



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-39-22 Akwasi and Ethel Juliana Opoku

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: October 5, 2022.

CERTIFICATE OF SERVICE

This is to certify that on November 30, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

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

Petitioners: Akwasi and Ethel Juliana Opoku

Appeal No.: V-39-22

Subject Property: Lot 9, Block A, Hawthorne Hill Subdivision, being 7403 Hawthorne Street, Hyattsville, Prince George's County, Maryland

Witness: Felix Brew, Nephew, and Designer

Heard: September 14, 2022; Decided: October 5, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Vacant, Vice Chair

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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section Ordinance Section 27-442(e)(2)(4) which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioners proposes to construct a covered front porch. A variance of 3 feet rear yard depth/width is requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1999, contains 7,182 square feet, is Residential, Single-Family-65 (RSF-65) Zone and is improved with a single-family dwelling and deck. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) through (G).

2. The subject property is square in shape with the front property line being curved. Exhs. 2 and 4.

3. Petitioners propose to construct a covered front porch.

4. Because the deck on the rear of the property line is 3 feet short of the required 20 feet rear setback, a variance of 3 feet rear yard depth/width is required. Exh. 2.

5. Petitioner Akwasi Opoku testified that after he and wife purchased the subject property last year, they discovered during the summertime, the sun causes the front of the house to be too hot to sit outside and enjoy the fresh air. He explained that his wife has medical issues and sometimes she wants to sit outside, but she is unable to do so. He opined that if they had a covered front porch, they would be able to enjoy sitting out front as well as enjoy their neighbors.

6. He stated that most of their neighbors have front porches. Exhs. 2, 3, and 5 (A) through (L).

7. Felix Brew, nephew of Petitioner, testified that because there is no shade in the front of the house, Petitioner does not want to go outside. He indicated that the deck on the rear of the house has no cover. He emphasized that the proposed porch will be located between the righthand side of the garage door to the front door. Exhs. 2, 3, and 5 (A) through (L).

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance states a variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that: A specific parcel of land is physically unique and unusual in a manner different from the nature of

surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features); The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property. Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions; such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property; and such variance will not substantially impair the use and enjoyment of adjacent properties. Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Findings of the Board

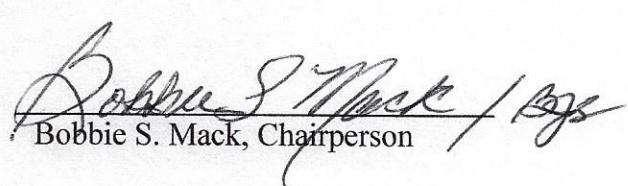
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the excessive heat/sunlight in front of house, the need for a shaded area to accommodate Petitioner who has medical concerns, the existence of other covered front porches 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 3 feet rear yard depth/width in order to construct a covered front porch on the property located at 7403 Hawthorne Street, Hyattsville, 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, Exh. 2 and approved elevation plan Exh. 3.

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.

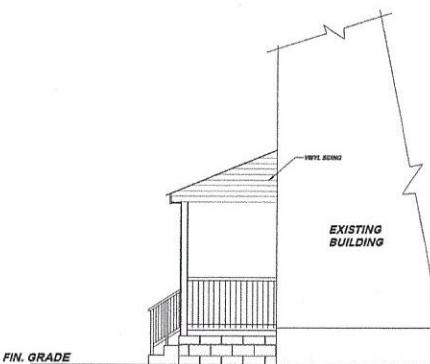
Further, Section 27-233(a) of the Prince George's County Code states:

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.

