



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-64-22 Housing Initiative Partnership

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 October 23, 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", is positioned above the typed name and title.

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 (HIP)

Appeal No.: V-64-22

Subject Property: Lot 5, Block G, Kentland Subdivision, being 7209 Greely Road, Hyattsville,
Prince George's County, Maryland

Counsel for Petitioner: Matthew Tedesco, Esq., McNamee, Hosea Law Firm

Witness: Jocelyn Harris, Senior Housing Developer, Housing Initiative Partnership

Heard and Decided: October 5, 2022

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

Anastasia T. Johnson, Member

Board Member Absent: Vacant, Vice Chairman

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, Petitioner request that the Board approve a variance from Section 27-4202(e)(2) prescribes that each lot shall have a minimum lot width of 65 feet and a minimum front yard depth of 25 feet. Petitioner proposed to validate an existing condition (lot width) and obtain a building permit to construct a covered front porch. Variances of 11 feet lot width and 6 feet front yard depth are requested.

Evidence Presented

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

1. The property was subdivided in 1949, contains 6,553 square feet, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. The subject lot is rectangular in shape with an angled rear yard. The subject property is not located within the municipality of Hyattsville and is not governed by a homeowner's association. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).

3. Petitioner proposes to validate an existing condition (lot width) and obtain a building permit to construct a covered front porch. The subject property was created in 1949 prior to the current minimum 65 feet front lot width requirement. A variance of 11 feet lot width is necessary. Because the proposed front yard porch will be encroaching the front setback, a variance of 6 feet front yard depth is required. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).

4. Attorney Matthew Tedesco explained that HIP is an innovative green, nonprofit housing developer based in Prince George's County. HIP buys houses specifically to make significant improvements for first-time home buyers in Prince George's County. HIP will be adding to this particular property one of its signature features, a front covered porch, which will serve as an outdoor amenity space and an area in which homeowners and adjoining homeowners to congregate. HIP believes that the porches put "eyes on the street" for security purposes and drastically improves the esthetics of the home and adds value to the property.

5. Mr. Tedesco contended that the uniqueness of this property is that just over time, the lot width was conforming (in 1949) and then became non-conforming under subsequent Zoning Ordinances. He explained that the current RSF-65 Zone, adopted the prior R-55, which required a 6500 sq. ft. minimum net lot area, a 65-foot lot width and 25-foot front yard depth.

6. He stated that there are houses in the community that have front porches as seen in Exhs. 10 (B) and (D).

7. Attorney Tedesco stated that the new zoning provision has impacted the subject property disproportionately, resulting in a practical difficulty to the Petitioner, given the fact that a permit cannot be pulled because the existing property's lot width condition cannot comply with the current zoning requirement. He stated that the requested variance for the lot width is the minimum necessary to overcome the existing condition and its approval will not substantially impair the use and enjoyment of the adjacent properties. He believed that both requested variances do not substantially impair the intent, purpose or integrity of the General Plan or the Master Plan. Exhs. 2, 3 (A) thru (E), 5 (A) thru (D) and 10 (A) thru (F).

8. Jocelyn Harris testified that she contacted adjoining neighbors as well as sent documentation to them about the proposed improvements.

Applicable Code Section and Authority

CB-16-21 authorizes the Board to grant variances when, by reason of 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 of the 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 preexisting width condition of the property, the changing regulations of the Zoning Ordinances from 1949 to present, other front porches exist in the neighborhood, the proposed front covered porch is intended to provide family enjoyment, security and enhance the aesthetics of the property 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, by majority vote, Vice Chair seat vacant, that variances of 11 feet lot width and 6 feet front yard depth in order to validate an existing condition (lot width) and obtain a building permit to construct a covered front porch on the property located at 7209 Greely Road, Hyattsville, Prince George's County, Maryland, be and is 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 (A) thru (E).

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.



