

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-74-15 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 September 21, 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

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

Petitioner: Housing Initiative Partnership

Appeal No.: V-74-15

Subject Property: Lot 74, Block 3, Palmer Park Subdivision, being 1927 Palmer Park Road, Landover,
Prince George's County, Maryland

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

Witness: Jocelyn Harris, Housing Initiative Partnership

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 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 on a triple-attached single-family dwelling. A variance of 5 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1957, contains 2,640 square feet, is zoned R-20 (One-Family Triple-Attached Residential) and is improved with a triple-attached single-family dwelling and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1955. Exhs. 7 and 8.
2. The property is extremely narrow, being only 22 feet wide, and the dwelling is on the inner lot of the three lots with the triple-attached dwelling units. Exh. 2.
3. Petitioner would like to construct an 8' x 22' covered front porch (Exh. 2), but a variance is needed to obtain a building permit. Since the porch would be located 20 feet from the front street line, a variance of 5 feet front yard depth was requested. Exh. 11.
4. Petitioner is a non-profit organization that has rehabbed and sold properties to low- and moderate-income buyers for many years in Prince George's County. Front porches are the signature of almost all of Petitioner's renovations. Exh. 18.
5. Jocelyn Harris, a housing developer with Petitioner, testified that the house on the subject property is the middle unit of a triplex and currently has 4 bedrooms and 2 bathrooms. Exh. 17. She explained that they plan to do a complete interior renovation of the house and exterior work will include all new siding, landscaping and the proposed covered front porch. She stated that a letter was sent to all neighboring properties that described Petitioner's organization, explained the work to be performed at the subject property and included a drawing of the proposed new porch construction. Exh. 18.
6. Counsel for Petitioner stated that Petitioner's aim is to provide affordable housing to first-time homebuyers. Counsel believes that front porches provide an "eye on the street" and build communities as well as provide curb appeal.

7. Counsel argued that in order to make an improvement with a roof to the front of the house, one cannot push the house back on the lot to meet the front yard setback requirement. She noted that the Subregion IV Master Plan and Sectional Map Amendment stresses home ownership, building up of community and having investment, which is consistent with the intent of Petitioner's program.

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 narrowness of the property, the house being completely renovated for resale to a low- to moderate-income homebuyer, adding a front porch enhancing a sense of community, the location of the existing house on the lot preventing construction of a roofed 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 a variance of 5 feet front yard depth in order to construct an 8' x 22' covered front porch on a triple-attached single-family dwelling on the property located at Lot 74, Block 3, Palmer Park Subdivision, being 1927 Palmer Park Road, Landover, 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 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.