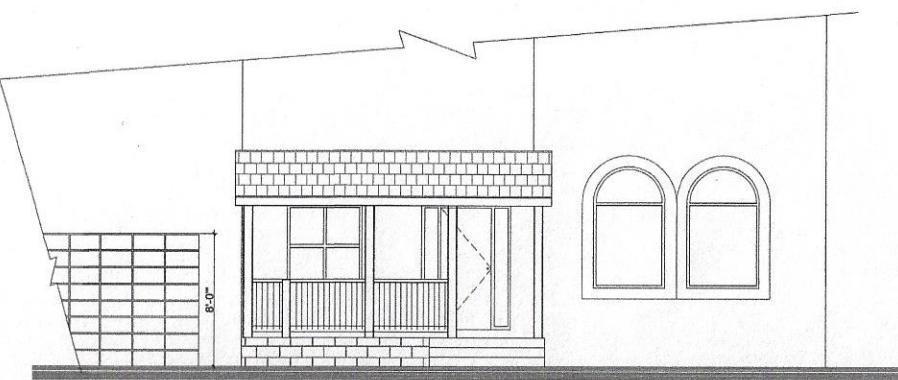
BOARD OF APPEALS

APPROVED - OCT 05 2022

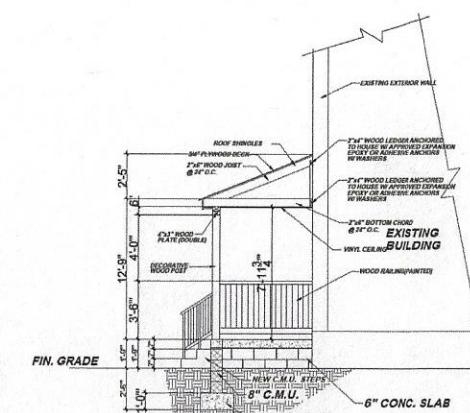

Administrator



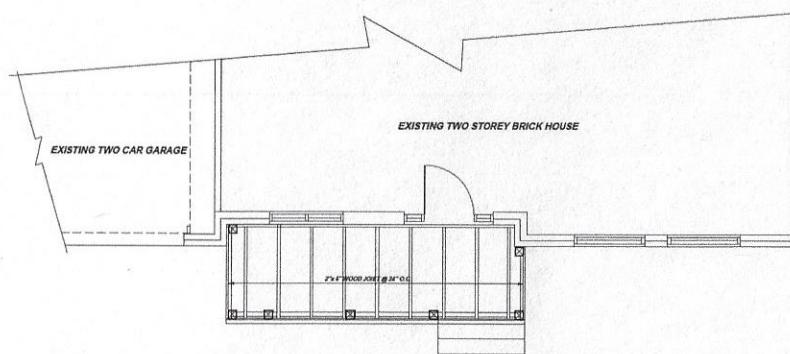
RIGHTSIDE ELEVATION
SCALE: 1/4"=1'-0"



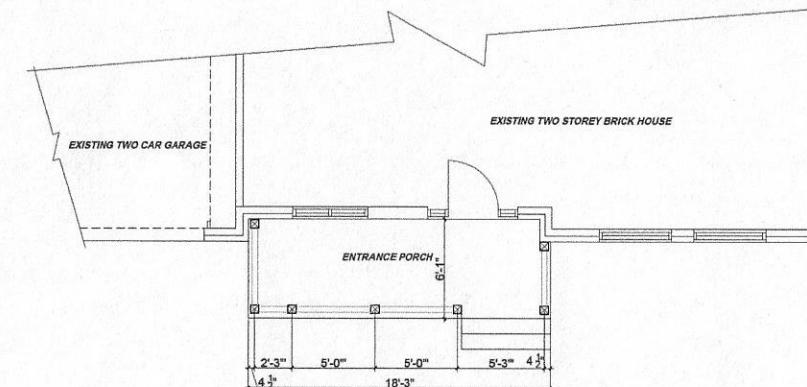
BUILDING ELEVATIONS
SCALE: 1/4"=1'-0"



