



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-105-21 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: August 25, 2021.

CERTIFICATE OF SERVICE

This is to certify that on December 10, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

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, LLC

Appeal No.: V-105-21

Subject Property: Lot 7, Block E, Kentland Subdivision, being 7013 Kent Town Drive, Hyattsville,
Prince George's County, Maryland

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

Witnesses: Jocelyn Harris, Senior Housing Developer, HIP

Ashlyn Bell, Assistant Housing Developer, HIP

Heard and Decided: October 6, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Albert C. Scott, Vice Chairman

Board Member Absent: 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) 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 8 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1950, contains 4,559 square feet, is zoned R-35 (One-Family Semidetached, and Two-Family Detached, Residential) and is improved with a single-family dwelling and driveway. Exhibits, (Exhs.) 2, 3, 7, 8 and 9 (A) thru H.
2. The subject property is very narrow at 30-feet wide and long at 151 feet in length. Exhs. 2 and 3.
3. Petitioner proposes to obtain a building permit for the construction of a covered-front porch. The required front yard setback of 25 feet is not being met due to the addition of the front porch. A variance of 8 feet is required. Exhs. 2, 3, 7, 8 and 9 (A) thru H.
4. Counselor Matthew Tedesco stated that subject property has been vacant since 2016 and HIP purchased the property in June 2021. The dwelling has portions of the roof and siding missing, been exposed to the elements for more than 5 years and is structurally unsound and unsafe. The dwelling is infested with various varmints.
5. He stated that the property will be improved with the HIP signature front porch. These porches provide weather coverage and outdoor amenity space. HIP believes very strongly that such porches facilitate neighborhood "eyes on the street" that provides security, improves aesthetics of the home and adds not only value to the property, but to the community as well. Exhs. 2 and 4 (A) thru (G).
6. Counsel described the HIP project as constructing a 14' x 8' front covered porch which will inexorably encroach on the 25 feet requirement in the R-35 by 17 feet. Exh. 2 and 4 (A) thru (G).

7. Ashlyn Bell indicated that surrounding neighbors were visited and/or notices provided to neighbors that stated that a hearing on the project would be held during which a variance would be requested in case a neighbor had any questions or comments.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

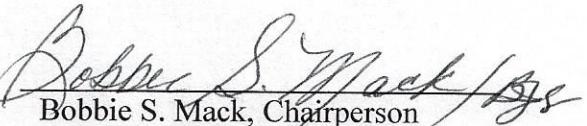
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being vacant, the dwelling being structurally unsafe, the conditions of the roof and siding being in disrepair, the proposed front porch will provide weather cover and enhance outdoor enjoyment by the property owner, security purposes 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, by majority vote, Ms. Anastasia Johnson absent, that a variance of 8 feet front yard depth in order to obtain a building permit for the construction of a covered-front porch on the property located at 7013 Kent Town Drive, Hyattsville, 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.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

¹ She also stated that HIP proposes to put in new fencing and a new rear deck from the kitchen on the subject property for which variances are not necessary.

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.

