



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

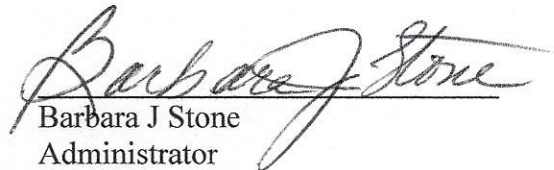
OF BOARD OF APPEALS

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.


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.

BOARD OF APPEALS

ZONING SUMMARY

LOT: 05 BLOCK: G PLAT: 94 PLAT BOOK: 16 ZONE: RSF-65

AREA CALCULATIONS:

<u>EXIST LOT COVERAGE:</u>	
EXISTING HOUSE	755 S.F.
EXISTING CARPORT	150 S.F.
EXISTING SHED	<u>222 S.F.</u>
TOTAL:	1,127 S.F.

PROPOSED LOT COVERAGE:	
EXISTING HOUSE	755 S.F.
PROPOSED FRONT PORCH	132 S.F.
PROPOSED DRIVEWAY	<u>440 S.F.</u>
TOTAL:	1,327 S.F.

MAXIMUM LOT COVERAGE:
EXISTING LOT COVERAGE:
PROPOSED LOT COVERAGE:

MINIMUM FRONT YARD:	25.0 FT
EXISTING FRONT YARD:	25.0 FT +/-
PROPOSED FRONT YARD:	19.0 FT +/-

MINIMUM REAR YARD:	20.0 FT
EXISTING REAR YARD:	58.0 FT +/-
PROPOSED REAR YARD:	NO CHANGE

MINIMUM SIDE YARDS:	8.0 FT
EXISTING SIDE YARDS:	16.8FT +/- AND 16.9FT +/-
PROPOSED SIDE YARDS:	NO CHANGE

PROJECT SUMMARY

EXTERIOR
NEW VINYL 4FT FENCE AT SIDES AND REAR WITH NEW GATES EACH SIDE. NEW FRONT PORCH. NEW PERMEABLE PAVER DRIVEWAY. REPLACE EXISTING RETAINING WALLS. NEW PERMEABLE PAVER TERRACE AND STOOP. AND WALKWAY TO DRIVEWAY. SEEDING OF GRASS AREAS. ROOFING OF EXISTING HOUSE AS REQUIRED. REPLACEMENT OF ALL TRIM AND SIDING AND PAINTING OF ALL SURFACES.

INDEX OF DRAWINGS

A-0	SITE PLAN & PROJECT NOTES
A-1	PROPOSED PLANS
A-2	PROPOSED ELEVATIONS
A-3	PROJECT SPECIFICATIONS
S-1	STRUCTURAL PLANS
MD1	MEASURED PLANS
MD2	MEASURED ELEVATIONS

