



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-113-21 Sean F. Felix

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: December 1, 2021.

CERTIFICATE OF SERVICE

This is to certify that on March 28, 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". Below the signature, the name "Barbara J. Stone" is printed in a smaller, sans-serif font, followed by the title "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

Petitioner: Sean F. Felix

Appeal No.: V-113-21

Subject Property: Lot 2, Block K, Parkland Subdivision, being 6803 Chillum Manor Road, Hyattsville,
Prince George's County, Maryland

Witness: Jeanine Marino, Spouse

Heard and Decided: December 1, 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) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Petitioner proposes to obtain a building permit for the construction of a covered front porch. A variances of 5 feet front yard depth, 450 feet square feet net lot area and 10 feet front building line width to validate existing conditions (front yard depth, net lot area and front building line width) is requested.

Evidence Presented

1. The property was subdivided in 1950, contains 6,050 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, rear deck, shed and playhouse. Exhibits (Exhs.) 4, 7, 8, 9 and 14.

2. Petitioner proposes to obtain a building permit for the construction of a covered front porch. A variance of 5 feet front depth is required as the new front porch will encroach into the 25-foot front yard setback requirement. Exhs. 4, 7, 8, 9 and 14.

3. The minimum allowable square foot net lot area of 6,500 is required in the R-55 Zone. Currently, the preexisting net lot area for the subject lot is 6,050. A variance of 450 square feet is required. Exhs. 4, 7, 8, 9 and 14.

4. The subject property's front building line width is 55 feet. The required minimum allowable front building line width is 65 feet. A variance of 10 feet front building line width is necessary. Exhs. 4, 7, 8, 9 and 14.

5. Ms. Jeanine Marino testified that the front steps on the existing porch are approximately 70 years old, crumbling and do not have a handrail. She further testified that rather than replacing the concrete and the steps without a handrail, Petitioner preferred to match the other front covered porches (size and with handrails) in the community. She stated that they would now be able watch their children as they ride their bicycles. Exhs. 3 (a) thru (c), 5 (A) thru (D) and 14.

6. She stated that the current stairs are dangerous for elderly family members.

7. She stated that the dimensions are 23 feet x 6 feet. Exhs. 3 (a) thru (c), 5 (A) thru (D) and 14.
8. Petitioner submitted a revised site demonstrating the new front porch. Exh. 14

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

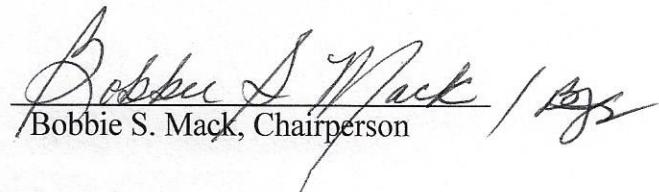
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance does/does not comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the preexisting conditions of the property that do not meet current zoning requirements. the deteriorating conditions of the 70-year-old front steps/porch, the need to replace the porch with handrails for the safety of the family members, and to be in 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, unanimously, that a variance of 5.4¹ feet front yard depth, 450 feet square feet net lot area and 10 feet front building line width to validate existing conditions (front yard depth, net lot area and front building line width) in order to obtain a building permit for the construction of a covered front porch. on the property located at 6803 Chillum Manor Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exh. 14 and approved elevation plans, Exhs. 3 (a) thru (c).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

¹ A revised site plan was submitted just prior to the hearing showing the front yard setback from the new porch is now 19.6. Therefore, the front yard setback variance is 5.4 feet. The additional .4 feet is de minimis to readvertise.

