



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

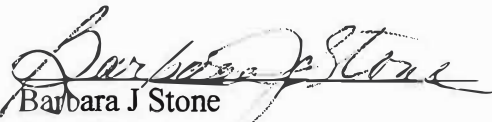
OF BOARD OF APPEALS

RE: Case No. V-134-21 Levi and Laura Shanks

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: March 9, 2022.

CERTIFICATE OF SERVICE

This is to certify that on May 23, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


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: Levi and Laura Shanks

Appeal No.: V-134-21

Subject Property: Lot 15, Block 39, Riverdale Park Subdivision, being 4514 Riverdale Road, Riverdale,
Prince George's County, Maryland

Municipality: Riverdale

Heard: February 23, 2022; Decided: March 9, 2022

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, Petitioners request 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(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street. Petitioners propose validate an existing condition (front yard depth) and obtain a building permit to re-construct the covered front porch, covered right side porch and open deck with wood steps. Variances of 13 feet front yard depth and 22% net lot coverage is requested.

Evidence Presented

1. The property was subdivided in 1930, contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, garage, driveway, and covered front porch. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The subject property is a corner lot abutting 46th Avenue and Riverdale Road. The shape of the lot is a slightly slanted rectangle. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
3. Petitioners propose validate an existing condition (front yard depth) and obtain a building permit to re-construct the covered front porch, covered right side porch and open deck with wood steps. A variance of 13 feet front yard depth is required as the Zoning Ordinance requires a 25-foot setback for the front yard. Currently, the front yard setback from the covered front porch is at 12-feet. The Zoning Ordinance allows a maximum of 30% net lot coverage for the R-55 Zone; currently the net lot coverage is 52%, which requires a variance of 22%. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
4. The Town of Riverdale has recommended approval of the variances. Exh. 18.
5. Petitioner Levi Shanks testified that the subject property was recently renovated by the previous owner who removed the existing wrap around porch which was constructed about 1921 or 1923. In addition, he stated that there was also an existing uncovered deck that ran the remaining length of the house and curled behind the house which was built in the mid-1990s.
6. With the intent to rebuild, he attempted to reattach the structure when he ran into issues with the variances. Petitioners stated that they purchased the house without negotiating with the previous owner about completing the porch and subsequently took on the project to complete. Exhs. 2, 3 (a) thru (r) and 5 (A) thru (H).

7. Mr. Shanks further testified that he is proposing to reconstruct the porch exactly as it was prior to the renovation and demolition.

8. In the photos that were submitted are columns and some original supports that look like they should have the porch (and deck) completed as part of the structure. Exhs. 2, 3 (a) thru (r) and 5 (A) thru (H).

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 need to complete exterior renovations started by the previous owner, the need to clean up the construction materials, the desire to have an exterior appearance of the house that is aesthetically pleasing on a corner lot 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 variances of 13 feet front yard depth and 22% net lot coverage in order to validate an existing condition (front yard depth) and obtain a building permit to re-construct the covered front porch, covered right side porch and open deck with wood steps on the property located at 4514 Riverdale Road, Riverdale, 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 2 and approved elevation plans, Exhibits 3 (a) thru (r).

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.

