

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-67-14 Housing Initiative Partnership, Inc.

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 22, 2014.

CERTIFICATE OF SERVICE

This is to certify that on November 3, 2014, 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

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

Petitioner: Housing Initiative Partnership, Inc.

Appeal No.: V-67-14

Subject Property: Lot 15, Block K, District Heights Subdivision, being 7111 Nimitz Drive, District Heights, Prince George's County, Maryland

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

Witness: Jocelyn Harris, Housing Initiative Partnership, Inc.

Heard and Decided: October 22, 2014

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

Albert C. Scott, Vice Chairman

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. Petitioner proposes to construct a covered front porch with steps. A variance of 7.7 feet front yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 6,104 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 1955. Exhs. 7 and 8.
2. Petitioner would like to obtain a building permit to construct an 8' x 19'6" covered front porch and steps, but because the porch would be located 17.3 feet from the front street line, a variance of 7.7 feet front yard depth was requested. Exh. 11.
3. The existing house is located 25.25 feet from the front street line. Exh. 2.
4. The existing shed is to be removed from the property. Exh. 2.
5. Jocelyn Harris testified that the property requires renovation (Exh. 5) and submitted photographs illustrating the current conditions on the subject property. Exhs. 19(A) through (I). She stated that copies of a letter regarding the proposed construction, together with a rendering of the entire renovated house, were distributed to adjoining neighbors. Exh. 20. Ms. Harris explained that the proposed covered front porch would provide curb appeal to attract buyers.
6. Ms. Harris added that The Redevelopment Authority of Prince George's County has applied for Community Legacy funds to provide improvements on the street and the homes adjacent to the subject property.

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 property being subdivided in 1954, the house having existed for many years, the existing house being set back the minimum distance from the street under current regulations, it being unreasonable to assume that the existing house can be moved deeper into the lot by Housing Initiative Partnership, Inc. to accommodate the setback requirement for the proposed porch, a covered porch providing more curb appeal for potential buyers and promote community safety and interaction, 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, unanimously, that a variance of 7.7 feet front yard depth in order to construct an 8' x 19'6" covered front porch and steps on the property located at Lot 15, Block K, District Heights Subdivision, being 7111 Nimitz Drive, District Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance 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.