



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

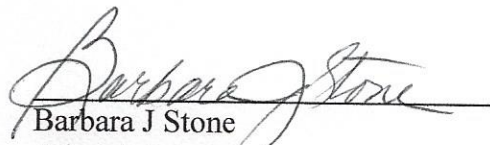
OF BOARD OF APPEALS

RE: Case No. V-65-20 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: January 27, 2021

CERTIFICATE OF SERVICE

This is to certify that on March 30, 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

Petitioner: Housing Initiative Partnership Incorporation

Appeal No.: V-65-20

Subject Property: Lot 1, Block 6, Palmer Park Subdivision, being 7701 Burnside Road, Hyattsville, Prince George's County, Maryland

Counsel for Petitioner: Matthew Tedesco, McNamee Hosea

Witness: Jocelyn Harris, Senior Housing Developer, Housing Initiative Partnership. Inc. (HIP)

Heard and Decided: January 27, 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 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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-420(a) prescribes that lots on corner lots consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to obtain a building permit for the proposed covered porch and a 6-foot wooden fence with gate on a corner lot. A variance of 8 feet front yard depth and a waiver of the fence height and location requirements for a fence over 4 feet in height in the front yard/side yard (abutting Graymont Street) are requested.

Evidence Presented

1. The property was subdivided in 1957, contains 4,793 square feet, is zoned R-20 (One-Family Triple-Detached Residential) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. The subject lot is a corner lot with the legal front being Burnside Road. Exhs. 2 and 4.
3. Petitioner proposes to obtain a building permit for the planned covered front porch and a 6-foot wooden fence with gate on a corner lot. Because of the location of the proposed porch, a variance of 8 feet from the front yard setback is required. Because the proposed fence will be 6 feet along the side street line, a waiver of the fence height and location requirement for a fence over 4 feet was also initially requested. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).
4. Attorney Matt Tedesco stated that HIP purchased the subject property in July 2020 and would like now to add a covered front porch. He also stated that although application to the Board for a waiver for the location of a 6-foot fence along the side yard was made, HIP is withdrawing its request for the waiver. HIP will be adhering to the requirements prescribed in Section 27-420(a). He stated that HIP will be replacing the existing 4-foot chain link fence, which is in the state of disrepair, with a wood picket 4-foot fence. Exhs. 2, 3, and 5 (A) thru (C).
5. Attorney Tedesco stated that the property is a corner lot that was platted in 1957 and developed with a three-family attached units as all the properties in the neighborhood were developed. He contended

that the location and configuration of the subject lot development restricts the ability to modernize the property in its current location and causes the inability to improve the structure since the buildings cannot be relocated. He stated that HIP believes that adding the front porch, a signature feature on HIP homes, will enhance the neighborhood and provide interaction with homeowners by providing additional security and facilitating congregation on the front porches with "eyes on the street." HIP believes that the porches also improve the esthetics of the homes and allow for outdoor activities and protection from the elements. He stated that several other homes in the community have front porches. Exhs. 2, 3, and 5 (A) thru (C).

6. Jocelyn Harris testified that letters were mailed to all adjacent properties introducing HIP and providing notice that the proposed covered front will be built on the subject property over the next several months. She stated that HIP has not received any negative feedback from adjacent neighbors. She reiterated the justifications for front porches in communities.

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

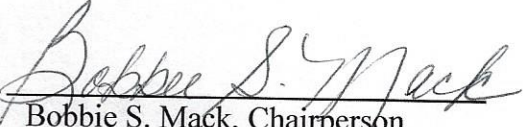
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject lot being a corner lot, the location and configuration of the dwelling on the lot being platted in 1957, the HIP program promoting covered front porches that foster community interaction and neighborhood security, 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 8 feet front yard depth in order to obtain a building permit for the proposed covered porch located at 7701 Burnside Road, 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

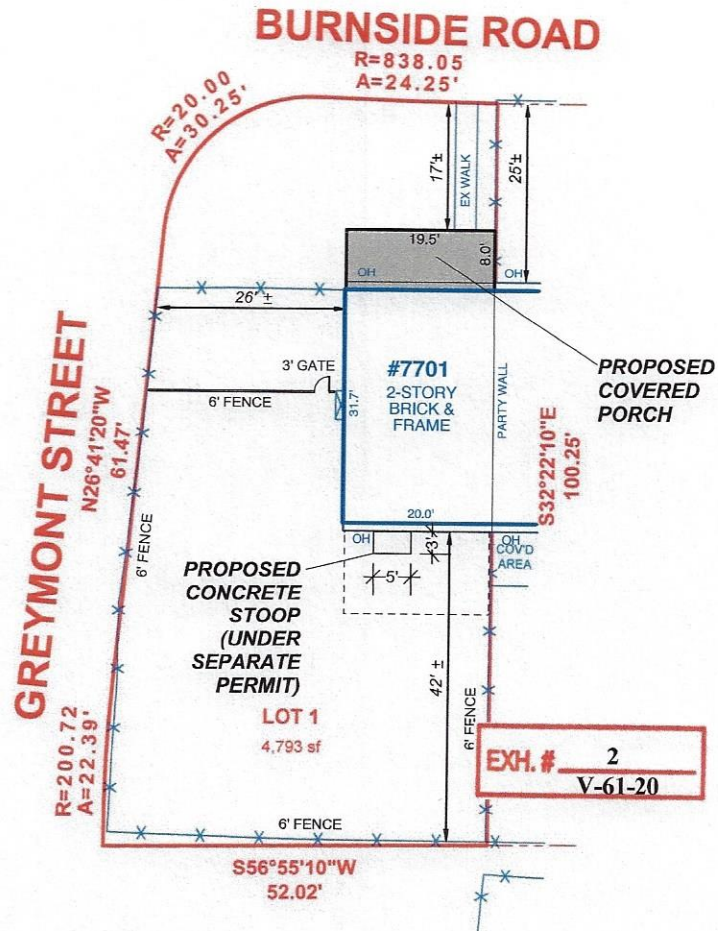
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

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.



