



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

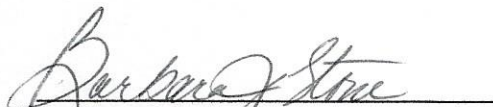
OF BOARD OF APPEALS

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 esthetics 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.

1) THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF THE WORK OF ALL SUBCONTRACTORS AS REQUIRED TO COMPLETE THE WORK, AND SHALL VERIFY THAT ALL WORK IS DONE TO THE HIGHEST DEGREE OF CRAFTSMANSHIP BY JOURNEYMEN OF THE RESPECTIVE TRADES.

2) THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, AND SHALL WORK TO CRITICAL ALIGNMENTS AS INDICATED ON THE DRAWINGS, AND SHALL NOT SCALE THE DRAWINGS FOR MEASUREMENTS.

3) IF ANY DISCREPANCIES IN DIMENSIONS OR CONDITIONS ARE FOUND, THE CONTRACTOR SHALL CONTACT THE ARCHITECT FOR CLARIFICATION PRIOR TO PROCEEDING WITH THAT PORTION OF THE WORK.

4) THE CONTRACTOR SHALL MAINTAIN THE SITE CLEAN AND FREE OF DEBRIS. THE CONTRACTOR SHALL MAINTAIN THE SITE AND JOB CONDITIONS IN SUCH A MANNER AS TO PROTECT FROM INJURY ALL PERSONS AND PROPERTY.

5) ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY THE CONTRACTOR PRIOR TO THE BEGINNING OF ANY CONSTRUCTION IN THE VICINITY OF THESE UTILITIES.

6) PROVIDE FOR THE DEMOLITION OF ALL EXISTING ITEMS WHICH WILL INTERFERE WITH THE WORK. PROVIDE MECHANICAL, ELECTRICAL AND PLUMBING DEMOLITION AS MAY BE REQUIRED.

7) PROVIDE BRACING AND SHORING AS REQUIRED TO PROTECT EXISTING CONSTRUCTION TO REMAIN FROM DAMAGE, AS WELL AS TO PROTECT PERSONS AND PROPERTY. VERIFY ALL BEARING CONDITIONS PRIOR TO BEGINNING DEMOLITION.

EROSION CONTROL
PROVIDE AND INSTALL SILT FENCING AT THE PERIMETER OF THE LOT DURING CONSTRUCTION TO PREVENT SEDIMENTS FROM RUNNING OFF OF THE SITE. STOCKPILED TOPSOIL SHALL BE PROTECTED FROM EROSION USING TARPS, FILTER FABRIC, MOATS, SWALES OR OTHER METHODS AS REQUIRED TO PREVENT LEAKAGE FROM THE SITE.

DEMOLITION AND REMOVAL:
PROVIDE DEMOLITION OF ALL EXISTING EXTERIOR ASPHALT AND CONCRETE SURFACES, CHAIN LINKED AND WOOD FENCES, SHRUBBERY, BRUSH, OVERGROWN WEEDS, ROTTED TREES, AND STUMPS IN ORDER TO PROVIDE THE SITE FREE FOR SEEDING AND PLANTING UNLESS OTHERWISE NOTED. ALL DEMOLISHED ITEMS SHALL BE HAULED FROM THE SITE AND SHALL BE PROPERLY DISPOSED OF.

WALKWAYS:
PROVIDE AND INSTALL NEW PERMEABLE PAVER WALKWAYS AS SHOWN
IN THE DRAWINGS. PROVIDE DEVELOPER WITH SAMPLES FOR REVIEW
AND APPROVAL.

NEW FENCING: ALL EXISTING CHAIN LINK FENCING TO REMAIN. PROVIDE AND INSTALL NEW FENCING BY USA VINYL OR APPROVED EQUAL. USA VINYL AGUSTA STYLE 6-FOOT HIGH VINYL FENCE SHALL BE LOCATED AT FRONT, SIDE AND REAR YARD. REMOVE EXISTING CHAIN LINK FENCE. REMOVE EXISTING 6-FOOT HIGH PRIVACY WOOD FENCE AT REAR YARD AND PROVIDE NEW WOOD PRIVACY FENCE. PROVIDE DEVELOPER WITH SAMPLES FOR REVIEW AND APPROVAL.