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:

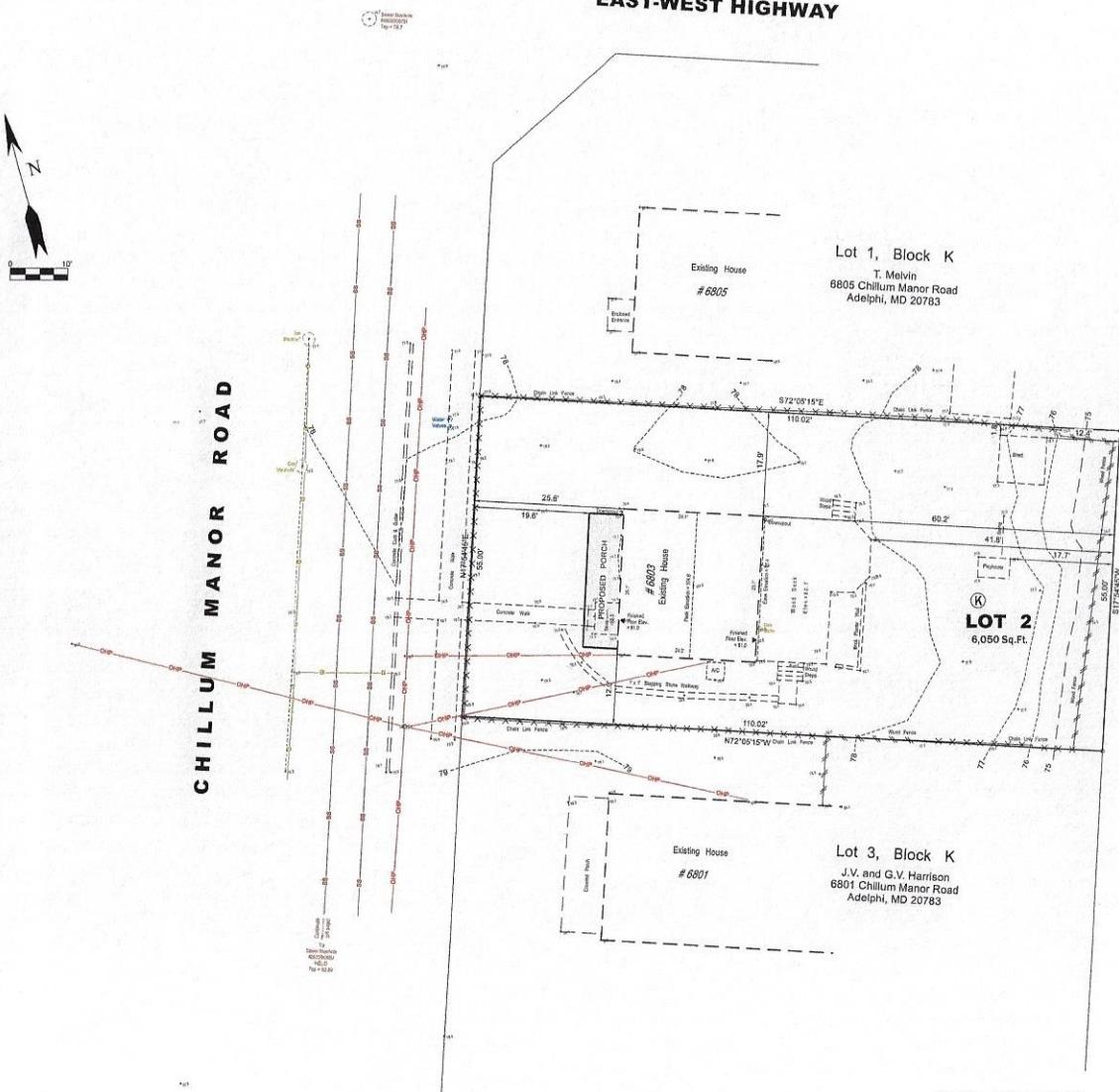
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

BOARD OF APPEALS

APPROVED DEC 01 2021


Stone
ADMINISTRATOR

EAST-WEST HIGHWAY



Lot 1, Block K
T. Melvin
6805 Chillum Manor Road
Adelphi, MD 20783

(K)
LOT 2
6,050 Sq.Ft.

Lot 3, Block K
J.V. and G.V. Harrison
6801 Chillum Manor Road
Adelphi, MD 20783

I hereby certify that the survey information shown herein is correct.