GENERAL PLAN NOTES

1. TO BE CONSTRUCTED UNDER PRINCE GEORGE'S COUNTY BUILDING INSPECTION. MATERIALS AND CONSTRUCTION OF THIS PROJECT SHALL MEET ALL APPLICABLE STATE AND LOCAL CODES.
2. CONTRACTOR SHALL OBTAIN AND PAY FEES FOR ALL TRADE PERMITS REQUIRED FOR PROPER APPROVAL AND FINAL INSPECTION OR ACCEPTANCE OF THIS PROJECT. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY ALL OF THE PERMITTING AUTHORITIES.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION MEANS AND METHODS, TECHNIQUES AND SEQUENCES, OR PROCEDURES FOR ALL SAFETY PRECAUTIONS USED ON THE SITE.
4. ITEMS AND CONDITIONS DETAILED, NOTED OR OTHERWISE IDENTIFIED ON ONE OF THE SECTIONS OR DETAILS ARE APPLICABLE AND BINDING TO ALL OTHER SECTIONS AND DETAILS FOR IDENTICAL AND SIMILAR CONDITIONS.
5. ALL CONSTRUCTION AND WORK SHOWN ON THE COMPLETE SET OF DRAWINGS IS ASSUMED TO BE NEW AND FURNISHED AND INSTALLED BY THE CONTRACTOR.
6. IN THE ABSENCE OF A WRITTEN DIMENSION, OR IN A CASE OF DOUBT AS TO THE PROPER MEASUREMENT, CONSULT THE ARCHITECT FOR CLARIFICATION, DO NOT SCALE DRAWINGS.
7. IF A CONFLICT EXISTS BETWEEN DRAWINGS AND/OR SPECIFICATIONS, THE MORE STRINGENT AND MORE COSTLY REQUIREMENT SHALL APPLY. ITEMS SHOWN ON THE DRAWINGS, BUT NOT SPECIFIED, SHALL APPLY AND BE FURNISHED AND INSTALLED BY THE CONTRACTOR. IF AN ITEM IS SHOWN ON THE DRAWINGS, BUT IS NOT INCLUDED IN THE SPECIFICATIONS, PROVIDE ITEM OF A QUALITY LEVEL CONSISTENT WITH THE GENERAL QUALITY LEVEL OF THE CONTRACT REQUIREMENTS. BRING CONFLICTS BETWEEN THE DRAWINGS AND SPECIFICATIONS TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.
8. WRITTEN INFORMATION TAKES PRECEDENT OVER DRAWING LINES. BRING CONFLICTS BETWEEN WRITTEN INFORMATION AND DRAWN LINES TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.
9. IF A CONFLICT EXISTS BETWEEN DRAWINGS OF DIFFERENT SCALES, CONSULT THE ARCHITECT FOR CLARIFICATION.
10. IF AN AREA OR SPACE IS SHOWN, BUT NOT CLEARLY DEFINED OR INDICATED BY NOTES, PROVIDE THE SAME MATERIALS AND FINISHES AS SCHEDULED OR DETAILED FOR AREAS OF SIMILAR USE ELSEWHERE ON THE DECK.
11. SECTIONS INDICATED ARE INTENDED TO SHOW THE SPECIFIC CONSTRUCTION WHERE REFERENCED, AS WELL AS ESTABLISH THE GENERAL CONSTRUCTION DETAILS FOR SECTIONS THROUGHOUT THE PROJECT WHICH DO NOT HAVE SPECIFIC SECTIONS DRAWN. THE MOST SIMILAR SECTIONS SHALL BE ADAPTED TO ANY SECTIONS NOT DETAILED. ANY SPECIFIC QUESTIONS CONCERNING CONSTRUCTION NOT ADEQUATELY COVERED BY THE ABOVE SHOULD BE DIRECTED TO THE ARCHITECT DURING BIDDING.
12. TYPICAL DETAILS THROUGHOUT THE DRAWING SET SHALL APPLY FOR ALL APPLICABLE CONDITIONS EVEN IF NOT SPECIFICALLY SHOWN OR REFERENCED.
13. IT SHALL BE THE CONTRACTORS FULL RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES TO LOCATE THEIR FACILITIES PRIOR TO STARTING CONSTRUCTION. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY HIS WORKFORCE.
14. SEE STRUCTURAL DRAWINGS FOR ACTUAL STRUCTURAL MEMBERS AND ROUGH BEARING ELEVATIONS.
15. REFER TO SITE PLAN (SEE DRAWING 1 THIS SHEET) FOR CONTINUATION OF THE FOLLOWING: LAYOUT OF CONCRETE WALKS, MOW STRIPS, PAVING PATTERNS, ETC. IN THE DWELLING VICINITY.

