



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

NOTICE OF FINAL DECISION

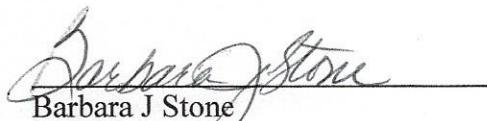
OF BOARD OF APPEALS

RE: Case No. V-63-20 Norman Andrew Bishop

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: February 10, 2021

CERTIFICATE OF SERVICE

This is to certify that on May 20, 2021, 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

Petitioners: Norman Andrew Bishop

Appeal No.: V-63-20

Subject Property: Lot 5, Irving Owning Subdivision, being 4309 Oglethorpe Street, Hyattsville, Prince George's County, Maryland

Heard and Decided: February 10, 2021

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, Petitioners request that the Board approve a variance from Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 8 feet in width. Petitioner's proposed to validate existing conditions (front yard depth, side yard width, and front building line width) and obtain a building permit for the construction of a covered front porch. Variances of 15 feet front building line width, 7 feet front yard depth, 1-foot side yard width were requested.

Evidence Presented

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

1. The property was subdivided by deed in 1972, contains 6,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (J).
2. The property is long and narrow being 130 feet in length by 50 feet in width. Exhs. 2, 4, 8, 9 and 10 (A) thru (J).
3. Petitioner Norman Bishop proposes to construct a covered front porch on the front of the dwelling. All variances required are to validate existing conditions. The property was subdivided by deed and is 15 feet short of the 65 feet current requirements. The existing front porch encroaches the front yard setback by 7 feet and is being replaced by the proposed porch. Also, the existing dwelling, built in 1919, encroaches the side yard setback by 1-foot. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (D).
4. Petitioner Bishop stated that because the original front porch does not meet the front yard setback, the proposed replacement porch, which will be built on the same front yard footprint, likewise will not meet the current front yard setback.
5. He noted that the width of the proposed porch will be expanded to 26.8 feet and be measured overall 26'.6" x 8' to increase the area for outdoor enjoyment and protection from the weather. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (D)

6. He testified that many of the neighborhood houses are bungalows that have covered front porches. He opined that the proposed covered porch will be in character with the other homes in the area. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (D).

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

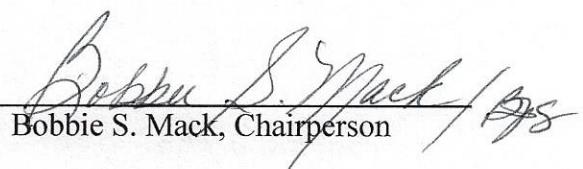
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being created by deed, the dwelling being situated on the lot in 1919, all variances addressing preexisting conditions, including the front yard footprint of the porch, 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 variances of 15 feet front building line width, 7 feet front yard depth, 1-foot side yard width in order to validate existing conditions (front yard depth, side yard width, and front building line width) and obtain a building permit for the construction of a covered front porch on the property located at 4309 Oglethorpe Street, Hyattsville, 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 2 (a) thru (d).

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.

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 3 feet. No Property Corners found.

2. Fences have been located by approximate methods.

3. Removal of existing 10 x 8 covered porch

4. Construction of proposed 26.8 x 8 covered porch at 4309 Oglethorpe Street

5. **Lot Coverage:**

Existing Lot: 50 x 130 = 6,500 sf
Lot coverage permitted = (30%) 1,950 sf

Existing Lot Coverage:

Existing Dwelling = 922 sf
Existing (Covered) Porch: 8 x 10 = 80 sf
Driveway: 60 x 10 = 600 sf
Existing Shed = 96 sf
Total existing coverage = (26%) 1,698 sf

Proposed Lot Coverage:

Covered Front porch addition 26.8 x 8 = 215 sf
Driveway: 60 x 10 = 600 sf
House: 922 sf
Shed = 96 sf
Total proposed coverage = (28%) 1,833 sf

