



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

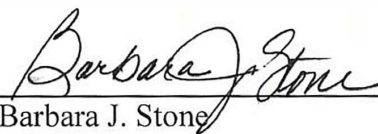
OF BOARD OF APPEALS

RE: Case No. V-118-18 House of Serenity, LLC

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: November 14, 2018.

CERTIFICATE OF SERVICE

This is to certify that on November 28, 2018, 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

Petitioner: House of Serenity, LLC

Appeal No.: V-118-18

Subject Property: Tax Map 80, Grid E1, Parcel 216, being 5012 Holly Spring Street, Suitland,
Prince George's County, Maryland

Counsel for Petitioner: Abigail Bruce Watson, Esq.

Witness: Denson Terry, President and CEO, House of Serenity

Heard and Decided: November 14, 2018

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 a rear yard at least 20 feet in depth/width. Petitioner proposes to construct a one and half-story dwelling and driveway. Variances of 10 feet front yard depth and 6 feet rear yard depth/width are requested.

Evidence Presented

1. The subject property contains 7,200 square feet, is zoned R-55 (One-Family Detached Residential) and is to be improved with a single-family dwelling and driveway. The property is long in width and shallow in depth. Exhibits (Exhs.) 2, 7, 8 and 9 (A) thru (F).

2. The property was created by deed in 1925. Exhs. 4 and 5.

3. Petitioner would like to like to construct a 28.6' x 40' one and half-story dwelling and 10' x 20' driveway. The dwelling would be located 15 feet from the front street line and 14 feet from the rear lot line. Variances of 10 feet front yard depth and 6 feet rear yard depth/width are requested. Exhs. 2, 3 (a) thru (c) and 6 (A) thru (D).

4. Denson Terry testified that the subject property was purchased for development by House of Serenity, LLC. He stated that a variance is needed because of the shape of the lot and the necessary positioning of the dwelling on the property. He stated that the construction and position of the house will maintain the integrity of the existing housing in the neighborhood and appeal to the community. He noted that the house will be oriented toward Holly Spring Street and will be similar in size (1½ stories) to many houses in the area. Exhs. 2, 3 (a) thru (c) and 6 (A) thru (D).

5. Mr. Terry further testified that Serenity House is a nonprofit organization that assists buyers in purchasing houses which they may not ordinarily be able to purchase in a conventional manner.

6. He further explained that the house will be located to the side of the property to provide an adequate yard since the rear yard is very shallow. Exhs. 2, 3 (a) thru (c) and 6 (A) thru (D).

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 shape of the lot being very long in width and very shallow in depth 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, Ms. Anastasia Johnson absent, that variances of 10 feet front yard depth and 6 feet rear yard depth/width in order to construct a 28.6' x 40' one and half-story dwelling and 10' x 20' driveway on the property located at Tax Map 80, Grid E1, Parcel 216, being 5012 Holly Spring Street, Suitland, 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 approved elevation plans, Exhibits 3 (a) thru (c).

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.