

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-34-16 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 8, 2016.

CERTIFICATE OF SERVICE

This is to certify that on June 16, 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-34-16

Subject Property: Lot 14, Block V, Kentland Subdivision, being 7108 East Lombard Street, Landover,
Prince George's County, Maryland

Counsel for Petitioner: Michele LaRocca, Esq., Meyers, Rodbell & Rosenbaum

Witnesses: Jocelyn Harris, Single-Family Housing Developer, HIP
Brenda Pollard, neighbor

Heard and Decided: June 8, 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 variances 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) of the Zoning Ordinance, 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; and Section 27-420(a), which prescribes that on lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to construct a canopy over the front stoop, driveway and 6-foot wooden privacy fence in the front yard (along Landover Road). Variances of 2.5 feet front yard depth, 4% net lot coverage and waivers of the fence height and location requirements for a fence over 4 feet in height in the front yard are requested.

Evidence Presented

1. The property was subdivided in 1951, contains 3,561 square feet, is zoned R-35 (One-Family Semi-detached and Two-Family Detached Residential) and is improved with a semi-detached single-family dwelling and driveway. Exhibits ("Exhs.") 2, 5, 8 and 9. The existing dwelling was built in 1950. Exh. 8.

2. The property is a through lot, fronting on E. Lombard Street and Landover Road, with no rear yard. Exhs. 2 and 5. The existing dwelling faces E. Lombard Street. Exh. 2.

3. The property is a long and narrow lot, being 113 feet deep and only 31.5 feet wide. Exh. 2.

4. HIP would like to construct a 3' x 5'6" canopy over the front stoop, driveway (587 sq. ft.) and 6-foot wooden privacy fence around the yard behind the house which abuts Landover Road (Exh. 2), but variances are needed to obtain a building permit. Since the canopy will be 22.5 feet from the front street line, a variance of 2.5 feet front yard depth was requested. Exh. 12.

5. In addition, because the proposed construction will cause the maximum allowed amount of net lot coverage (30%) to be exceeded, a variance of 4% net lot coverage was also requested. Exhs. 11 and 12.

6. Since Petitioner is proposing to build a fence over 4 feet in height in a legal front yard (along Landover Road), waivers of the fence height and location requirements for a fence over 4 feet in height in the front yard were also requested. Exh. 12.

7. Counsel for HIP stated that because the subject property has two legal front yards the fence that would be replaced is located in one of them. It was argued that the house is already built and obviously cannot be moved from its current location, causing the lot coverage issue to exist. It was further stated that the proposed canopy will be consistent with the canopy on the adjoining house in the duplex and all of the improvements proposed to the property are consistent with the Master Plan's goal of restoring existing neighborhoods.

8. Jocelyn Harris testified that the dimensions and footprint of the existing house will remain the same with the improvements. She explained that the proposed canopy would be built over the front stoop (Exh. 6), and submitted before and after photographs of a similar property renovated by HIP showing the type of canopy to be built. Exh. 18(A). She stated that a 6-foot replacement fence would be built around the yard next to Landover Road (Md. Rte. 202) (Exhs. 2 and 10(A)), which is a very busy road, and provide more privacy in the yard behind the house. She stated that the existing driveway would be removed and replaced with a shorter driveway of permeable pavers.

9. She stated that HIP is a non-profit organization that sells the properties to low and moderate income families and individuals. Ms. Harris explained that HIP does substantial property renovations where the houses are usually gutted down to the studs.

10. Brenda Pollard, owner of the property next door in the same duplex, has a canopy over her front stoop (Exh. 10(G)) and supported HIP's request for the variances.

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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the property, the property being a through lot, the house being built many years ago, variances being needed to obtain a building permit for the proposed renovations to the property, the house needing upgrading prior to sale to a low or moderate income buyer, the yard behind the house abutting a busy road (Md. Route 202), the adjoining house in the duplex also having a canopy over the front door, 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 2.5 feet front yard depth, 4% net lot coverage and waivers of the fence height and location requirements for a fence over 4 feet in height in order to construct a 3' x 5'6" canopy over the front stoop, driveway (587 sq. ft.) and 6-foot wooden privacy

fence in the front yard (along Landover Road) on the property located at Lot 14, Block V, Kentland Subdivision, being 7108 East Lombard Street, Landover, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibit 3 (house) and Exhibit 4 (fence).

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.