BOARD OF APPEALS

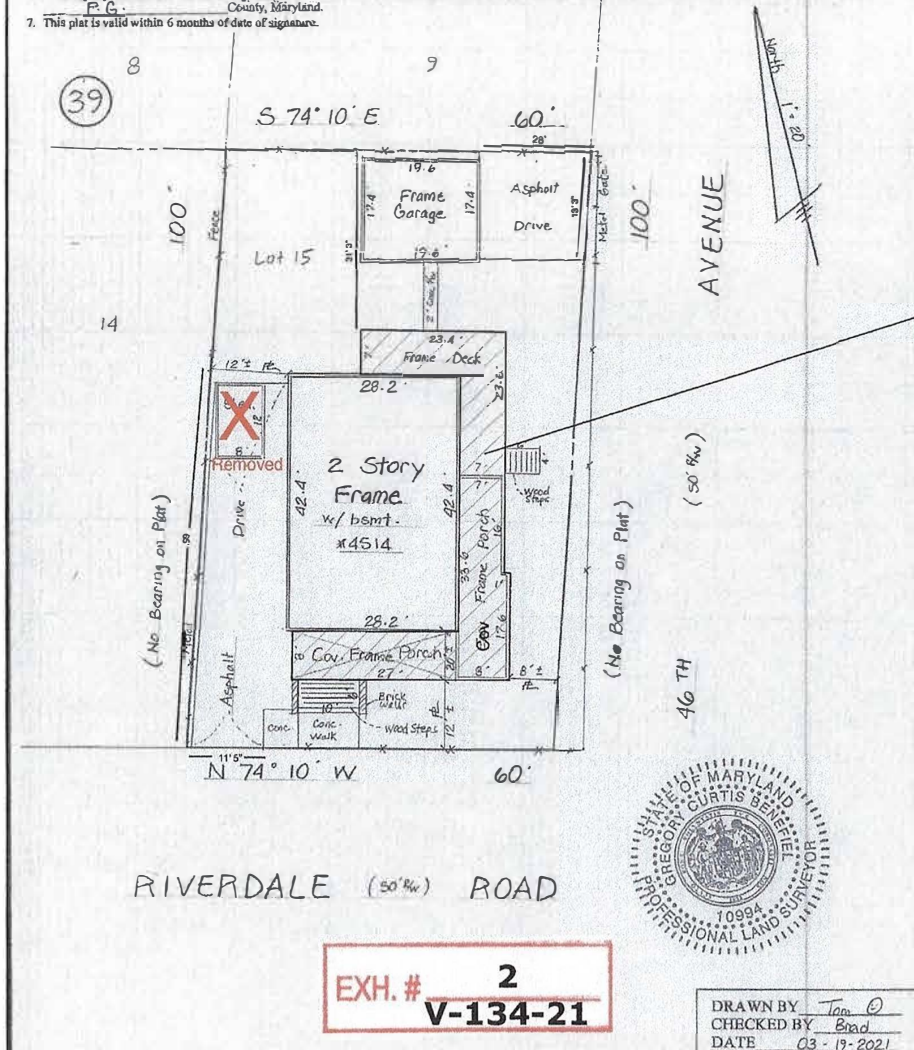
APPROVED MAR 09 2022

ADMINISTRATOR

1 SITE PLAN
CS-02 SCALE: 1" = 20'

NOTES:

1. This plat is not intended for use in the establishment of property lines, but prepared for the exclusive use of the present property owners of record and/or those who purchase, mortgage or guarantee the title within six months from the date hereof and as to them I warrant this house location plat.
2. For title purposes only.
3. No title reports furnished at this time, subject to all easements and rights of ways of record.
4. Property corners have not been set with this survey. Property information was taken from the best available records.
5. This location plat is not to be used for the construction of fences or other improvements. A boundary Survey and lot stakes would have to be performed to determine the location of all property lines as shown.
6. The Property shown hereon is located within Zone X as shown on F.B.M.A. Lead Insurance Rate Map Community Panel No. of F.G. County, Maryland.
7. This plat is valid within 6 months of date of signature.