SHRUBS & PLANTS.
NEW SHRUBS AND PLANTS SHALL BE PROVIDED AND PLANTED AT LOCATIONS PER THE DEVELOPER. NEW SHRUBS AND PLANTS ARE TO BE NATIVE SPECIES, 100% APPROPRIATE TO THE SITE'S SOIL AND CLIMATE AND DROUGHT TOLERANT. DO NOT INCLUDE ANY INVASIVE SPECIES. ALL PLANTING HOLES SHALL BE OF ADEQUATE SIZE FOR THE SPECIES. BALLS AND BE BACKFILLED WITH A MINIMUM OF 50% COMPOST MIXED WITH EXISTING SOIL. IRRIGATION SHALL BE PROVIDED TO ALL NEW VEGETATION UNTIL STABLE. WINTER PLANTINGS SHALL BE IRRIGATED IN THE SPRING TO ENSURE STABILIZATION.

GRASS:
GRASS SEEDING SHALL BE PROVIDED AS REQUIRED TO PRODUCE A SMOOTH AND EVEN MIX WITH ALL EXISTING GRASS AREAS ON THE SITE, AND AS SHOWN IN THE DRAWINGS. TOPSOIL SHALL BE REPRODUCED AND BLENDED WITH EXISTING TOPSOIL TO BE REPRODUCED AND TILLED TO A DEPTH OF 6 INCHES. SOIL SHALL BE FREE OF DEBRIS, ROCKS, AND GRAVEL, AND CONSIST OF A SANDY LOAM CONTAINING NOT MORE THAN 2 TO 2.5% ORGANIC MATTER. PREPARED SOIL SHALL BE SPREAD EVENLY TO THE TRUE CONTOURS OF THE SITE AND BLENDED TO AN EVEN, SMOOTH SURFACE, READY FOR SEEDING. SEEDING MIXTURE SHALL BE FOR SHADE. SEEDING SHALL BE 100% APPROPRIATE TO THE SITE'S SOIL AND CLIMATE, AND DROUGHT TOLERANT. PROVIDE IRRIGATION OF ALL NEW GRASS UNTIL THE WINTER RAINFALL. WINGS SHALL BE IRRIGATED IN THE SPRING TO ENSURE ESTABLISHMENT.

SUBJECT PROPERTY:
7602 OXMAN ROAD
LANDOVER, MD 20785
LOT: 82 BLOCK: C PLAT BOOK: 23 ZONE: R-35

| | |
|----------------------------|-------------------|
| <u>TOTAL LOT AREA:</u> | 4.000 S.F. |
| <u>EXIST LOT COVERAGE:</u> | |
| <u>EXISTING HOUSE</u> | <u>881.7 S.F.</u> |
| <u>TOTAL:</u> | <u>881.7 S.F.</u> |

| | |
|------------------------------|-------------|
| PROPOSED TOTAL LOT COVERAGE: | |
| EXISTING HOUSE (MINUS SHED): | \$60.6 S.F. |
| PROPOSED ADDITION: | 234.0 S.F. |
| PROPOSED COVERED ENTRY | 78.0 S.F. |
| TOTAL: | 1172.6 S.F. |
| | |
| MAXIMUM LOT COVERAGE: | 30.0 % |
| EXISTING LOT COVERAGE: | 22.0 % |
| PROPOSED LOT COVERAGE: | 29.3 % |

| | |
|----------------------|-------------|
| MINIMUM FRONT YARD: | 25.0 FT |
| EXISTING FRONT YARD: | 26.0 FT +/- |
| PROPOSED FRONT YARD: | 20.0 FT +/- |
| MINIMUM REAR YARD: | 20.0 FT |
| EXISTING REAR YARD: | 44.0 FT +/- |
| PROPOSED REAR YARD: | 40.0 FT +/- |
| MINIMUM SIDE YARDS: | 9.0 FT |
| EXISTING SIDE YARDS: | 9.0 FT +/- |
| PROPOSED SIDE YARDS: | NO CHANG |