John R. Witmer
Professional Land Surveyor
MD Reg. No. 10668
Two year HMLR Professional Land Surveyor
License Renewal Date: 11/29/2021



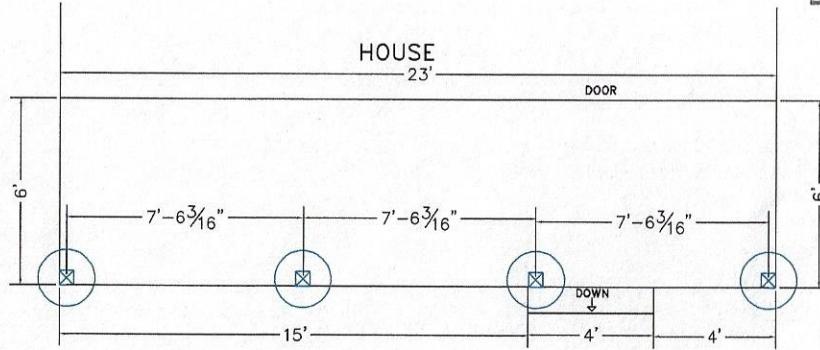
1/4" = 1' SCALE
16" ELEVATION

BASED ON THE INTERNATIONAL RESIDENTIAL CODE
MARYLAND EDITION

BOARD OF APPEALS

APPROVED DEC 01 2021

ADMINISTRATOR



2x10 LEDGER BOARD FLASHED AND BOLTED TO HOUSE FOUNDATION WITH WEDGE ANCHORS AND EPOXY
JOISTS TO BE 2x10 SYP TREATED INSTALLED 12" O.C.
BEAMS TO BE 2-2x10 SYP TREATED NAILED
SUPPORT POSTS TO BE 6x6 SYP TREATED
DECKING TO BE 5/4 x 6 TREX
GUARD RAILS TO BE 36" HIGH WITH LESS THAN 4" OPENINGS PER IRC CODE
ALL DECK HARDWARE TO BE CORROSION RESISTANT AND INSTALLED
PER MANUFACTURERS INSTRUCTIONS
STAIRS TO BE BUILT MAX 7-3/4" RISE 10" MIN RUN PER IRC CODE

(b)

FOOTING SIZES ADJUSTED FOR ADDITIONAL 25 LBS PER SQUARE FOOT SNOW / ROOF LOAD

22" DIAMETER FOOTING
30" DEEP
8" CONCRETE BASE

FROST FOOTINGS SIZES BASED
ON 55 LB PER SQUARE FOOT
TRIBUTARY LOADS APPLIED TO
1500 PSI SOIL COMPRESSION
CAPACITY

DECK IMPACT

deckimpact@gmail.com
240-482-7445

JOB NAME: JEANNINE MARINO

ADDRESS: 6803 CHILUM MANOR RD
LIVATTO, LEE MD 20787

DATE: 5-5-21

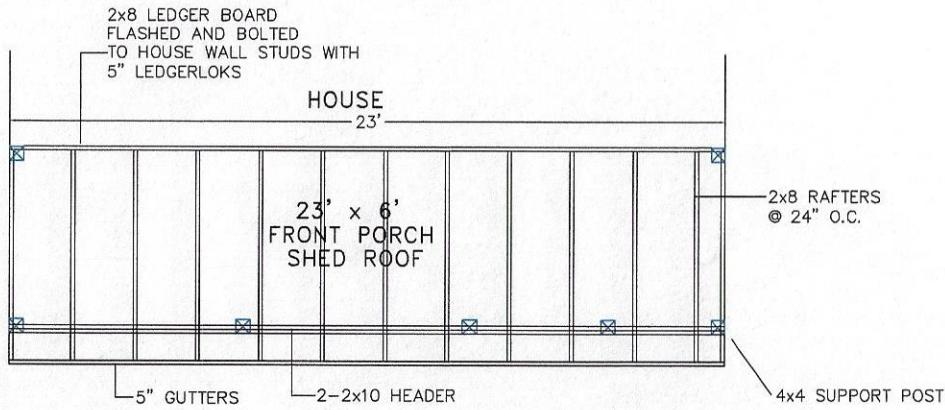
FOOTING PLAN

2

10B NAME: JEANNINE MARINIC

1/4" = 1' SCALE
16" ELEVATION

BASED ON THE INTERNATIONAL RESIDENTIAL CODE
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(c)

