

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-66-14 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 October 31, 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-66-14

Subject Property: Lot 16, Block 6, Palmer Park Subdivision, being 7743 Burnside Road, Hyattsville, Prince George's County, Maryland

Counsel for Petitioner: Michele La Rocca, Esq., 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 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 covered front porch. Variances of 9 feet front yard depth¹ and 2.9% net lot coverage were requested.

Evidence Presented

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

1. The property was subdivided in 1957, contains 3,396 square feet, is zoned R-20 (One-Family Triple-Attached Residential) and is improved with a single-family triple-attached dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing single-family dwelling was built in 1959. Exhs. 7 and 8.
2. The property is a long and narrow lot. Exhs. 2 and 4. The existing dwelling is set back 25 feet from the front street line. Exh. 2.
3. Petitioner would like to construct an 8' x 19'8" covered front porch, but variances are needed to obtain a building permit. Since the porch would be located 17 feet from the front street line and construction of the porch would cause the allowed amount of net lot coverage to be exceeded, variances of 8 feet front yard depth and 2.9% net lot coverage are required. Exhs. 11, 12 and 16.

4. Jocelyn Harris testified that the property is an end unit in the triplex. Exh. 5. She stated that copies of a letter regarding the coming renovation at the subject property were distributed in the neighborhood, including the adjacent neighbors. Exh. 21. She submitted photographs illustrating the current conditions inside and outside of the subject property. Exhs. 20(D) through (I). She explained that there is a lot of water damage and upgrading of the insulation as well as mechanical, electrical and plumbing upgrades are needed. She stated that the request for variances involves an exterior upgrade to add additional character

¹ It was determined that a variance of 8 feet front yard depth is sufficient.

to the house. Photographs of a similar project in Suitland were submitted, Exhs. 22(A) through (K). Ms. Harris explained that not only would the proposed covered front porch provide curb appeal to attract buyers, but also demonstrate the value of investment to other neighbors. She stated that after all renovations are completed the house will be sold to a first-time home buyer of low to moderate income.

5. Ms. Harris further testified that the proposed porch will not extend out any farther than the porch on a house on an adjoining lot.

6. Counsel contends that Petitioner met the statutory requirements needed for approving a variance. The house has existed on the property for a long time and cannot be moved to satisfy the current setback requirement. Counsel explained that the goals of the Master Plan (Planning Area 68) included adding more investment and community appeal, and the porch would foster those goals by stimulating neighborhood interaction and making the neighborhood more attractive. Counsel added that the goals are furthered enhanced by the other renovations made on 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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1957, the narrowness of the property, the house having existed for many years, the house being set back the minimum distance from the street under current regulations, a covered porch promoting more community interaction and providing curb appeal, usable space reflecting investment and appeal in the community, 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 variances of 8 feet front yard depth and 2.9% net lot coverage in order to construct an 8' x 19'8" covered front porch on the property located at Lot 16, Block 6, Palmer Park Subdivision, being 7743 Burnside Road, Hyattsville, 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 plan, Exhibit 3.

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.