* VARIANCE REQUIRED

NEW FRONT PORCH & INTERIOR RENOVATIONS

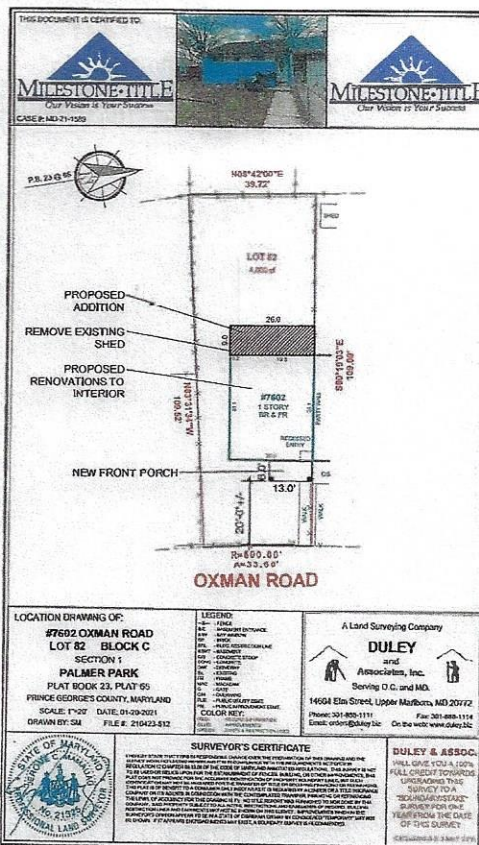
EXTERIOR
DEMOLITION OF EXISTING CONCRETE LANDING AT FRONT. NEW FRONT PORCH WITH COLUMNS. SEEDING OF GRASS AREAS. RE-ROOFING OF EXISTING HOUSE AS REQUIRED. REPLACEMENT OF ALL TRIM AND SIDING AND PAINTING OF ALL SURFACES.

INTERIOR
DEMOLITION OF PARTITIONS ON FIRST FLOOR TO CREATE MORE OPEN KITCHEN DINING AREA, AND MODIFY BEDROOM AND BATHROOM LAYOUT. NEW INSULATION PER ENERGY CONSERVATION REQUIREMENTS. MECHANICAL AND ELECTRICAL UPGRADES INCLUDING RELOCATION OF DUCTS AS REQUIRED TO ACCOMMODATE NEW PLANK LAYOUT. NEW KITCHEN CABINETS AND PLUMBING FIXTURES AT KITCHEN AND ALL BATH ROOMS. NEW FINISHES INCLUDING CARPETS AND REFURNISHED FLOORS AND PAINTING THROUGHOUT INTERIOR.

| | |
|------|----------------------------|
| A-0 | SITE PLAN & PROJECT NOTES |
| A-1 | PROPOSED PLANS |
| A-2 | PROPOSED ELEVATIONS |
| MD-1 | MEASURED PLAN & ELEVATIONS |

ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THE 2013 INTERNATIONAL RESIDENTIAL CODE (IRC 2018), INCLUDING ALL APPLICABLE PRINCE GEORGE'S COUNTY AND STATE OF MARYLAND AMENDMENTS & SUPPLEMENTS

CONSTRUCTION SHALL CONFORM TO ALL OTHER APPLICABLE LOCAL, STATE AND NATIONAL CODES, STANDARDS AND ORDINANCES.



FROM HOUSE LOCATION DRAWING BY: DAILEY & ASSOCIATES, UPPER MERIBORO, MD. JANUARY 20, 2021
WITH SUPPLEMENTAL INFORMATION BY: AHMANN LLC, ARCHITECTURAL SKETCHES

EXH. # 2
V-48-21

APPROVED JUN 23 2021

ADMINISTRATOR

AHIMANN LLC
ARCHITECTURAL SERVICES
1405 BEECHWOOD ROAD UNIVERSITY PARK, MARIETTA, GA 30067
PHONE 301 864 1334
FAX 301 864 6818

PROJECT NOTES
SITE PLAN & INDEX

**HIP HOMES
MODERATE REHABILITATION**

PRELIMINARY
DRAWINGS
NOT FOR PERMIT OR
CONSTRUCTION

ISSUE DATE
30 MARCH 2021

A-0

Ahmeda LLC

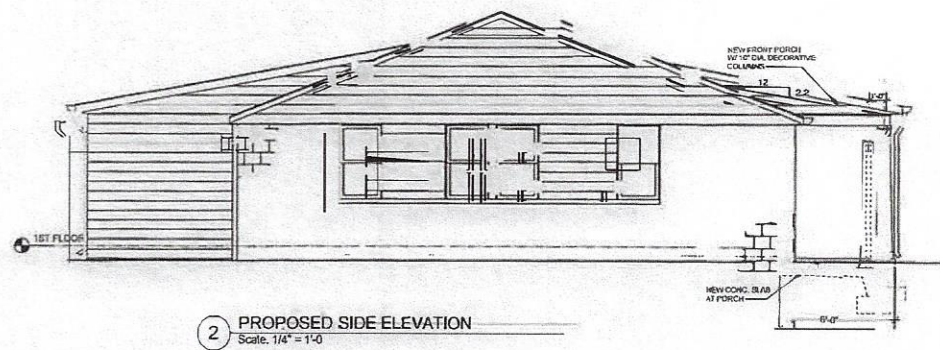
AHMANN LLC
 ARCHITECTURAL SERVICES
 4403 REEDS ROAD SUITE 100
 PHONE 301.864.1334
 FAX 301.864.6818

PROPOSED ELEVATIONS
 S 1/4" = 1'-0"
 SCALE

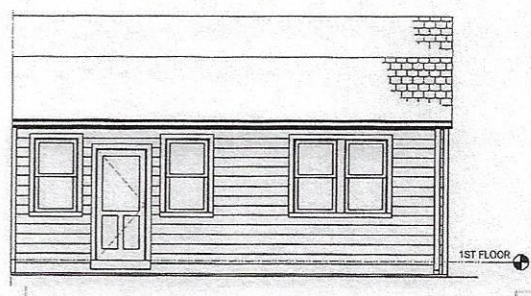
HIP HOMES
 MODERATE REHABILITATION
 7602 OXMAN ROAD
 LANDOVER, MD 20785

PRELIMINARY DRAWINGS
 NOT FOR PERMIT OR CONSTRUCTION

ISSUE DATE
 30 MARCH 2021
A-2
 AHMANN LLC
 03/2021



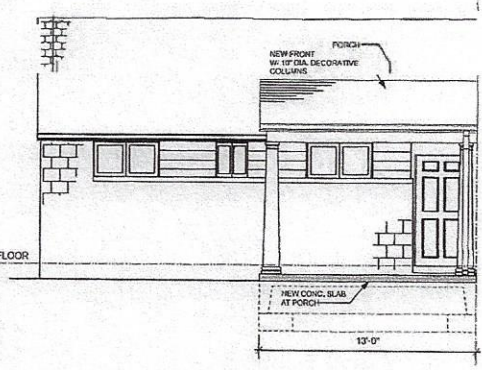
2 PROPOSED SIDE ELEVATION
 Scale: 1/4" = 1'-0"



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

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

NEW WALL
 EXIST WALL



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

BOARD OF APPEALS

APPROVED JUN 23 2021

[Signature]
 ADMINISTRATOR

EXH. # 3
V-58-21