EXH. # 2
V-134-21

DRAWN BY Jan O
CHECKED BY Brad
DATE 03-19-2021

PERMIT SET 05.07.2020

MILLENNIUM DESIGN BUILD LLC
Architecture * Project Management * Consulting * Engineering
Serving Maryland, Washington DC since 2005

BACKYARD
DECK CONSTRUCTION

ISSUE DATE	REVISION
10/09/2021	1
10/09/2021	2
10/09/2021	3
10/09/2021	4
10/09/2021	5
10/09/2021	6
10/09/2021	7
10/09/2021	8
10/09/2021	9
10/09/2021	10
10/09/2021	11
10/09/2021	12
10/09/2021	13
10/09/2021	14
10/09/2021	15
10/09/2021	16
10/09/2021	17
10/09/2021	18
10/09/2021	19
10/09/2021	20

CS.02

SHEET 2 OF 2

[Signature]
ADMINISTRATOR
ALL LUMBER
SHALL NO.2
SOUTHERN PINE
OR EQUAL



EXH. # 3(a-r)
V-134-21



PERMIT SET 05.07.2020

BACKYARD DECK CONSTRUCTION

ISSUE DATE:	
DATE:	PROJECT NO:
SCALE: AS NOTED	
PROJECT NO: 30310000	
DRAWN BY: JMD	
CHECKED BY:	
DATE:	
STRUCTURAL PLANS	
DRAWING NO:	
S1.01	
SHEET 1 OF 7	

S1.01

APPROVED MAR 09 2022

MAR 09 2022

ADMINISTRATOR



1 DECK JOIST PLAN
S1.02 SCALE: $1/8" = 1'-0"$



2 DECK PLAN
S1.02 SCALE: $1/8" = 1'-0"$

PERMIT SET 05.07.2020

MILLENNIUM DESIGN BUILD LLC
Architecture * Project Management * Contracting * Engineering
Serving Maryland, Washington DC since 2008

BACKYARD DECK CONSTRUCTION

REVISIONS	
NO.	REVISION

SCALE: AS NOTED

PROJECT NO: 2021-0000

DRAWN BY: KMD

CHECKED BY:

DATE: 10/10/2021

STRUCTURAL
PLANE

Sheet No.