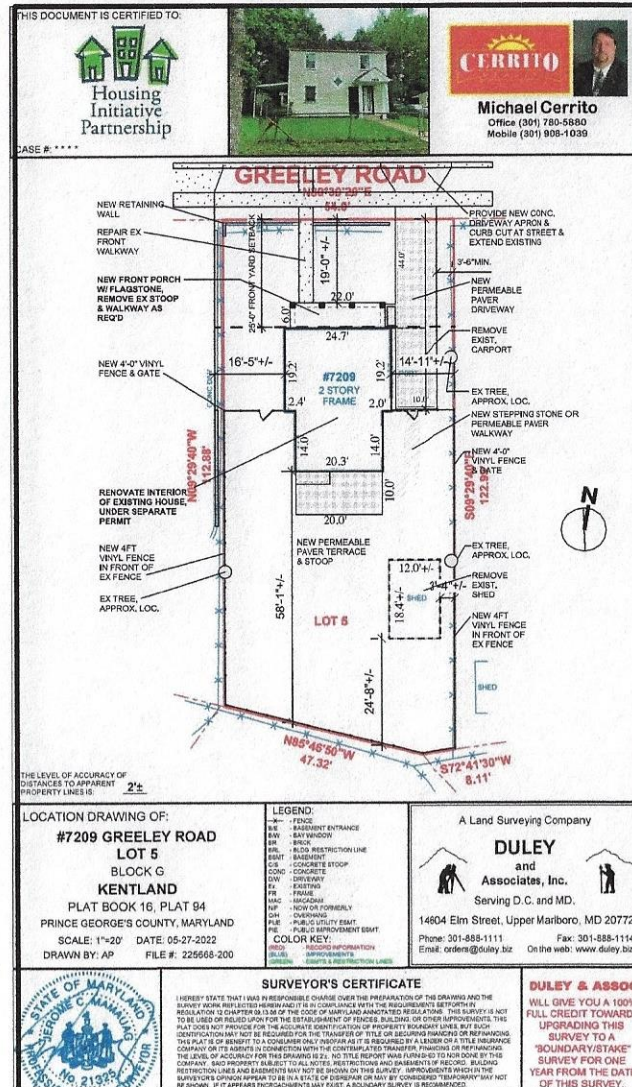
CODE SUMMARY

CONSTRUCTION SHALL CONFORM TO ALL OTHER APPLICABLE LOCAL, STATE AND NATIONAL CODES, STANDARDS AND ORDINANCES.

ADMINISTRATOR

SITE DIAGRAM

FROM HOUSE LOCATION DRAWING BY: DULEY & ASSOCIATES, UPPER MARLBORO, MD. DECEMBER 23, 2015
WITH SUPPLEMENTAL INFORMATION BY: AHMANN LLC
SCALE: 1" = 20'-0"



LANDSCAPE NOTES

EROSION CONTROL:
PROVIDE AND INSTALL SILT FENCING AT THE PERIMETER OF THE LOT DURING CONSTRUCTION TO PREVENT SEDIMENTS FROM RUNNING OFF OF THE SITE. STOCKPILED TOPSOIL SHALL BE PROTECTED FROM EROSION USING TARPS, FILTER FABRIC, MOATS, SWALES OR OTHER METHODS AS REQUIRED TO PREVENT LEAKAGE FROM THE SITE.

DEMOLITION AND REMOVAL. PROVIDE DEMOLITION OF ALL EXISTING EXTERIOR ASPHALT AND CONCRETE SURFACES, CHAIN LINKED AND WOOD FENCES, SHRUBBERY, BRUSH, OVERGROWN WEEDS, ROTTED TREES, AND STUMPS IN ORDER TO PROVIDE THE SITE FREE FOR SEEDING AND PLANTING UNLESS OTHERWISE NOTED. ALL DEMOLISHED ITEMS SHALL BE HAULED FROM THE SITE AND SHALL BE PROPERLY DISPOSED OF.

WALKWAYS:
PROVIDE AND INSTALL NEW PERMEABLE PAVER WALKWAYS AS SHOWN
IN THE DRAWINGS. PROVIDE DEVELOPER WITH SAMPLES FOR REVIEW
AND APPROVAL.

NEW FENCING:
ALL EXISTING CHAIN LINK FENCING TO REMAIN. PROVIDE AND
INSTALL NEW FENCING BY USA VINYL OR APPROVED EQUAL. USA
VINYL AGUSTA STYLE 6-FOOT HIGH VINYL FENCE SHALL BE LOCATED
AT PROPERTY LINE AT FRONT, AND SIDE YARD IN FRONT OF EXISTING
CHAIN LINK FENCE. REMOVE EXISTING 6-FOOT HIGH PRIVACY WOOD
FENCE AT REAR YARD AND PROVIDE NEW WOOD PRIVACY FENCE.
PROVIDE DEVELOPER WITH SAMPLES FOR REVIEW AND APPROVAL.