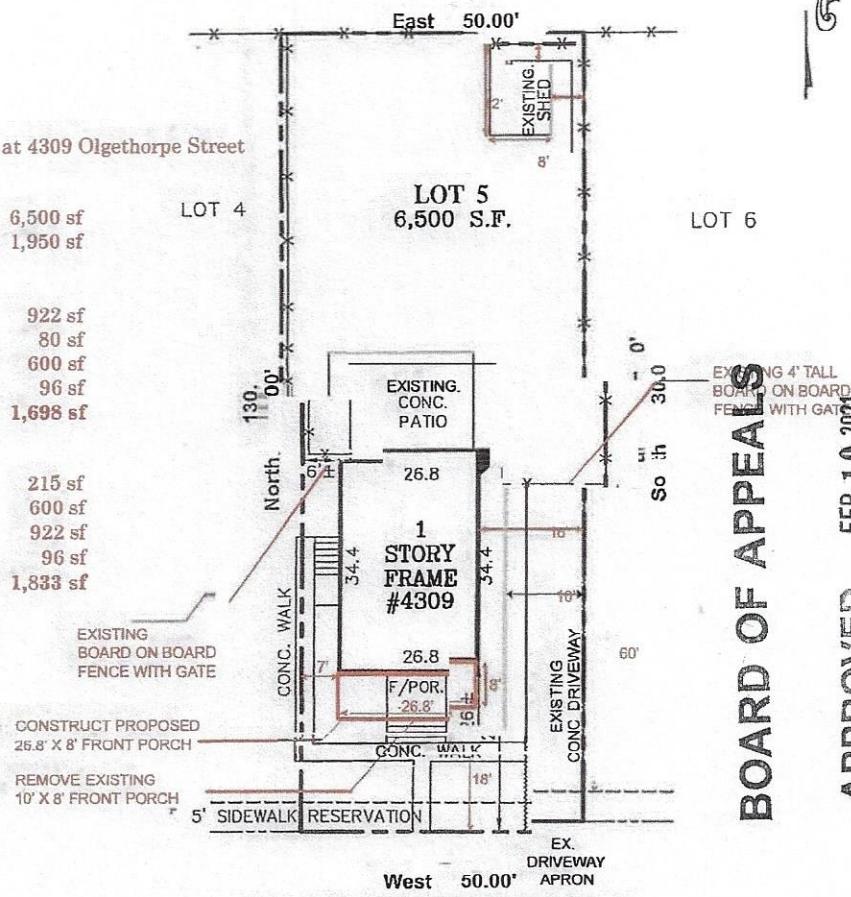
6. **Building Setbacks:**

Required - Front 25; Side 17/8; Rear 20

Existing - Front 18; Side 7, 16; Rear 69

Proposed - Front 18; Side 7, 16; Rear 69

N/F DE MATHA CATHOLIC
HIGH SCHOOL INC.
L. 22759 F. 455



BOARD OF APPEALS

APPROVED FEB 10 2021

ADMINISTRATOR

OGLETHORPE STREET
(ARUNDEL AVENUE PER PLAT)

LOCATION DRAWING
LOT 5

IRVING OWINGS SUBDIVISION
PRINCE GEORGE'S COUNTY, MARYLAND

EXH. # 2
V-63-20



SURVEYOR'S CERTIFICATE
THE INFORMATION SHOWN HEREON HAS BEEN
BASED UPON THE RESULTS OF A FIELD INSPECTION
PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING
STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED
UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND
OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.

Jeffrey A. Foster
MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587
Expires: 04-02-2021

REFERENCES

| | |
|----------|--|
| PLAT BK. | |
| PLAT NO. | |

| | |
|-------|-------|
| LIBER | 41638 |
| FOLIO | 453 |



| | |
|--------------------|-------------------|
| DATE OF LOCATIONS | SCALE: 1" = 30' |
| WALL CHECK: | DRAWN BY: K.W.L. |
| HSE. LOC.: 5-09-19 | JOB NO.: 19-01600 |

SNIDER & ASSOCIATES

LAND SURVEYORS
19544 Amaranth Drive
Germantown, Maryland 20874
301/948-5100 Fax 301/948-1286
WWW.SNIDERSURVEYS.COM

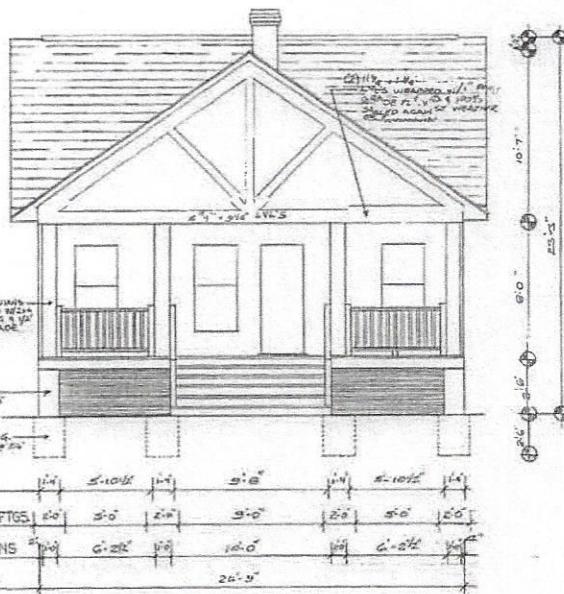
BOARD OF APPEALS

APPROVED FEB 10 2021

B. Pitts
ADMINISTRATOR

1977-2020

UPGRADE DESIGN INC. 240 422-2813



REVISED FRONT ELEVATION
SCALE: 1/8=1'-0"