S1.02

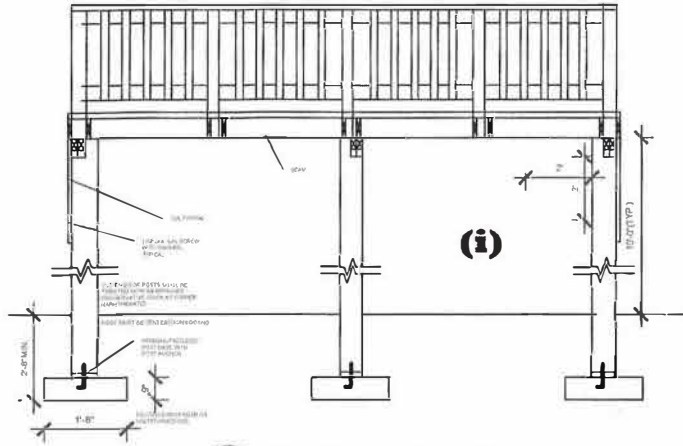
SHEET 5 OF 7

S1.02

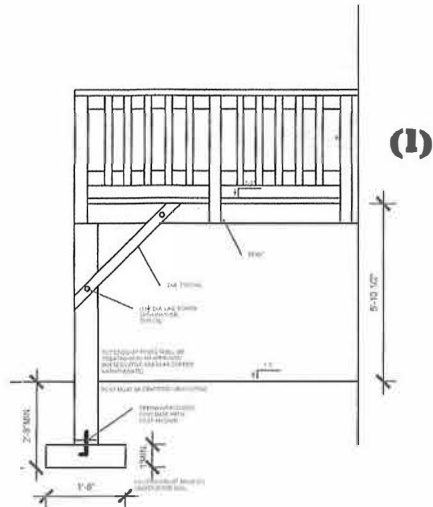
BOARD OF APPEALS

APPROVED MAR 09 2022

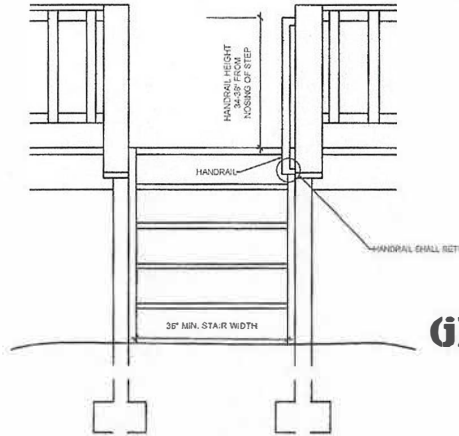
ADMINISTRATOR



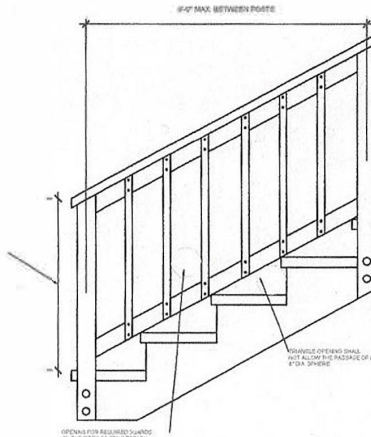
1 TYPICAL FRAMING SECTION
S1.04 SCALE: 1/4" = 1'-0"



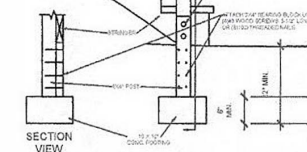
2 TYPICAL FRAMING SECTION
S1.04 SCALE: 1/4" = 1'-0"



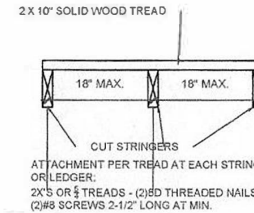
3 TYPICAL STAIR ELEVATION
S1.04 SCALE: 1/4" = 1'-0"



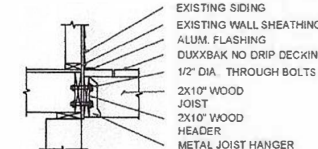
4 TYPICAL STAIR ELEVATION
S1.04 SCALE: 1/4" = 1'-0"



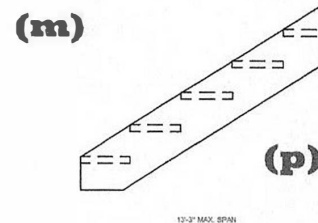
5 TYPICAL STAIR SECTION
S1.04 SCALE: 1/4" = 1'-0"



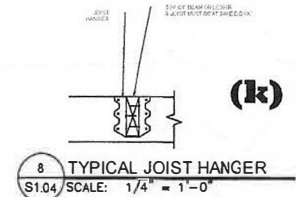
6 TYPICAL STAIR SECTION
S1.04 SCALE: 1/4" = 1'-0"



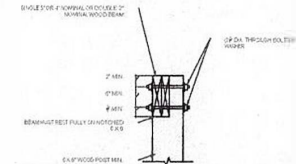
7 TYPICAL WALL SECTION
S1.04 SCALE: 1/4" = 1'-0"



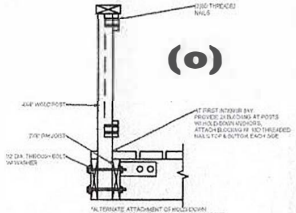
8 TYPICAL STRINGER ELEVATION
S1.04 SCALE: 1/4" = 1'-0"



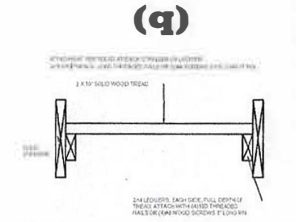
8 TYPICAL JOIST HANGER
S1.04 SCALE: 1/4" = 1'-0"



9 TYP. POST-TO-BEAM SECT.
S1.04 SCALE: 1/4" = 1'-0"



10 TYP. GUARDRAIL SECTION
S1.04 SCALE: 1/4" = 1'-0"



11 TYP. STRINGER ELEVATION
S1.04 SCALE: 1/4" = 1'-0"

MILLENNIUM DESIGN BUILD LLC
Architectural Project Management Consulting Engineering
Serving Maryland, Washington DC since 2008