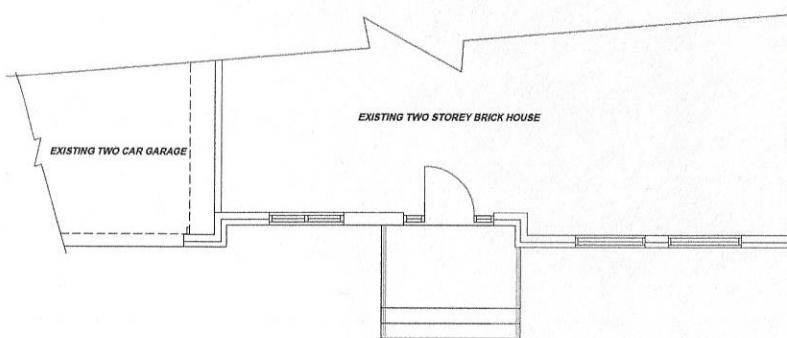
CROSS SECTION
SCALE: 1/4"=1'-0"



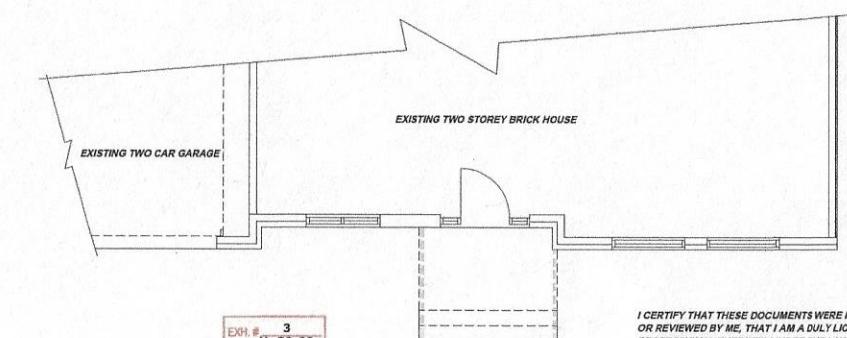
PROPOSED ROOF PLAN
SCALE: 1/4"=1'-0"



PROPOSED PARTIAL FLOOR PLAN
SCALE: 1/4"=1'-0"



PARTIAL EXISTING FLOOR PLAN
SCALE: 1/4"=1'-0"



PARTIAL DEMOLITION FLOOR PLAN
SCALE: 1/4"=1'-0"

PROJECT TITLE	EXH. # 3 V-39-22	SHEET TITLE	EXISTING FLOOR PLANS & PROPOSED FLOOR PLANS
CONVERTING STOOP TO ENTRANCE PORCH	7403 HAWTHORNE STREET HYATTSVILLE, MD. 20785	DESIGN CONSULTANTS	IMAGE CONCEPTUAL DESIGN GROUP 6401 GOLDEN TRIANGLE DRIVE SUITES 307 GREENBELT, MARYLAND 20770

DISCLAIMER:
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRIORITY OVER THEIR SCALE DIMENSIONS.
CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB
AND THIS AREA MUST BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS
LICENS#88541 EXPIRATION 5-18-22

Designed by
Eduardo Varell
REHABIMATE INC.

DocuSigned by:



