



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-50-21 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-50-21

Subject Property: Lot 5, Block E, Section 1, Palmer Park Subdivision, being 7609 Oxman Road, Landover
Prince George's County, Maryland

Counsel for Petitioner: Matthew 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 variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to obtain a building permit for the construction of a covered front porch. Variances of 5 feet front yard depth and 2.3% net lot coverage are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1954, contains 4,769 square feet, is zoned R-35 (One-Family Semidetached Residential) and is improved with a single-family, semidetached dwelling and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The property is odd-shaped with the east property line being partially angled to the rear of the property. Exhs. 2 and 4.
3. Petitioner proposes to obtain a building permit for the construction of a covered front porch and one-story addition. Because the proposed covered front porch will decrease the front yard setback, a variance of 5 feet is required. In addition, because the existing driveway the lot coverage is 32.3%, a variance of 2.3% lot coverage is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
4. The Board is aware that HIP believes that such porches built 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 aesthetics of the home and add value to the property.

5. The basis for a variance for lot coverage can be attributed to the existing driveway. The preexisting driveway is elongated and extends almost to the end of the dwelling. Counsel stated that without the lot coverage variance, the driveway size would have to be reduced. Exhs. 2, 3 and 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

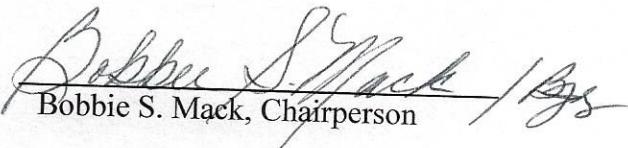
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the dwelling being a semidetached dwelling (and driveway) being constructed in 1955, prior to the current building requirements, the inability to move the semidetached house on the lot to meet the setback requirement for the porch, the several benefits of 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 variances of 5 feet front yard depth and 2.3% net lot coverage in order to validate an existing condition (net lot coverage) and obtain a building permit for the construction of a covered front porch on the property located at 7609 Oxman Road, Landover, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 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.

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 JOURNEYMEN OF THE RESPECTIVE TRADES.

2) THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, AND SHALL MAKE ALL VERTICAL ALIGNMENTS AS INDICATED ON THE DRAWINGS, AND SHALL MAKE ALL 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 HURT 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, PLUMBING DEMOLITION AS MAY BE REQUIRED.

7) PROVIDE BRACING AND SPORING 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 AND INSTALL SILT FENCING AT THE PERIMETER OF THE LOT DURING CONSTRUCTION TO PREVENT SEDIMENTS FROM RUNNING OFF THE SITE. STOCKPILE TOPSOIL SHALL BE COVERED AND 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, HEDGEROWS, AND OTHER DEBRIS, WROTTED TREES, AND STUMPS IN ORDER TO PROVIDE THE SITE FOR NEW CONSTRUCTION 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 PAVING 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 NEW FENCING TO USA VINYL OR APPROVED USA VINYL ALUMINUM FENCE. FENCE TO BE LOCATED AT PROPERTY LINE AT FRONT, AND SIDE YARD IN FRONT OF 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 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 PLANT. SOIL TO BE BACKFILLED WITH A MINIMUM OF 50% COMPOST MIXED WITH EXISTING SOIL. IRRIGATION SHALL BE PROVIDED TO ALL NEW VEGETATION UNTIL STABILIZED. NEW 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 FURNISHED AND DRAINED 2 INCHES THICK OVER THE AREA TO BE SEDED. SEEDING MIXTURE SHALL BE APPROVED. SOIL SHALL BE FREE OF DEBRIS, ROCKS, AND GRAVEL, AND CONSIST OF SOILS CONTAINING NOT MORE THAN 2 TO 2.5% ORGANIC MATTER. PREPARED SOIL SHALL BE SPREAD EVENLY TO THE TRUE CONTOURS OF THE SITE, AND HAND TILLED TO A SMOOTH SURFACE READY FOR SEEDING. SEEDING MIXTURE SHALL BE APPROVED. SOIL SHALL BE 100% APPROPRIATE TO THE SITE'S SOIL AND CLIMATE AND DROUGHT TOLERANT. PROVIDE IRRIGATION OF ALL NEW GRASS UNTIL STABILIZED. WINTER PLANTINGS SHALL BE IRRIGATED IN THE SPRING TO ENSURE STABILIZATION.