BACKYARD
DECK CONSTRUCTION

REVISION	DATE	BY	DESCRIPTION
1	05.07.2020	ASB	PERMIT SET
2	05.07.2020	ASB	PERMIT SET
3	05.07.2020	ASB	PERMIT SET
4	05.07.2020	ASB	PERMIT SET
5	05.07.2020	ASB	PERMIT SET
6	05.07.2020	ASB	PERMIT SET
7	05.07.2020	ASB	PERMIT SET
8	05.07.2020	ASB	PERMIT SET
9	05.07.2020	ASB	PERMIT SET
10	05.07.2020	ASB	PERMIT SET
11	05.07.2020	ASB	PERMIT SET
12	05.07.2020	ASB	PERMIT SET
13	05.07.2020	ASB	PERMIT SET
14	05.07.2020	ASB	PERMIT SET
15	05.07.2020	ASB	PERMIT SET
16	05.07.2020	ASB	PERMIT SET
17	05.07.2020	ASB	PERMIT SET
18	05.07.2020	ASB	PERMIT SET
19	05.07.2020	ASB	PERMIT SET
20	05.07.2020	ASB	PERMIT SET

S1.04

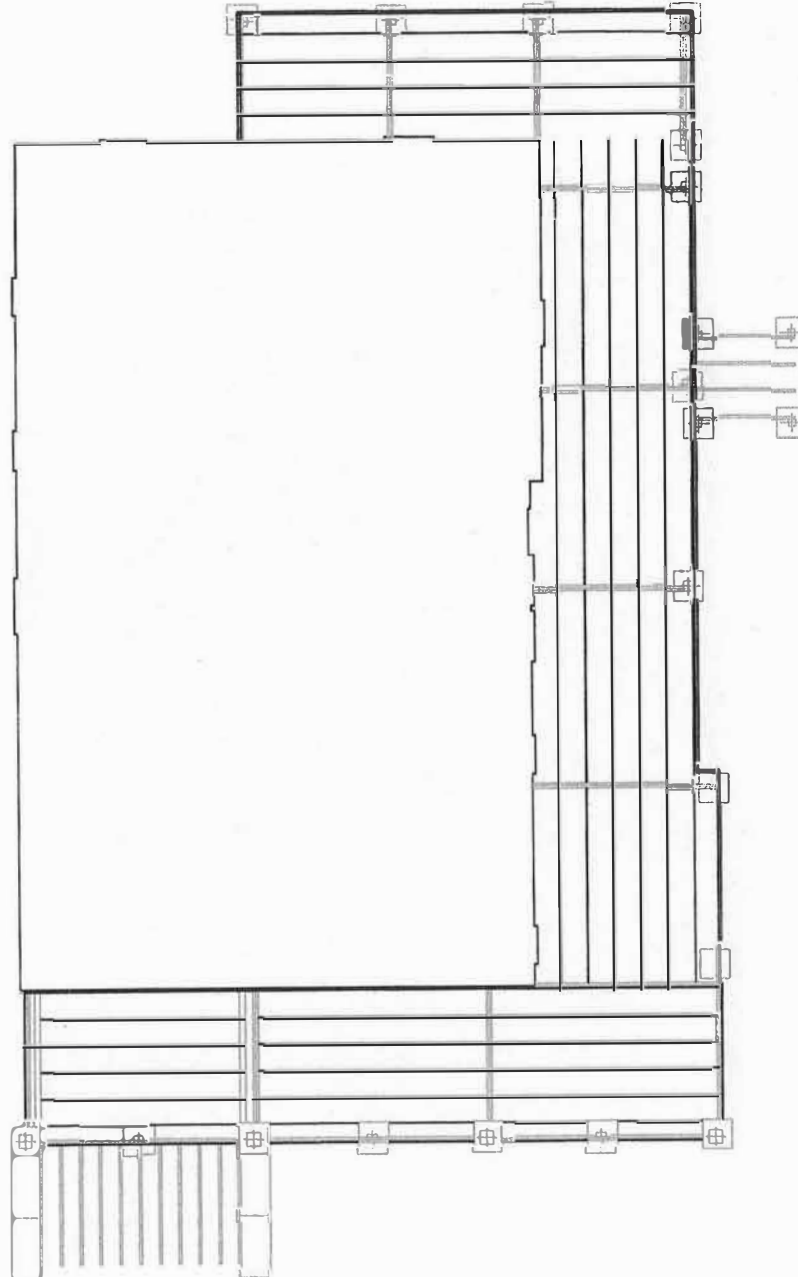
PERMIT SET 05.07.2020

BOARD OF APPEALS

APPROVED MAR 09 2022

[Signature]

ADMINISTRATOR



(r)