



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


CORRECTED NOTICE OF FINAL DECISION OF BOARD OF APPEALS

RE: Case No. V-223-17 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: April 11, 2018.

CERTIFICATE OF SERVICE

This is to certify that on May 1, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



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, Inc. ("HIP")
Appeal No.: V-223-17
Subject Property: Lot 41, Block U, Palmer Park Subdivision, being 8012 Sheriff Road, Landover,
Prince George's County, Maryland
Counsel for Petitioners: Kayann Chambers, Esq., Meyers, Rodbell and Rosenbaum
Witness: Joselyn Harris, Housing Initiative Partnership
Heard and Decided: April 11, 2018
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 27-120.01(c) prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling and Section 27-420(a) prescribes that on lots consisting of one (1) acre or less, fences and walls in the front yard shall not be more than four (4) feet high. Petitioner proposes to construct a covered front porch, driveway with retaining wall and a 6-foot fence in the front yard of a triple-attached dwelling. A variance of 5.7 feet front yard depth, waiver of the parking area location and waivers of the fence and retaining wall location and height requirements are requested.

Evidence Presented

1. The property was subdivided in 1959, contains 3,658 square feet, is zoned R-20 (One-Family Triple-Attached Residential) and is improved with a triple-attached single-family dwelling and two sheds. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. The lot is long and narrow. Exhs. 2, 4 and 10 (A) thru (F).
3. Petitioner would like to construct an 8' x 17.8' covered front porch, which would be located 19.3 feet from the front street line. A variance of 5.7 feet front yard depth was requested. Exhs. 2, 3, 5 (A) and 11.
4. Petitioner would also like to construct a 10.3' x 19.3' driveway with a 4½ foot retaining wall, part of which would be in front of the dwelling. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the front yard between the front street line and the sides of the dwelling and Section 27-420(a) states that on lots consisting of one (1) acre or less, fences and walls in the front yard shall not be more than four (4) feet high. Since part of the driveway will be in the front yard, a waiver of the parking area location, waivers of the fence and retaining wall location and height requirements were requested. Exhs. 2, 3, 5 (A) and 11.

5. Counsel Kayann Chambers explained that the proposed development program is part of HIP's ongoing overall improvement initiative of properties in the Palmer Parker Subdivision.¹ The front porch development will also serve to promote community interaction and mutual security.

6. Counsel also stated that the neighbors were notified of the proposal with no opposition.

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 length and narrowness of the property, the house in its current configuration being unable to be modernized 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 5.7 feet front yard depth, **waiver of the parking area location and waivers of the fence and retaining wall location and height requirements** to construct an 8' x 17.8' covered front porch and 10.3' x 19.3' driveway with 4½ foot retaining wall and 6-foot fence, in the front yard of a triple-attached dwelling on the property located at Lot 41, Block U, Palmer Park Subdivision, being 8012 Sheriff Road, 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 approved elevation plans, Exhibits 3 and 16.

BOARD OF ZONING APPEALS

By: 
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.

¹ The property was constructed in 1959 with development of a one bedroom and 1½ bath dwelling. There are proposed exterior updates by HIP to include installing a front porch and replacing the existing chain link fence with a 6-foot fence at the rear of the dwelling and a 4-foot fence retaining wall. Exhs. 2, 3, 5 (A), and 16.

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.