S-001

DATE: FEB 5, 2021

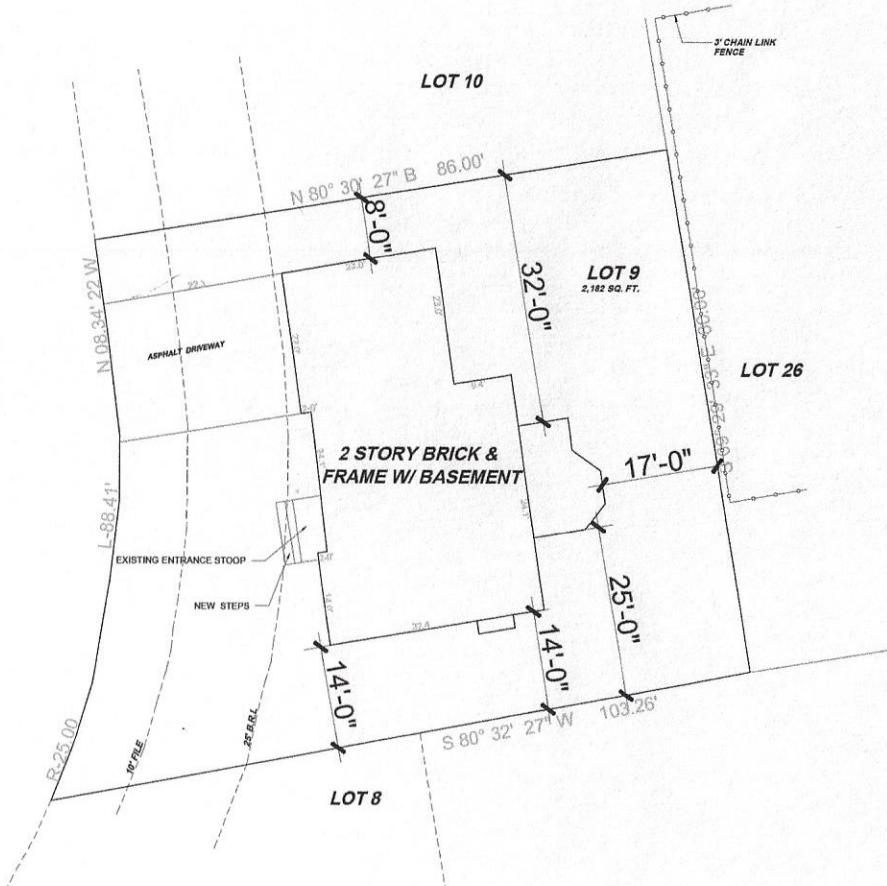
BOARD OF APPEALS

APPROVED OCT 05 2022

John B. Johnson
ADMINISTRATOR

DEMOLITION GENERAL NOTES

1. THE SITE SHALL BE STRIPED OF EXISTING IMPROVEMENTS WITHIN THE PERIMETER CITY SIDEWALKS AND OWNERS PROPERTY.
2. REMOVAL OF THE EXISTING IMPROVEMENTS SHALL BE AS REQUIRED FOR THE PROJECT. THE MATERIALS REMOVED FROM THE SITE SHALL BE DISPOSED OF IN A PROPER AND LEGAL MANNER PER FEDERAL, STATE, ANGAR LOCAL LAWS AND ORDERS.
3. IF ANY HAZARDOUS MATERIALS ARE ENCOUNTERED THE OWNER SHALL BE NOTIFIED. THOSE MATERIALS SHALL BE REMOVED AND DISPOSED OF IN A MANNER AS APPROVED BY ALL GOVERNING AGENCIES AND IN A LANDFILL OR DISPOSAL FACILITY LICENSED TO ACCEPT HAZARDOUS MATERIAL.
4. EXISTING PAVEMENT, SIDEWALKS, CURB, SWALEWAYS, ELECTRICAL TRANSFORMER, DITCHES, DRAINAGE PIPES AND STRUCTURES, FENCE, GATES, AND OTHER BUILDINGS, MAILBOXES, BIRNS AND POWER POLES ETC. TO THAT SHALL BE REMOVED OR RELOCATED BY THE CONTRACTOR. THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR THE REMOVAL, RELOCATED OR REPLACED BY HIS EXPENSE. ALL DAMAGES SHALL BE RESTORED OR REPLACED TO AT LEAST THEIR ORIGINAL STATE AND RESTORATION SHALL BE APPROVED BEFORE DEMOLITION STARTS.
5. REMOVAL OF EXISTING CONCRETE SURFACES, PAVING, ETC. SHALL INCLUDE ALL AGGREGATE BASE MATERIALS. AREAS TO BE REMOVED SHALL BE SAW CUT, CLEAN, NEAT, AND TRUE TO LINE.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSPECTING EVERY DAY AND REMOVE ALL MUDD, DIRT, GRAVEL, AND LOOSE MATERIALS TRACKED, DUMPED, SPILLED OR WIND BLOWN FROM THIS SITE ONTO OTHER SITES, RIGHT OF WAY, PUBLIC OR PRIVATE STREETS OR ROADS, DRIVEWAYS, YARDS OR SIDEWALKS. THE CONTRACTOR MUST CLEAN OR PICK UP DUST IF NECESSARY. THE CONTRACTOR SHALL REDUCE THE AIRBORNE DUST DURING THE ENTIRE DEMOLITION SCHEDULE.