BOARD OF APPEALS

APPROVED DEC 01 2021

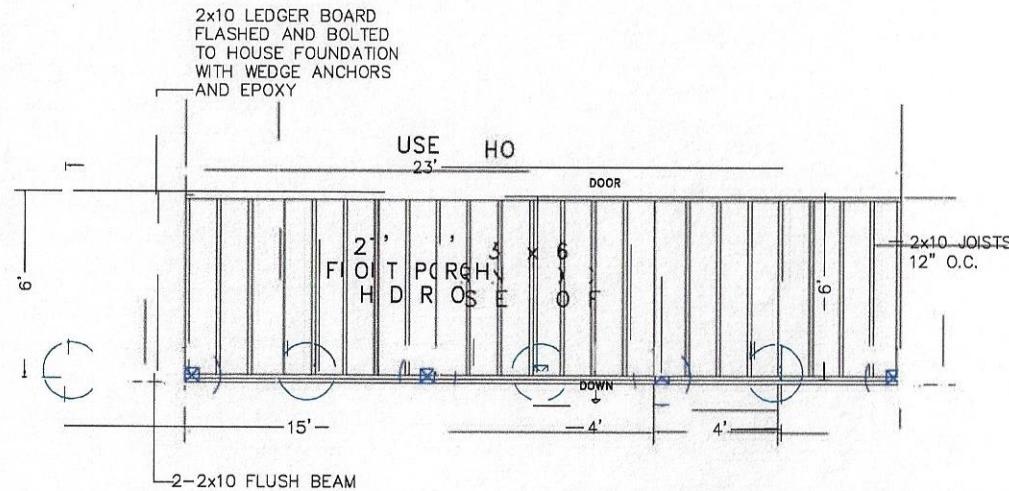

ADMINISTRATOR

STEP FLASH ROOF AT HOUSE CONNECTION
RAFTERS ARE TO BE HANDFRAMED 2x8 SPF 24" O.C. SPACING
HEADER BEAM TO BE 2-2x10 TREATED
PORCH SUPPORTS TO BE 4x4 SYP TREATED
ROOF FRAME COVERED WITH 1/2" OSB PLYWOOD
ROOF FINISHED WITH 15 LB TAR PAPER AND MATCHING SHINGLES
RAFTERS TO BE ATTACHED TO BEAMS USING HURRICANE TIE CONNECTORS

DECK IMPACT Professional Deck Resources deckimpact@gmail.com 240-462-7445	JOB NAME: JEANNINE MARINO
	ADDRESS: 6803 CHILUM MANOR RD HYATTSVILLE, MD 20783
DATE: 5-5-21	
3 ROOF PLAN	

1/4" = 1' SCALE
16" ELEVATION

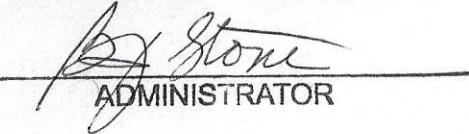
BASED ON THE INTERNATIONAL RESIDENTIAL CODE
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EXH. # 3(a-c)
V-113-21

BOARD OF APPEALS (a)

APPROVED DEC 01 2021


Administrator

FOOTING SIZES ADJUSTED FOR ADDITIONAL 25 LBS PER SQUARE FOOT SNOW / ROOF LOAD

<input checked="" type="checkbox"/> 22" DIAMETER FOOTING 30" DEEP 8" CONCRETE BASE	FROST FOOTINGS SIZES BASED ON 55 LB PER SQUARE FOOT TRIBUTARY LOADS APPLIED TO 1500 PSI SOIL COMPRESSION CAPACITY
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STAIRS TO BE BUILT MAX 7-3/4" RISE 10" MIN RUN PER IRC CODE

CK IMP CT A
ProjectCode Deck Impact LLC
deckimpact@gmail.com
240-482-7445

DE

JOB NAME: JEANNNE MA NO _____
ADDRESS 6803 CHILUM MANO RD
HYATTSVILLE, MD 20782
DATE: 5-5-21 RI _____