NEW SHRUBS AND PLANTS SHALL BE PROVIDED AND PLANTED AT LOCATIONS PER THE DEVELOPER. NEW SHRUBS AND PLANTS ARE TO BE NATIVE SPECIES, 100% APPROPRIATE TO THE SITE'S SOIL AND CLIMATE AND DROUGHT TOLERANT. DO NOT INCLUDE ANY INVASIVE SPECIES. ALL PLANTING HOLES SHALL BE OF ADEQUATE SIZE FOR THE ROOTBALLS AND BE BACKFILLED WITH A MINIMUM OF 50% COMPOST. SPRINKLER IRRIGATION SHALL BE PROVIDED TO ALL NEW VEGETATION UNTIL STABLE. WINTER PLANTINGS SHALL BE IRRIGATED IN THE SPRING TO ENSURE STABILIZATION.

GRASS SEEDING SHALL BE PROVIDED AS REQUIRED TO PRODUCE A SMOOTH AND EVEN MIX WITH ALL EXISTING GRASS AREAS ON THE SITE, AND AS SHOWN IN THE DRAWINGS. TOPSOIL SHALL BE FURNISHED AND PLACED 2 INCHES THICK OVER THE AREA TO BE SEEDING AND TILLED TO A DEPTH OF 4 INCHES. SOIL SHALL BE FREE OF DEBRIS, ROCKS, LIMESTONE, GRAVEL, AND CONSIST OF A SANDY LOAM CONTAINING NOT MORE THAN 2 TO 2.5% ORGANIC MATTER. PREPARED SOIL SHALL BE SPREAD EVENLY TO THE TRUE CONTOURS OF THE SITE, AND HAND RAKED TO AN EVEN, SMOOTH SURFACE, READY FOR SEEDING. SEEDING MIXTURE SHALL BE FOR SHADE. SEEDING SHALL BE 100% APPROPRIATE TO THE SITE'S SOIL AND CLIMATE. ADEQUATE TOPSOIL SHALL BE FURNISHED TO ALL EXISTING GRASS UNTIL STABLE. WINTER PLANTINGS SHALL BE IRRIGATED IN THE SPRING TO ENSURE STABILIZATION.

AHMANN LLC
ARCHITECTURAL SERVICES
4408 BEECHWOOD ROAD UNIVERSITY PARK, MARYLAND 20782

PHONE 301 864 1334
FAX 301 864 6818

PROJECT NOTES SITE PLAN & INDEX

**HIP HOMES
MODERATE REHABILITATION**

SCALE: 1" = 20'

LANDOVER, MD 20785

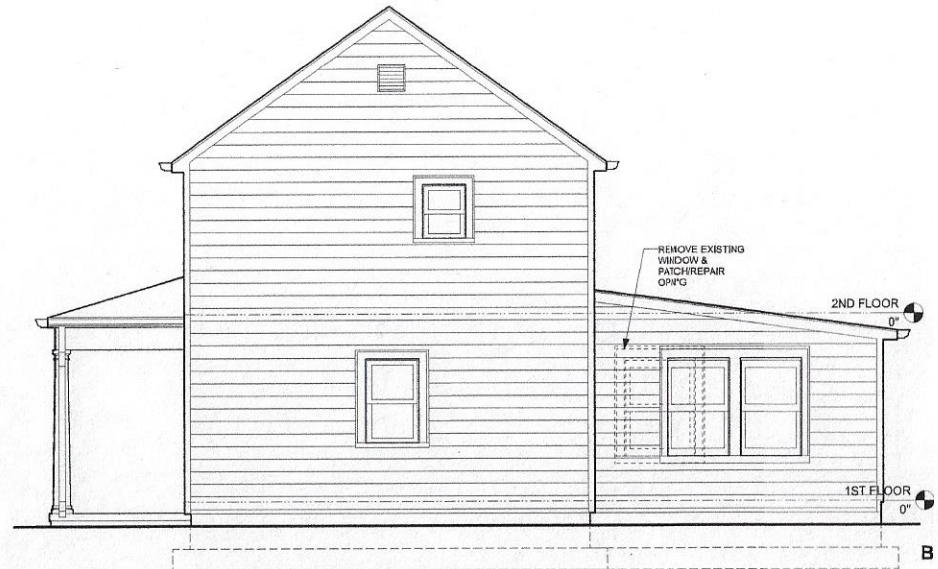
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01 AUGUST 2022

