

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-75-15 Housing Initiative Partnership

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: September 9, 2015.

CERTIFICATE OF SERVICE

This is to certify that on October 1, 2015, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Seat Pleasant

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

Petitioner: Housing Initiative Partnership ("HIP")

Appeal No.: V-75-15

Subject Property: Lot 67 and Part of Lot 68, Godfrey's Second Division to Fairmount Heights Subdivision,
being 6202 Field Street, Capitol Heights, Prince George's County, Maryland

Municipality: City of Seat Pleasant

Counsel for Petitioner: Michele La Rocca, Esq., Meyers, Rodbell & Rosenbaum, P.A.

Witness: Jocelyn Harris, HIP developer

Heard and Decided: September 9, 2015

Board Members Present and Voting: Bobbie S. Mack, Chairperson
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, Petitioner requests that the Board approve variances 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 and 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. Petitioner proposes to construct a canopy and bay window on the front of the dwelling. Variances of 3 feet front yard depth and an additional 1.2% net lot coverage are requested.

Evidence Presented

1. The property contains 4,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 10 and 11. The existing house was built in 1991. Exhs. 10 and 11.

2. The property was subdivided in 1931, but was created by deed in its current configuration no later than 1959. Exh. 5.

3. The property is narrow, being only 40 feet wide. Exh. 2.

4. In 1989, the Board granted variances, including a variance of 10% net lot coverage (Appeal No. 9760), to construct the dwelling. Exh. 8.

5. Petitioner would like to construct a 3' x 5.5' canopy over the front door and a 3' x 10' bay window on the front of the dwelling (Exh. 2), but approval of variances are necessary before obtaining a building permit for the proposed construction. Specifically, because the proposed structures would be located 22 feet from the front street line, a variance of 3 feet front yard depth was requested. Exh. 15.

6. In addition, since construction of the canopy and bay window cause an additional overage of net lot coverage, a variance of an additional 1.2% net lot coverage was also requested. Exhs. 14 and 15.

7. Petitioner is a non-profit organization that has worked in Prince George's County for 25 years. Petitioner rehabs and sells properties to low- and moderate-income buyers. Exh. 23.

8. Jocelyn Harris, a housing developer with Petitioner, testified that the existing dwelling is a split-level house (Exh. 7). She explained that because the style of the house creates complications, Petitioner is

proposing a bay window to replace an existing triple window on the front of the house and an awning over the front door rather than the signature front porch typical of HIP's renovations. Exhs. 3(a) and (b). She noted that there will be no changes made to the existing concrete front stoop.

9. Counsel for Petitioner explained that a letter was sent to all neighboring properties describing HIP, explaining the proposed construction to be done at the subject property and including a drawing of the construction. Exh. 23. Counsel stated that HIP's aim is to provide affordable housing to first-time homebuyers. She stated that HIP believes that the proposed changes to the front of the house will provide curb appeal by making the façade of the house look more like the front of a house rather than a side.

10. Counsel argued that in order to make the proposed improvement to the front of the house, one cannot push the house back on the lot (to meet the front yard depth requirement) and denial of the variance would preclude any additional structures on the front of the house. She stated that Subregion IV Master Plan and Sectional Map Amendment stresses home ownership, building up of community and having investment.

11. The City of Seat Pleasant provided no comment on the request. Exh. 19.

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 lot being created by deed no later than 1959, the narrowness of the property, the style and position of the existing house on the lot causing the front of the house to look more like a side, the house being renovated for resale to a low- to moderate-income homebuyer, the proposed awning over the front door providing protection from the weather, the proposed awning and bay window improving the appearance of the façade of the house, the location of the existing house on the lot not allowing construction of a covered structure on the front without a variance, 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, Mr. Scott absent, that variances of 3 feet front yard depth and an additional 1.2% net lot coverage in order to construct a 3' x 5.5' canopy over the front door and a 3' x 10' bay window on the front of the dwelling on the property located at Lot 67 and Part of Lot 68, Godfrey's Second Division to Fairmount Heights Subdivision, being 6202 Field Street, Capitol Heights, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent

upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) and (b).

BOARD OF ZONING APPEALS

By: (Original Signed)
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.