DRAWN BY JAY PITTS
DATE: FEBRUARY 4, 2020
SCALE: 1/4=1'-0"

BISHOP RESIDENCE

EXISTING FRONT ELEVATION + NEW

LOT 5
DE. MATHA CATHOLIC HS. ANDREW BISHOP
IRVING OWINGS SUBDIVISION 4309 OGLETHORPE STREET
PRINCE GEORGES CO., MD. HYATTSVILLE, MARYLAND
PH# 443 203-2874 20781

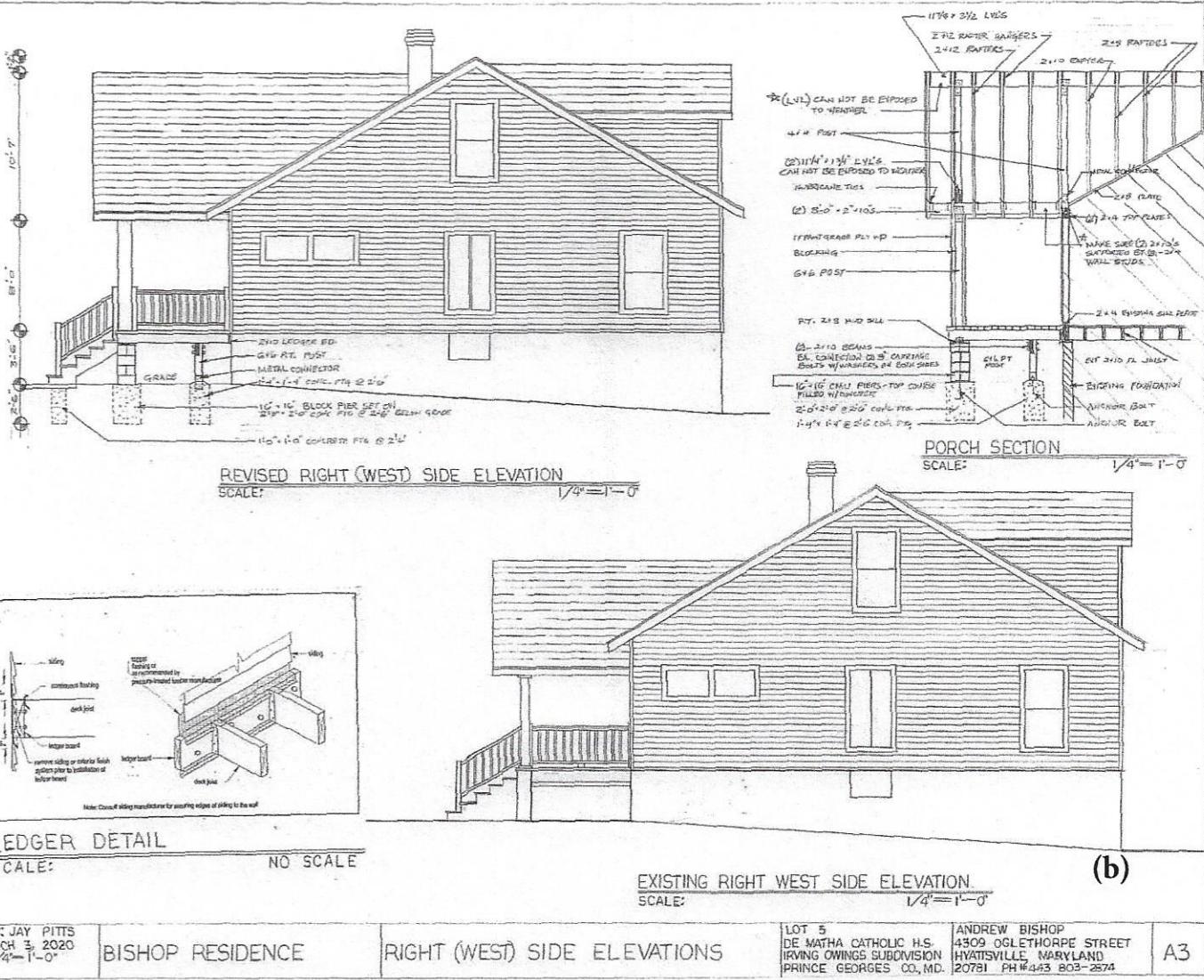
A2



EXISTING FRONT ELEVATION
SCALE: 1/4=1'-0"

