

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-35-16 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 15, 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, LLC

Appeal No.: V-35-16

Subject Property: Lot 11, Block K, Kentland Subdivision, being 7108 East Inwood Street, Landover, Prince George's County, Maryland

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

Witness: Jocelyn Harris, Single-Family Housing Developer, Housing Initiative Partnership, LLC

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 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, two-story addition and driveway. A variance of 8 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1949, contains 5,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1950. Exh. 7.

2. Petitioner would like to construct an 8' x 14' covered front porch, 10.3' x 24.1' two-story addition and 10' x 41.5' driveway (Exh. 2), but a variance is needed to obtain a building permit. Since the proposed front porch will be only 17 feet from the front street line, a variance of 8 feet front yard depth was requested. Exh. 10.

3. Jocelyn Harris testified that Petitioner, a nonprofit organization, plans to rehab the property to sell it to a qualified low to moderate income buyer. She explained that the improvements planned include renovating and enlarging the two-story house (Exh. 5) to make it more functional and usable for a family. She stated that the addition on the rear, which is in terrible condition, will be rebuilt and enlarged to square off the back of the house. She explained that the 2 bedroom/1 bath house will have 3+ bedrooms and 2 baths after the renovation. She further explained that there currently is no driveway on the property and a driveway of permeable pavers is also proposed. She stated that there is on-street parking, but many properties in the neighborhood have driveways. Exhs. 9(A) thru (D).

4. Ms. Harris stated that a variance is required in order to acquire a permit to build a covered front porch. She submitted a photograph of a porch similar in material and style that was built by Petitioner on another house in the area. Exh. 16.

5. Counsel for Petitioner stated the variance is needed because the house itself is only 25 feet from the street. Counsel explained that the house cannot be relocated. It was stated that front porches are a signature part of Petitioner'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 is consistent with the goals of the Master Plan.

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 built many years ago, the existing location of the house on the property in proximity to the street, a variance being needed to obtain a building permit for the proposed front porch, the house itself needing upgrading prior to sale to a low or moderate income buyer, the proposed improvements making the property 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 8 feet front yard depth in order to construct an 8' x 14' covered front porch, 10.3' x 24.1' two-story addition and 10' x 41.5' driveway on the property located at Lot 11, Block K, Kentland Subdivision, being 7108 East Inwood Street, 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 plan, Exhibit 3.

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.