PERMIT ISSUE
01 AUGUST 2022

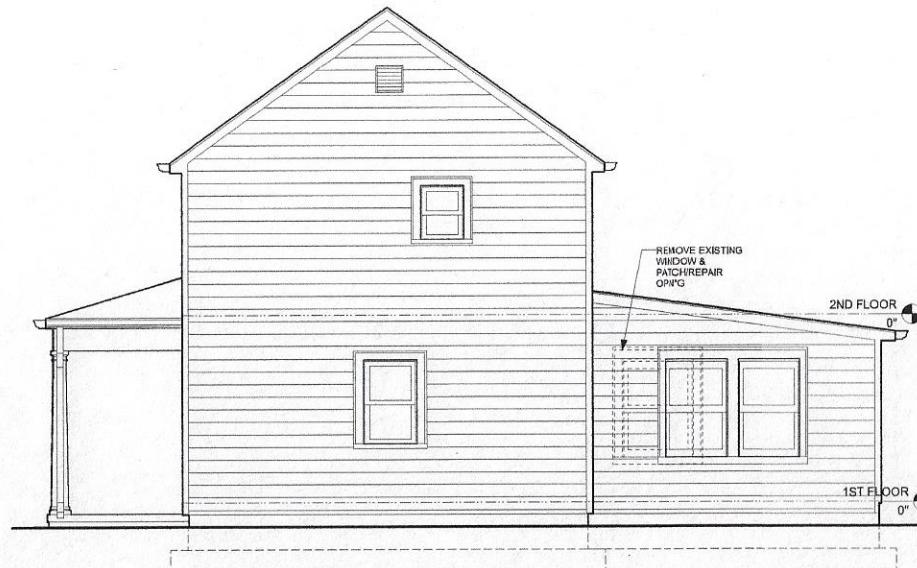
A-2

Ahmann LLC
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1 PROPOSED FRONT ELEV

Scale: 1/4" = 1'-0"



2 PROPOSED RIGHT SIDE ELEV

Scale: 1/4" = 1'-0"

BOARD OF APPEALS

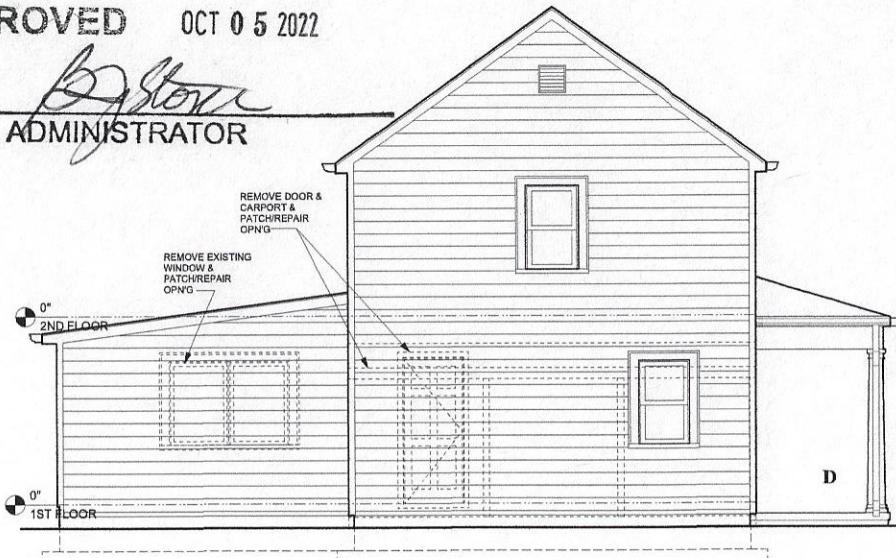
APPROVED OCT 05 2022

B. Stone
ADMINISTRATOR



3 PROPOSED REAR ELEV

Scale: 1/4" = 1'-0"



4 PROPOSED LEFT SIDE ELEV

Scale: 1/4" = 1'-0"

3 (A-E)

V-64-22

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(263) Questions & Answers (230)

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BOARD OF APPEALS**APPROVED - OCT 05 2022**
Administrator