



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

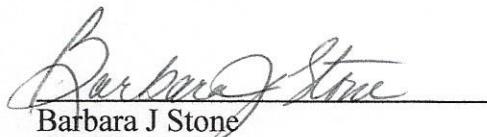
OF BOARD OF APPEALS

RE: Case No. V-48-21 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: June 23, 2021.

CERTIFICATE OF SERVICE

This is to certify that on July 29, 2021, 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. (HIP)

Appeal No.: V-48-21

Subject Property: Lot 82, Block C, Section 1 Palmer Park Subdivision, being 7602 Oxman Road, Landover
Prince George's County, Maryland

Counsel for Petitioner: Matt Tedesco, Esq., McNamee Hosea

Witness: Jocelyn Harris, Senior Housing Developer, HIP

Heard and Decided: June 23, 2021

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) which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioner proposes to obtain a building permit for the construction of a covered front porch and one-story addition. A variance of 5 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 4,000 square feet, is zoned R-35 (One-Family Semidetached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The property is long and narrow at 33.60' in width and 109.52 in length. Exhs. 2 and 4.
3. Petitioner proposes to obtain a building permit for the construction of a covered front porch and one-story addition. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Because the proposed covered front porch will decrease the front yard setback, a variance of 5 feet is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
4. Attorney Matt Tedesco, on behalf of Petitioner, explained that the subject property was developed in 1955. He stated that HIP is an innovative, green, non-profit housing developer and counseling agency based in Prince George's County. HIP buys houses specifically to make significant improvements on them prior to selling them to first-time home buyers. HIP will be adding to the property one of its signature features, being a covered front covered porch. Exhs. 2, 3 and 5 (A) thru (D).
5. The Board is aware that such porches by HIP have provided weather coverage for new homeowners, serve as an outdoor amenity space for homeowners and create space for the homeowners and adjoining homeowners to congregate. HIP believes that the porches put "eyes on the street" for security purposes, drastically improves upon the aesthetics of the home and add value to the property.

6. To make the proposed improvements, the property normally requires a 25-foot front yard setback. With the construction of the porch, however, the front yard setback will be reduced to 20 feet, which requires the requested variance of a 5-foot front yard setback. Exh. 2

7. Counsel states that the house was built in the 1950s (prior to the current front yard requirement). The house cannot be moved on the property because it is a single-family semidetached house. As such, counsel argues that there exists both a practical difficulty and extraordinary situation and submits that approval of the variance will not substantially impair the integrity of the Master Plan. Exhs. 2, 3, 5 (A) thru (D).

8. Attorney Tedesco further stated that HIP notified, by mail, the owners of the adjoining properties of the subject property regarding the proposed construction and explained to them the history of HIP in the County. Exh. 15.

9. Senior Housing Developer Jocelyn Harris, testified that the interior of this home has been gutted, in anticipation of a full renovation of the interior of the dwelling, which will include a new HVAC, plumbing, kitchens and bathrooms.¹

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:

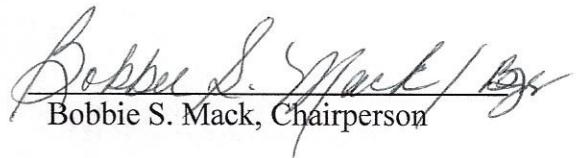
Due to the home being constructed in 1955 prior to the current front yard setback requirement, the inability to relocate the semidetached house on the lot to meet the setback requirement, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose 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 5 feet front yard depth in order to obtain a building permit for the construction of a covered front porch and one-story addition. on the property located at 7602 Oxman 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 approved elevation plan, Exhibit 3.

¹ This property does not currently have a driveway and HIP is not proposing a driveway.

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.

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1/4" = 1'0"

**HIP HOMES
MODERATE REHABILITATION**

PRELIMINARY
DRAWINGS
NOT FOR PERMIT OR
CONSTRUCTION

ISSUE DATE
30 MARCH 2021

2 PROPOSED SIDE ELEVATION
Scale: $1/4'' = 1'-0''$

3 PROPOSED REAR ELEVATION
Scale: $1/4'' = 1'-0''$

1 PROPOSED FRONT ELEVATION
Scale: $1/4'' = 1'-0''$

WALL NOTE:
1) ALL NEW INTERIOR STUD
WALLS 2X4's @16'O.C. (TYP)

NEW WALL
EXIST WALL

BOARD OF APPEALS

EXH. # 3
V-58-21

APPROVED JUN 23 2021

D. Stone
ADMINISTRATOR