ZONING SUMMARY

SUBJECT PROPERTY:
7609 OXMAN ROAD
LANDOVER, MD 20705
LOT: S/6 BLOCK: E PLAT BOOK: 23 ZONE: R-35

AREA CALCULATIONS:

TOTAL LOT AREA:	4,769 S.F.
EXISTING HOUSE	901.8 S.F.
EXISTING DRIVEWAY	500.0 S.F.
TOTAL:	1461.8 S.F.
PROPOSED TOTAL LOT COVERAGE:	
EXISTING HOUSE	901.8 S.F.
EXISTING DRIVEWAY	560.0 S.F.
PROPOSED COVERED ENTRY	78.0 S.F.
TOTAL:	1539.8 S.F.
MAXIMUM LOT COVERAGE:	
EXISTING LOT COVERAGE:	30.0 %
PROPOSED LOT COVERAGE:	30.6 %*
	32.2 %**

SET BACKS:

MINIMUM FRONT YARD:	25.0 FT
EXISTING FRONT YARD:	25.0 FT +/-
PROPOSED FRONT YARD:	20.0 FT +/-**
MINIMUM REAR YARD:	20.0 FT
EXISTING REAR YARD:	60.0 FT +/-
PROPOSED REAR YARD:	NO CHANGE
MINIMUM SIDE YARDS:	9.0 FT
EXISTING SIDE YARDS:	14.0 FT +/-
PROPOSED SIDE YARDS:	NO CHANGE

*NONCONFORMING
**VARIANCE REQUIRED

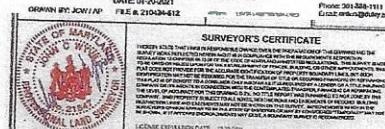
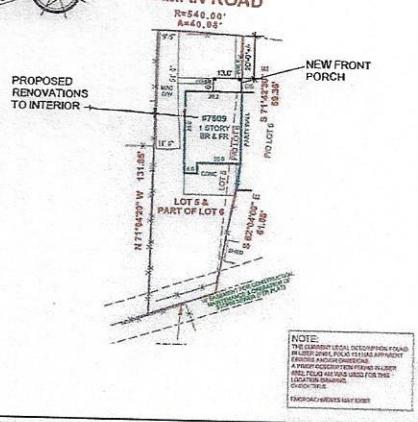
CODE SUMMARY

ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC 2018), 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.



OXMAN ROAD



SITE DIAGRAM

FROM HOUSE LOCATION DRAWING BY: DULEY & ASSOCIATES, UPPER MARLBORO, MD, JANUARY 30, 2021
WITH SUPPLEMENTAL INFORMATION BY: AHMANN LLC, ARCHITECTURAL SERVICES

AMMANN LLC
ARCHITECTURAL SERVICES
440 BETHESDA ROAD, BETHESDA, MD 20814
PHONE: 301-864-1324
FAX: 301-864-6918

PROJECT NOTES
SITE PLAN & INDEX

SCALE: = 20'

HIP HOMES
AT REHABILITATION
7609 OXMAN ROAD
LANDOVER, MD 20705

PRELIMINARY
DRAWINGS
NOT FOR PERMIT OR
CONSTRUCTION

ISSUE DATE
30 MARCH 2021

A-0

ABMANN LLC
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BOARD OF APPEALS

APPROVED JUN 28 2021


ADMINISTRATOR

EXH. # 2
V-50-21

AHMANN LLC
ARCHITECTURAL SERVICES
408 ELMWOOD ROAD, UNIVERSITY PARK, MARYLAND 20782
PHONE: 301.654.3344
FAX: 301.864.0816

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

HIP HOMES
MODERATE REHABILITATION
7609 ORMAN ROAD
LANDOVER, MD 20785

PRELIMINARY
DRAWINGS
NOT FOR PERMIT OR
CONSTRUCTION

ISSUE DATE
30 MARCH 2021

A-2

Ahmann LLC
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BOARD OF APPEALS

APPROVED JUN 23 2021



ADMINISTRATOR

EXH. # 3
V-50-21

