

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-33-16 Housing Initiative Partnership, LLC

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 22, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on June 29, 2016 , 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
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-33-16

Subject Property: Lot 16, Block F, Crosier Gardens Subdivision, being 4851 Huron Avenue, Suitland,
Prince George's County, Maryland

Counsel for Petitioner: Michele LaRocca, Esq.

Witness: Jocelyn Harris, Single-Family Housing Developer, HIP

Heard: June 8, 2016; Decided: June 22, 2016

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 and replace the existing driveway. A variance of 5.3 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1939, contains 7,619 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1945. Exh. 7.

2. Petitioner would like to construct a 6' x 9' covered front porch and a 10' x 49' driveway (Exh. 2), but a variance is needed in order to obtain a building permit. Since the front porch will be only 19.7 feet from the front street line, a variance of 5.3 feet front yard depth was requested. Exh. 10.

3. Counsel for HIP explained that the variance is needed because of the house's existing location on the lot which cannot be altered to allow the proposed front porch in the front yard without a variance. It was stated that a sheltered structure would encourage the residents to use the front porch in all weather conditions. Counsel explained that front porches are a signature part of HIP's redevelopment of properties because of a belief that front porches create "eyes on the street", enhance neighborhood interaction, update and renovate houses in the neighborhood, as well as provide curb appeal for the house. She stated that Petitioner's reinvestment and enhancement of the neighborhood are consistent with the goals of the Master Plan.

4. Jocelyn Harris testified that HIP, a nonprofit organization, plans to rehab the subject property to sell to a qualified low to moderate income buyer as part of the Suitland Transforming Neighborhood Initiative. Ms. Harris submitted a photograph of a porch similar in material and style that was built by Petitioner on another house in the area. Exh. 17.

5. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request and commented that if the Board grants the requested variance, the applicant should be

required to submit a minor final plat of subdivision, in accordance with Section 24-108 of the Subdivision Regulations, to have the existing building restriction line removed prior to the issuance of a building permit. It was stated that a minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park and Planning Commission. Exh. 18.

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 subdivided in 1939, the house being built in 1945, the existing location of the house in proximity to the street, a variance being needed to obtain a building permit for the proposed front porch, the proposed porch replacing an existing awning over the front stoop, the house itself needing upgrading prior to sale to a low or moderate income buyer, the proposed upgrading making the property overall more usable and functional for a family, 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 5.3 feet front yard depth in order to construct a 6' x 9' covered front porch and replace the existing driveway on the property located at Lot 16, Block F, Crosier Gardens Subdivision, being 4851 Huron Avenue, Suitland, Prince George's County, Maryland, be and is hereby APPROVED, subject to the following conditions. 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) and (b). Prior to the issuance of any building permit, a minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park and Planning Commission, in accordance with Section 24-108 of the Subdivision Regulations, to adjust and/or remove the building restriction line.

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.