7. THE CONTRACTOR SHALL MAINTAIN EROSION CONTROL DEVICES AS REQUIRED DURING DEMOLITION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY THE OWNER AND ALL THE UTILITY COMPANIES AND DEPARTMENTS 72 HOURS OR AS REQUIRED BEFORE DEMOLITION TO VERIFY ANY UTILITIES THAT MAY BE PRESENT ON THE PROPERTY. THE CONTRACTOR SHALL NOT DAMAGE ANY UTILITIES. IF THE CONTRACTOR DAMAGES ANY UTILITIES OR DEPARTMENTS, WHEN EXCAVATING AROUND OR OVER EXISTING UTILITIES, THE CONTRACTOR MUST NOTIFY THE UTILITY COMPANY SO A REPRESENTATIVE MAY BE PRESENT TO INSTRUCT AND OBSERVE DURING THE EXCAVATION. VERIFY THAT UTILITIES ARE NOT DAMAGED AND RESTORED OR REPLACED BEFORE DEMOLITION STARTS.
9. THE CONTRACTOR SHALL NOTIFY THE OWNER PRIOR TO COMMENCEMENT OF DEMOLITION OPERATIONS AND DEMOLITION, GRAVING OR OTHER WORK SHALL BEGIN WITH EASEMENTS ON ADJACENT PROPERTIES UNTIL A COORDINATION MEETING BETWEEN THE CITY, OWNER, ARCHITECT, AND ADJACENT PROPERTY OWNERS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE TO AT HIS EXPENSE ALL AUTOMOBILE AND PEDESTRIAN TRAFFIC CONTROL DEVICES REQUIRED BY FEDERAL, STATE, CITY, COUNTY OR LOCAL AGENCIES.
11. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE AT HIS EXPENSE ALL AUTOMOBILE AND PEDESTRIAN TRAFFIC CONTROL DEVICES REQUIRED BY FEDERAL, STATE, CITY, COUNTY OR LOCAL AGENCIES.
12. RECYCLED CRUSHED OR PULVERIZED CONCRETE OR MASONRY MAY BE USED AS BACKFILL OR IN NEW CONSTRUCTION IF APPROVED BY THE CITY, OWNER, ARCHITECT, AND ENGINEER.
13. THE CONTRACTOR SHALL BE RESPONSIBLE TO REMOVE, TARP, REGRADE, TOPSOIL, STOCKPILE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, INCLUDING REMOVAL OF TREES, SHRUBS, BUSHES, AND ROOT SYSTEMS TO A MINIMUM DEPTH OF 42 INCHES.
14. THE CONTRACTOR MUST VISIT THE SITE AND STUDY EXISTING PHYSICAL CONDITIONS, REVIEW DRAWINGS, AND REACH HIS OWN CONCLUSIONS ON WORK NECESSARY TO ACCOMPLISH INTENDED RESULTS DESCRIBED BY THE PROJECT DOCUMENTS.



**EXISTING
SITE PLAN**

SCALE: 1"=10'-0"

EXH. # 2
V-39-2



PROPOSED
SITE PLAN
SCALE: 1"

*I CERTIFY THAT THESE DOCUMENTS WERE PREPARED
OR REVIEWED BY ME, THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND.*
LICENSE #8541 EXPIRATION 5-18-22

S-002

DATE: FEB 5, 20

PROJECT TITLE	SHEET TITLE	IMAGE CONCEPTUAL DESIGN GROUP DESIGN CONSULTANTS
CONVERTING STOOP TO ENTRANCE PORCH		
7403 HAWTHORNE STREET HYATTSVILLE, MD. 20785	SITE PLANS	6401 GOLDEN TRIANGLE DRIVE SUITES 307 GREENBELT, MARYLAND 20770