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Ahmann LLC
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1 PROPOSED FRONT ELEV
Scale: 1/4" = 1'-0"

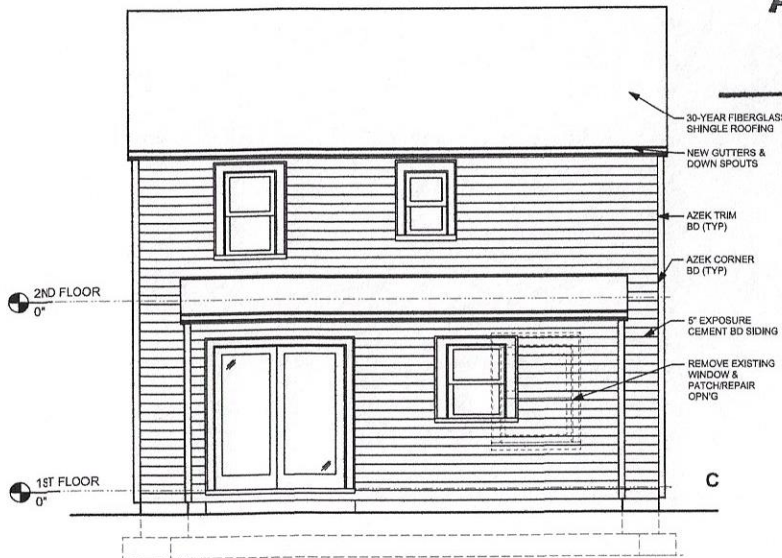


2 PROPOSED RIGHT SIDE ELEV
Scale: 1/4" = 1'-0"

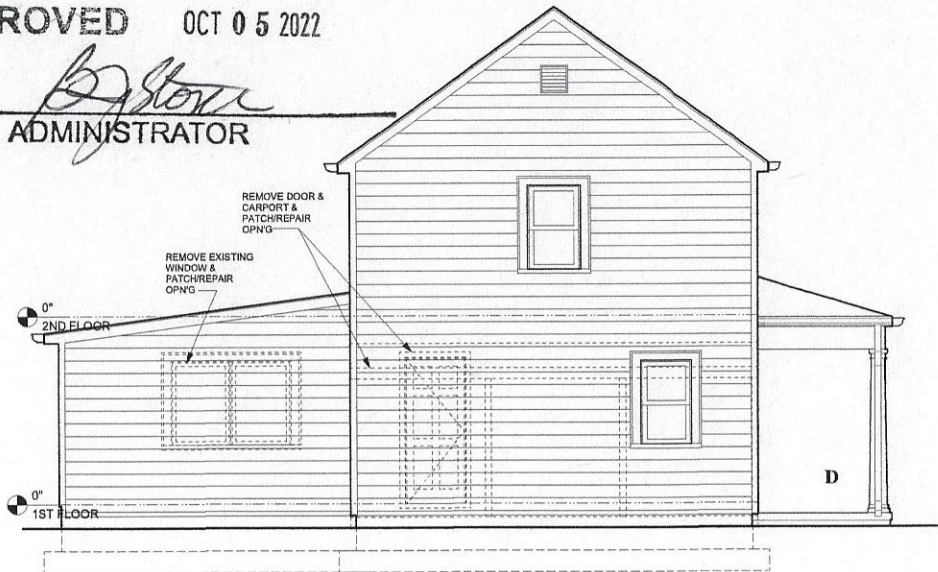
BOARD OF APPEALS

APPROVED OCT 05 2022

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

AHMANN LLC
ARCHITECTURAL SERVICES
4408 REICHWOOD ROAD UNIVERSITY PARK, MARYLAND 20782

PHONE 301 864 1334
FAX 301 864 6818

PROPOSED
ELEVATIONS

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

HIP HOMES
MODERATE REHABILITATION

7209 GREELEY ROAD
LANDOVER, MD 20785



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A-2

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Veranda

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★★★★★ (263) ▼ Questions & Answers (230)