(a)

EXH. # 3(a-d)
V-63-20



BOARD OF APPEALS

APPROVED FEB 10 2021

B. Stone
ADMINISTRATOR

DRAWN BY: JAY PITTS
DATE: MARCH 17, 2020
SCALE: AS SHOWN

BISHOP RESIDENCE

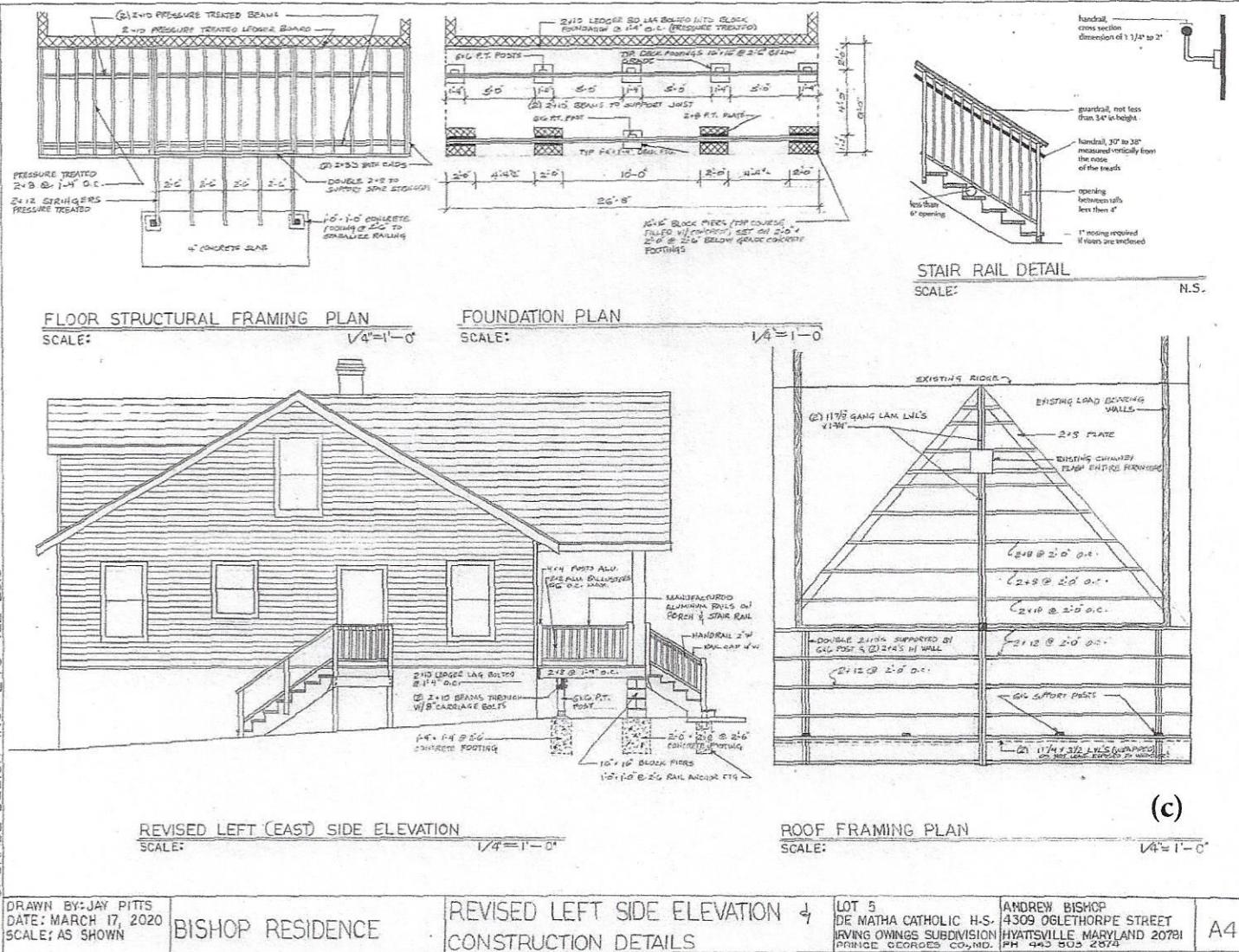
REVISED LEFT SIDE ELEVATION
CONSTRUCTION DETAILS

LOT 5
DE MATHA CATHOLIC H.S.
IRVING OWINGS SUBDIVISION

LOT 5
THE MATHA CATHOLIC H.S.
LIVING OWINGS SUBDIVISION

ANDREW BISHOP
309 OGLETHORPE STREET
WATTSVILLE, MARYLAND 20781

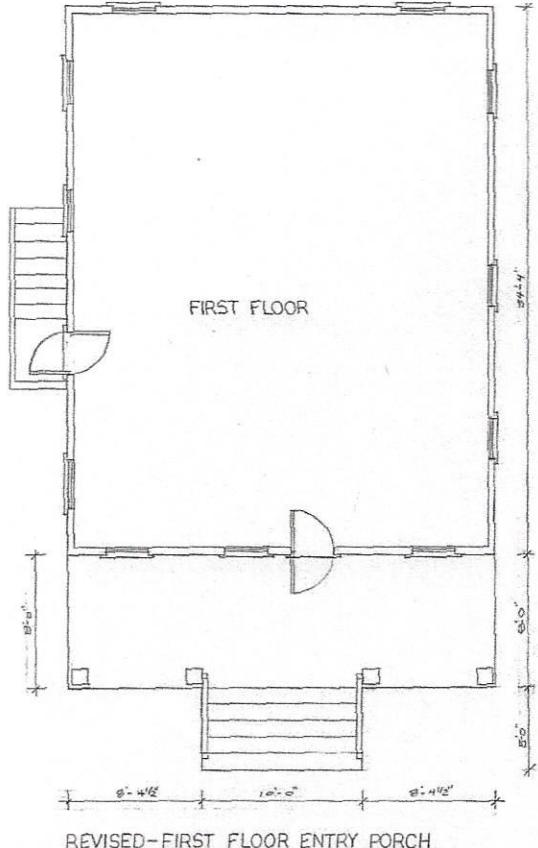
A4



