



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.

A handwritten signature in black ink, appearing to read "Barbara J. Stone", is placed over a horizontal line. Below the signature, the name "Barbara J. Stone" is printed in a standard font, followed by the title "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

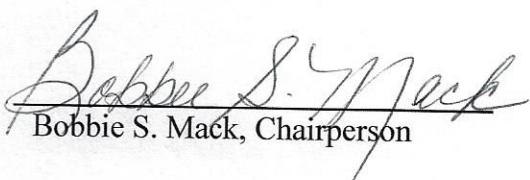
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

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.

THIS DOCUMENT IS CERTIFIED TO:



CASE #: 2020-04-03



Michael Cerrito
Office (301) 780-5880
Mobile (301) 908-1039



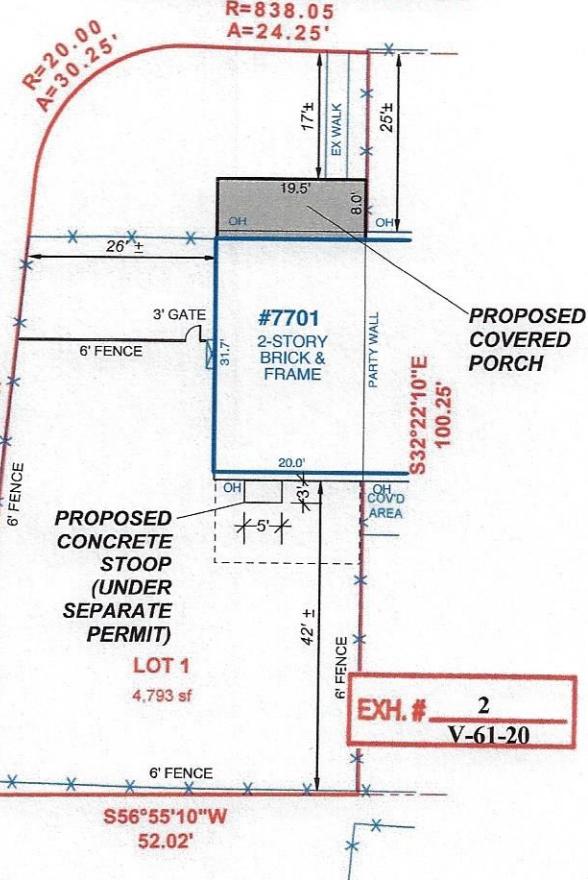
BURNSIDE ROAD

R=838.05
A=24.25'

GREYMONT STREET

N26°41'20"W
61.47'

R=200.72
A=22.39'



BOARD OF APPEALS

APPROVED JAN 27 2021


Administrator
ADMINISTRATOR

LOCATION DRAWING OF:

#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

LEGEND:

- X- FENCE
- B/E - BASEMENT ENTRANCE
- B/W - BAY WINDOW
- BR - BREEZEWAY
- BRL - BLDG. RESTRICTION LINE
- BSMT - BASEMENT
- C/S - CONCRETE STOOP
- CONC - CONCRETE
- D/W - DRIVEWAY
- Ex - EXISTING
- FR - FRAME
- MAC - MACADAM
- MD - MUD
- OH - OVERHANG
- PUE - PUBLIC UTILITY ESMT.
- PIE - PUBLIC IMPROVEMENT ESMT.

COLOR KEY:

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

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SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT 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 REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY AS AN AGENT IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS SURVEY IS THAT WHICH WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

DULEY & ASSOC.

