

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-110-11 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: December 7, 2011.

CERTIFICATE OF SERVICE

This is to certify that on January 3, 2012, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed) _____
Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DER/Building Code Official, Permits & Review Group

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Housing Initiative Partnership, Inc.

Appeal No.: V-110-11

Subject Property: Lot 44, Block N, Palmer Park Subdivision, being 1823 Ray Leonard Road, Landover,
Prince George's County, Maryland

Counsel for Petitioner: Michele La Rocca, Esq.

Witness: Jocelyn Harris, Housing Initiative Partnership

Heard and Decided: December 7, 2011

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) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioner proposes to construct a covered front porch on a semi-detached single-family dwelling. A variance of 8 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 4,109 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 8-9. The existing dwelling was built in 1955. Exh. 9.
2. The property is a long and narrow lot, being 40.7 feet wide at the front and 118 feet deep. The property narrows from front to rear. Exh. 2.
3. Petitioner would like to construct an 8' x 18.5' covered porch on the front of the house, but a variance is needed to obtain a building permit. Exh. 2. Since the porch would be located 17 feet from the front street line, a variance of 8 feet front yard depth was requested. Exh. 12.
4. Counsel for Petitioner stated that Housing Initiative Partnership ("HIP") proposes to add a covered front porch. Counsel explained that HIP includes front porches in its renovation of homes in the subject area because of the potential for community building, crime reduction and renovation of older homes, and to promote reinvestment and enhancement of homeownership in the neighborhood.
5. Jocelyn Harris testified that the renovated home will be sold to a low income family and efforts were made to notify adjoining neighbors of the project.

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 house being built many years ago, the narrowness of the property, the location of the house not being sufficiently set back from the street to accommodate a covered front porch without a variance, Petitioner's renovation of the house including a covered front porch to promote community building and reduce neighborhood crime, the proposed renovation promoting reinvestment and homeownership in the neighborhood, 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 8 feet front yard depth in order to construct an 8' x 18.5' covered front porch on a semi-detached single-family dwelling on the property located at Lot 44, Block N, Palmer Park Subdivision, being 1823 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, Exhibit 2, and the approved elevation plans, Exhibits 3(a) & (b).

BOARD OF ZONING APPEALS

By: (Original Signed)
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.