BOARD OF APPEALS

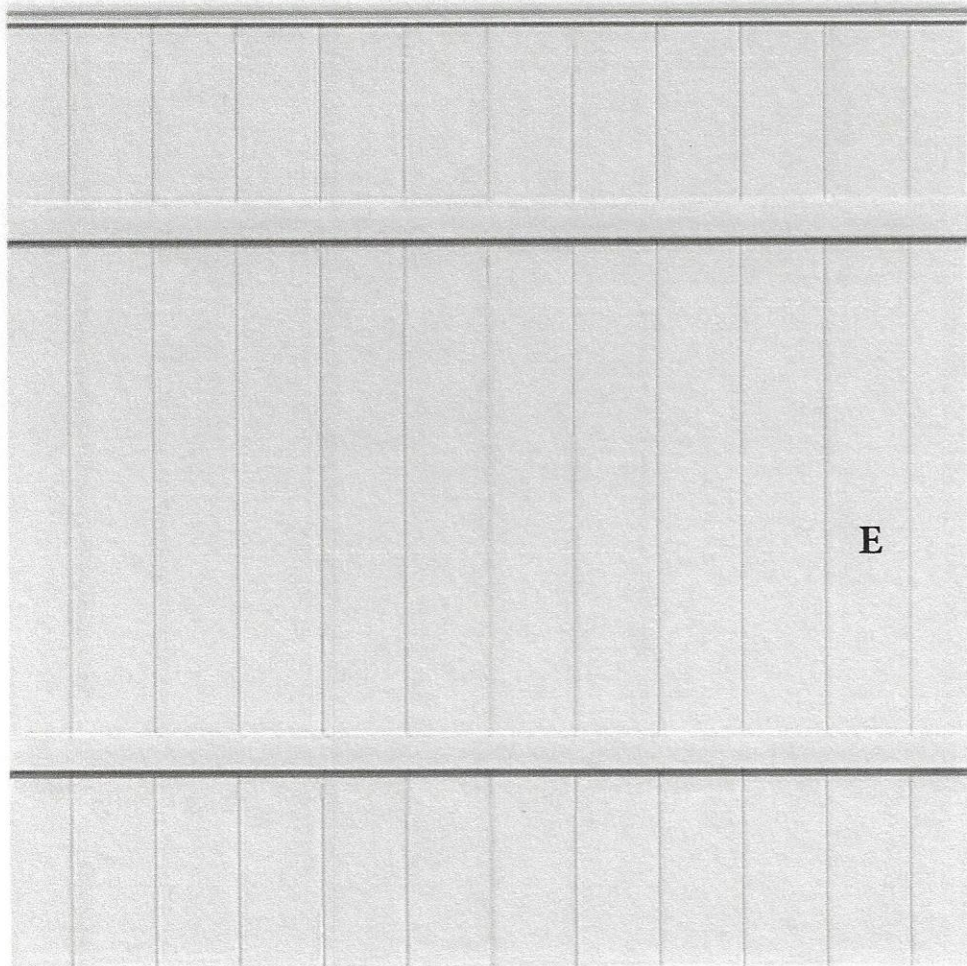
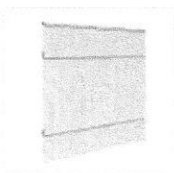
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APPROVED - OCT 05 2022

[Signature]
ADMINISTRATOR

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Feedback



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