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BOARD OF APPEALS

APPROVED
JAN 27 2021

ADMINISTRATOR

#7701 BURNSIDE ROAD
LOT 1 BLOCK 6
PLAT No. ONE SECTION TWO
PALMER PARK
PLAT BOOK 31, PLAT 71
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1"=20' DATE: 04-03-2020
DRAWN BY: AP FILE #: 202564-512

- X - FENCE
- B/E - BASEMENT ENTRANCE
- B/W - BAY WINDOW
- BR - BRICK
- BRL - BLDG. RESTRICTION LINE
- BSMT - BASEMENT
- C/S - CONCRETE STOOP
- CONC - CONCRETE
- DW - DRIVEWAY
- Ex - EXISTING
- FR - FRAME
- MAC - MACADAM
- G - GATE
- O/H - OVERHANG
- PUE - PUBLIC UTILITY ESMT.
- PUE - PUBLIC IMPROVEMENT ESMT.

LEGEND:
(RED) - RECORD INFORMATION
(BLUE) - IMPROVEMENTS
(GREEN) - ESMTS & RESTRICTION LINES

DULEY
and
Associates, Inc.

Fax: 301-888-1114

Email: orders@duley.biz

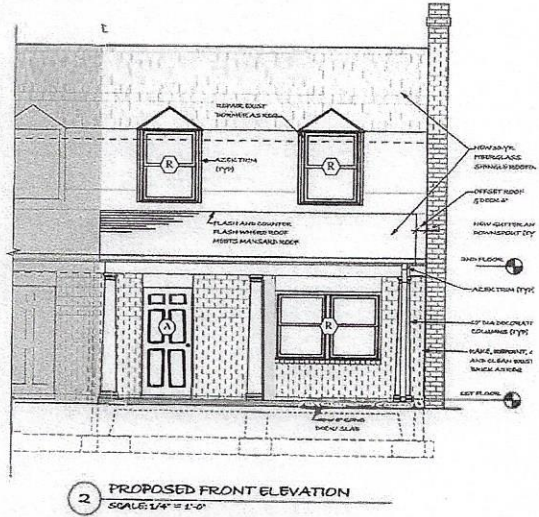
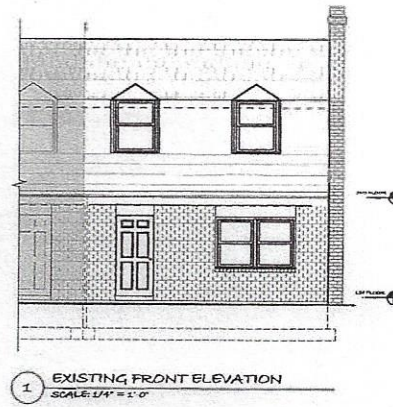
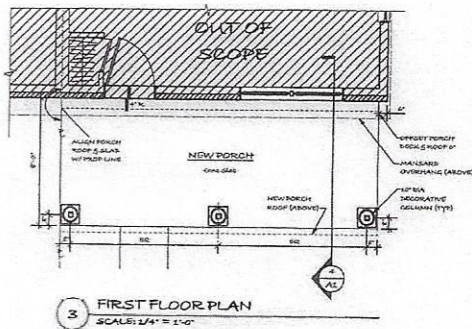
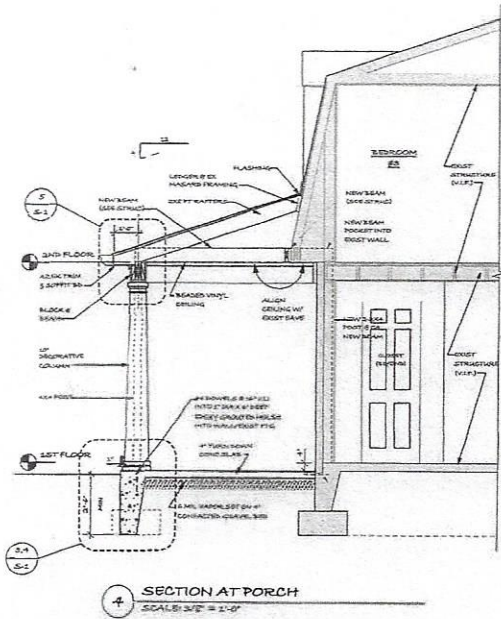
On the web: www.duley.biz

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**WILL GIVE YOU A 100%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.**

(EXCLUDING D.C. & BALT. CITY)

A-0
Alumina LLC
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AHMANN LLC
ARCHITECTURAL SERVICES
4448 HITCHCOCK ROAD, SUITE 100, ANNAPOLIS, MD 21403
PHONE: 301.864.1334
FAX: 301.864.6818

**PROPOSED
PLANS & ELEVATIONS**
SCALE: AS SHOWN

HIP HOMES
MODERATE REHABILITATION
7701 BURNING BUSH BLVD.
HYATTSVILLE, MD 20785

Per American College of Quantity Surveyors, Inc. (ACQS) standards, this drawing is a preliminary design and is not to be used for construction without the approval of the architect. The architect is not responsible for the accuracy of the information provided by the client. The client is responsible for the accuracy of the information provided by the client.
ISSUE DATE: 11 SEPTEMBER 2020
A-1
Ahmann LLC
10/20/20

BOARD OF APPEALS

APPROVED JAN 27 2021

[Signature]
ADMINISTRATOR

EXH. # 3
V-61-20