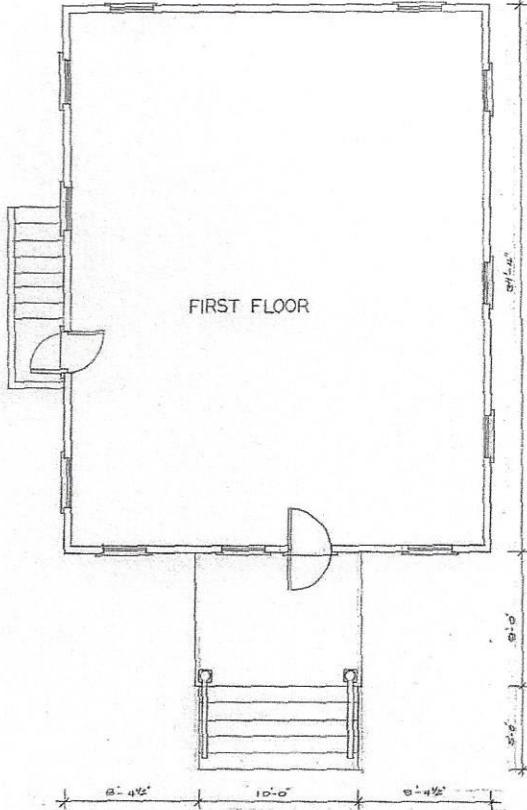
BOARD OF APPEALS

APPROVED FEB 10 2021

B. Storer
ADMINISTRATOR



(d)



DRAWINGS COMPLY WITH 2015 I.R.C.—INTERNATIONAL RESIDENTIAL CODE

DRAWN BY JAY PITTS
DATE: FEB. 1 2020
SCALE: $1/4 = 1'-0"$

BISHOP RESIDENCE

EXISTING PLAN AND ELEVATIONS

LOT 5
DE MATHA CATHOLIC H.S. 4309 OGLETHORPE STREET
IRVING OWINGS SUBDIVISION HYATTSVILLE, MARYLAND
PRINCE GEORGES COUNTY, MARYLAND 20781 PH # 443 803-2875

AI

BOARD OF APPEALS

APPROVED FEB 10 2021

Administrator