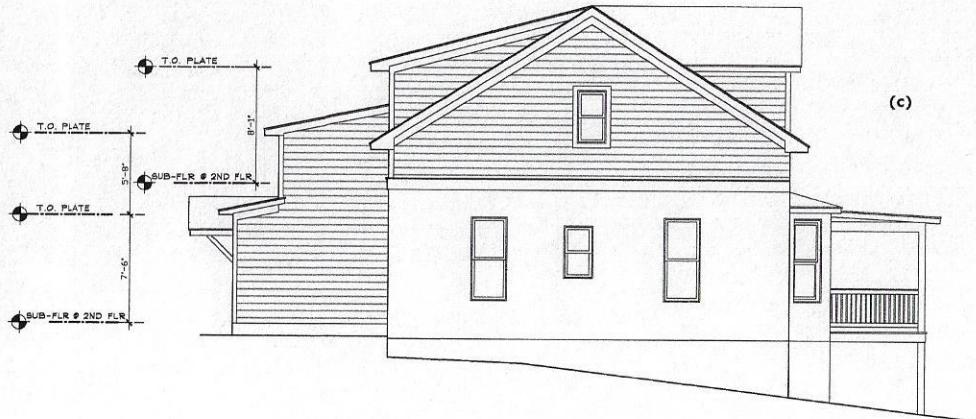
(a)



(b)

4 PROPOSED SIDE (SOUTH) ELEVATION  
A2 1/4" = 1'-0"

3 PROPOSED REAR (EAST) ELEVATION  
A2 1/4" = 1'-0"



(c)

2 PROPOSED SIDE (NORTH) ELEVATION  
A2 1/4" = 1'-0"



(d)

1 PROPOSED FRONT (WEST) ELEVATION  
A2 1/4" = 1'-0"

EXH. # 4(a-d)  
V-95-21

PADAVICK / SMITH-KANZE RESIDENCE  
ADDITION AND RENOVATIONS  
4011 35TH STREET | MT. RAINIER MD | 20712

PRINTING LOG	
DATE	PURPOSE
01/20/21	SCHEMATIC DESIGN 1
02/10/21	SCHEMATIC DESIGN 2
02/15/21	SCHEMATIC DESIGN 3
04/01/21	SCHEMATIC DESIGN 4
04/05/21	SCHEMATIC DESIGN 5
04/24/21	PERMIT SET

DRAWN BY:  
M.R.  
PROJECT NUMBER:  
21002

EXTERIOR  
ELEVATIONS

A2

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202 436 2200  
info@romero-architects.com

REVISIONS: