



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

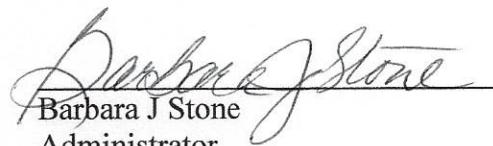
OF BOARD OF APPEALS

RE: Case No. V-49-21 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: June 23, 2021

CERTIFICATE OF SERVICE

This is to certify that on 9/21/2021, 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 (HIP)

Appeal No.: V-49-21

Subject Property: Lot 5, Block R, Section 2, Palmer Park Subdivision, being 1920 Ray Leonard Road, Landover, Prince George's County, Maryland

Counsel for Petitioner: Matthew Tedesco, Esq., McNamee and 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. 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 3.851 square feet, is zoned R-35 (One-Family Semidetached Residential) and is improved with a single-family semidetached dwelling. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).

2. A motion to incorporate testimony from V-48-21 into V-49-21 has been granted.

3. Petitioner proposes to obtain a building permit for the construction of a covered front porch.

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 HIP, 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, served as an outdoor amenity space for homeowners and created 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. Counsel stated 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 semidetached dwelling. 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).

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

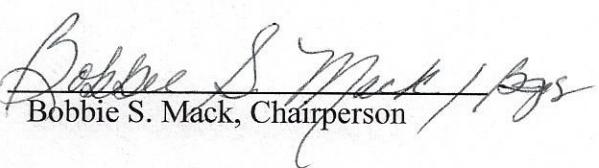
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

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, the several benefits attributed to the covered front porch for the homeowner and the community 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 on the property located at 1920 Ray Leonard 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, Exh. 2 and approved elevation plan, Exh. 3.

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.

V-49-21

GENERAL NOTES

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 JOURNEYMAN 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.

LANDSCAPE NOTES

EROSION CONTROL: PROVIDE DUST CONTROL SALT FENCING AT THE PERIMETER OF THE LOT DURING CONSTRUCTION TO PREVENT SEDIMENTS FROM RUNNING OFF ON THE SITE. STOCKPILE 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: REMOVE ALL EXISTING EXTERIOR ASPHALT AND CONCRETE SURFACES, CHAIN LINKED AND WOOD FENCES, SHRUBBERY, BRUSH, OVERCROWN 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 A DINSTALL NEW CONCRETE 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 U.S. VINYL OR APPROVED C.R.L. U.S.A. VINYL AGUSTA-STYLE 4-FOOT HIGH VINYL FENCE SHALL BE LOCATED AT PROPERTY LINE AT REAR IN FRONT OF EXISTING CHAIN LINK FENCE. CHAIN LINK FENCE SHALL BE REMOVED. NEW HIGH VINYL FENCE AND GATE SHALL BE LOCATED AT END OF DRIVEWAY AT REAR ENCLOSURE REAR YARD. 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 NEW AND HEALTHY. PLANTS SHALL BE APPROPRIATE FOR THE CLIMATE AND DROUGHT TOLERANT. DO NOT INCLUDE ANY INVASIVE SPECIES. ALL PLANTING HOLES SHALL BE OF ADEQUATE SIZE. OR THE ROOTBALLS AND BE BACKFILLED WITH A MINIMUM OF 50% COMPOST MIXED WITH EXISTING SOIL. NO GROWING MULCH PROVIDED TO ALL NEW VEGETATION UNTIL STABILIZE. 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 FORWARDED TO THE SITE AND PREPARED AS REQUIRED TO BE SEEDED AND TILLED TO A DEPTH OF 4 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 HAD TO BE TILLED TO A DEPTH OF 4 INCHES 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 STABILIZE. WINTER PLANTINGS SHALL BE IRRIGATED IN THE SPRING TO ENSURE STABILIZATION.

ZONING SUMMARY

SUBJECT PROPERTY:
1920 RAY LEONARD ROAD
LANDOVER, MD 20705

LOT: 5 BLOCK: R PLAT BOOK: 24 ZONE: R-35

AREA CALCULATIONS:

TOTAL LOT AREA:	3,851 S.F.
EXISTING LOT COVERAGE:	
EXISTING HOUSE:	919.3 S.F.
EXISTING DRIVEWAY:	279.0 S.F.
EXISTING SHEDS & PORCH:	425.0 S.F.
TOTAL:	1,623.3 S.F.
PROPOSED TOTAL LOT COVERAGE:	
EXISTING HOUSE:	919.3 S.F.
NEW PORCH (NOT REDUCED)	1,540.0 S.F.
PROPOSED PORCH:	28.0 S.F.
TOTAL:	1,133.3 S.F.
MAXIMUM LOT COVERAGE:	
EXISTING LOT COVERAGE:	42.2 %
PROPOSED LOT COVERAGE:	29.9 %

SETBACKS:

MINIMUM FRONT YARD:	25.0 FT
EXISTING FRONT YARD:	25.0 FT +/-
PROPOSED FRONT YARD:	22.0 FT +/-
MINIMUM REAR YARD:	20.0 FT
EXISTING REAR YARD:	28.9 FT +/-
PROPOSED REAR YARD:	45.0 FT +/-
MINIMUM SIDE YARDS:	9.0 FT
EXISTING SIDE YARDS:	18.8 FT +/-
PROPOSED SIDE YARDS:	NO CHANGE

PROJECT SUMMARY

NEW FRONT PORCH & INTERIOR RENOVATIONS

EXTERIOR: DEMOLITION OF EXISTING CONCRETE LANDING AT FRONT. DEMOLITION OF ADJACENT SHED AND PORCH AT REAR. NEW FRONT PORCH WITH COLUMNS. Seeding of grass areas. Reroofing 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 CONCEPT. DEMOLITION OF BATHROOM, KITCHEN, AND BATHROOM LAYOUT. NEW INSULATION PER ENERGY CONSERVATION SPECIFICATION. MECHANICAL AND ELECTRICAL UPDATES INCLUDING RELOCATION OF DUCTS AS REQUIRED TO ACCOMMODATE NEW FURNISHINGS. NEW KITCHEN CABINETS, NEW KITCHEN FIXTURES AT KITCHEN AND ALL BATH ROOMS. NEW FURNISHINGS INCLUDING CARPETS AND REFINISHED FLOORS AND PAINTING THROUGHOUT INTERIOR.

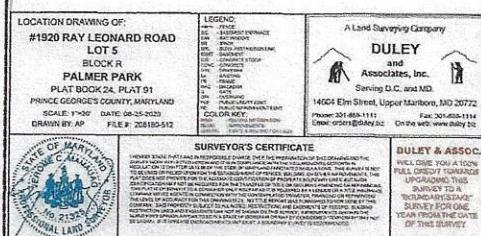
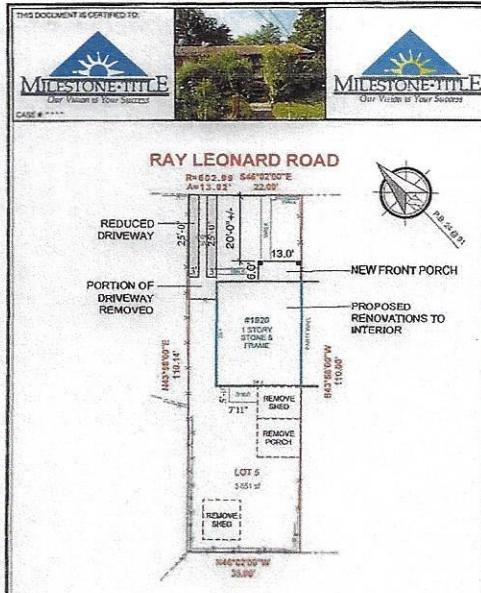
INDEX OF DRAWINGS

A-0 COVER SHEET
A-1 PROPOSED PLANS & ELEVATIONS
MD-1 MEASURED PLANS & ELEVATIONS

EXH. # 2
V-49-21

CODE SUMMARY

ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC 2015), INCLUDING ALL APPLICABLE PRINCE GEORGES COUNTY AND STATE OF MARYLAND AMENDMENTS & SUPPLEMENTS. CONSTRUCTION SHALL CONFORM TO ALL OTHER APPLICABLE LOCAL, STATE AND NATIONAL CODES, STANDARDS AND ORDINANCES.

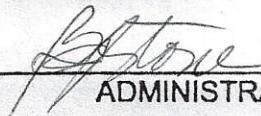


SITE DIAGRAM

FROM HOUSE LOCATION DRAWING BY: DULEY & ASSOCIATES, UPPPER MARLBORO, MD, AUGUST 25, 2009
WITH SUPPLEMENTAL INFORMATION BY: AHMANN LLC, ARCHITECTURAL SERVICES

BOARD OF APPEALS

APPROVED JUN 23 2021


ADMINISTRATOR

AHMANN LLC
ARCHITECTURAL SERVICES
4465 BETHESDA ROAD, BETHESDA, MD 20814
PHONE: 301-864-1334
FAX: 301-864-6818

COVER SHEET
INDEX

SCAL: 1" = 20'

HIP HOMES
MODERATE REHABILITATION

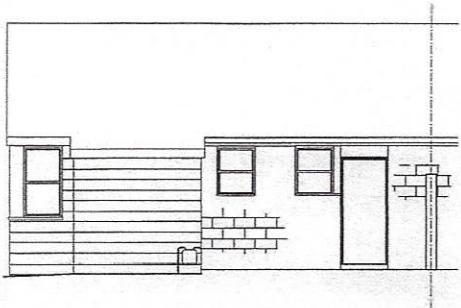
1920 RAY LEONARD
LANDOVER, MD 20705

PRELIMINARY
DRAWINGS
NOT FOR PERMIT OR
CONSTRUCTION

ISSUE DATE
30 MARCH 2021

A-0

Architectural LLC
© 2021



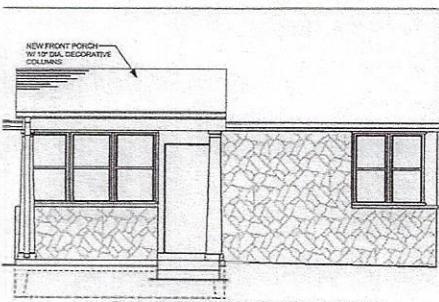
④ PROPOSED REAR ELEVATION

Scale: 1/4" = 1'-0"



③ PROPOSED SIDE ELEVATION

Scale: 1/4" = 1'-0"



② PROPOSED FRONT ELEVATION

Scale: 1/4" = 1'-0"

AHMANN LLC
ART CULTURAL SERVICES
400 BRICKWOOD LOCAL UNIVERSITY ROAD, MARYLAND 20702
PHONE: 301-864-1334
FAX: 301-864-6918

PROPOSED
FLOOR PLAN &
ELEVATIONS
SCALE: 1/4" = 1'-0"

HIP HOMES
MODERATE REHABILITATION
1920 RAY LEONARD
LANDOVER, MD 20708

PRELIMINARY
DRAWINGS
NOT FOR PERMIT OR
CONSTRUCTION

ISSUE DATE
30 MARCH 2021

A-1

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BOARD OF APPEALS

APPROVED

JUN 23 2021


ADMINISTRATOR

EXH. # 3
V-49-21