

NOTICE OF FINAL DECISION

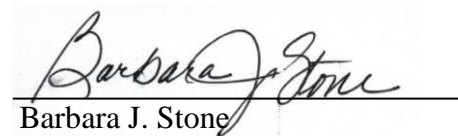
OF BOARD OF APPEALS

RE: Case No. V-131-17 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 25, 2017.

CERTIFICATE OF SERVICE

This is to certify that on November 1, 2017, 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: Housing Initiative Partnership, Inc.

Appeal No.: V-131-17

Subject Property: Lot 54, Block P, Palmer Park Subdivision, being 2017 Ray Leonard Road, Landover,
Prince George's County, Maryland

Counsel for Petitioners: Kayann Chambers, Esq., Myers, Rodbell & Rosenbaum P.A.

Witness: Jocelyn Harris, Housing Initiative Partnership, Inc.

Heard and Decided: October 25, 2017

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 a side yard at least 9 feet in width. Petitioner proposes to validate an existing condition and construct a covered front porch to a semi-detached dwelling. Variances of 5 feet front yard depth and .5-foot side yard width are requested.

Evidence Presented

1. The property was subdivided in 1957, contains 3,850 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7 and 9 (A) thru (F).

2. Petitioner would like to construct an 8' x 17.5' covered front porch. The porch would be located 20 feet from the front street line and the existing dwelling is located 8.5 feet from the side lot line. Variances of 5 feet front yard depth and .5-foot side yard width were requested. Exhs. 2, 3, 5, 17 and 18.

3. Attorney Kayann Chambers testified that the proposed construction is a 17.5' x 8' covered front porch with a simple roof with two posts. She stated that there are similar porches on properties in the neighborhood. She also stated that notices have been given to neighbors regarding the proposal. Exhs. 2, 3, 5, 17 and 18.

4. Jocelyn Harris testified that the Housing Initiative Partnership (HIP) is a non-profit housing development and counseling agency that has served Prince George's County for close to 30 years. She stated that the proposed porch will fit in well with similar porches on other houses that HIP has added in the Palmer Park area. She stated that the covered front porch is a "signature" feature, improves the aesthetics of the house, and encourages a meeting area on the front porch where neighbors may engage with one another as well as keep an eye on the neighborhood.

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 improving the appearance of an older house, promoting community security and neighborhood interaction and the character of the neighborhood (with similar porch development on properties), 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 5 feet front yard depth and .5-foot side yard width to validate an existing condition and construct an 8' x 17.5' covered front porch to a semi-detached dwelling on the property located at Lot 54, Block P, Palmer Park Subdivision, being 2017 Ray Leonard Road, Landover, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18 and 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.