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)

Permit Issue, September 11, 2020
HOUSING INITIATIVE PARTNERSHIP
NEW FRONT COVERED PORCH
TO EXISTING HOUSE
7701 Burnside Road, Hyattsville, Maryland 20785

GENERAL NOTES

- 1) THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF THE WORK OF ALL SUBCONTRACTORS AS REQUIRED TO COMPLETE THE WORK, AND SHALL VERIFY THAT ALL WORK IS DONE TO THE HIGHEST DEGREE OF CRAFTSMANSHIP BY JOURNEYMEN OF THE RESPECTIVE TRADES.
- 2) THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, AND SHALL WORK TO CRITICAL ALIGNMENTS AS INDICATED ON THE DRAWINGS, AND SHALL NOT SCALE THE DRAWINGS FOR MEASUREMENTS.
- 3) IF ANY DISCREPANCIES IN DIMENSIONS OR CONDITIONS ARE FOUND, THE CONTRACTOR SHALL CONTACT THE ARCHITECT FOR CLARIFICATION PRIOR TO PROCEEDING WITH THAT PORTION OF THE WORK.
- 4) THE CONTRACTOR SHALL MAINTAIN THE SITE CLEAN AND FREE OF DEBRIS. THE CONTRACTOR SHALL MAINTAIN THE SITE AND JOBSITE IN SUCH A MANNER AS TO PROTECT FROM INJURY ALL PERSONS AND PROPERTY.
- 5) ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY THE CONTRACTOR PRIOR TO THE BEGINNING OF ANY CONSTRUCTION IN THE VICINITY OF THESE UTILITIES.
- 6) PROVIDE FOR THE DEMOLITION OF ALL EXISTING ITEMS WHICH WILL INTERFERE WITH THE WORK, PROVIDE MECHANICAL, ELECTRICAL AND PLUMBING DEMOLITION AS MAY BE REQUIRED.
- 7) PROVIDE BRACING AND SHORING AS REQUIRED TO PROTECT EXISTING CONSTRUCTION TO REMAIN FROM DAMAGE AS WELL AS TO PROTECT PERSONS AND PROPERTY. VERIFY ALL BEARING CONDITIONS PRIOR TO BEGINNING DEMOLITION.

CODE SUMMARY

ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC 2015), INCLUDING ALL APPLICABLE PRINCE GEORGES COUNTY AND STATE OF MARYLAND AMENDMENTS & SUPPLEMENTS

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

PROJECT SUMMARY

EXTERIOR
NEW COVERED PORCH AT FRONT OF HOUSE.

ZONING SUMMARY

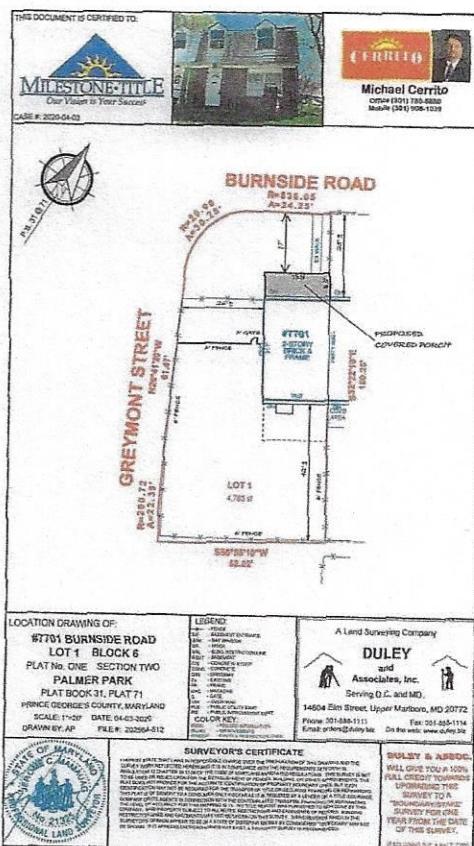
SUBJECT PROPERTY:

701 BURNSIDE ROAD
 HUMATVILLE, MD 20785
 LOT 1, BLOCK 6, SECTION 2, PLAT BOOK 31, ZONE R-20
AREA CALCULATIONS
 TOTAL LOT AREA: 4,793 S.F.
 EXISTING LOT COVERAGE:
 HOUSE: 680 S.F.
 PROPOSED LOT COVERAGE:
 HOUSE: 680 S.F.
 NEW PORCH: 156 S.F.
 TOTAL PROPOSED COVERAGE: 736 S.F.
 MAXIMUM LOT COVERAGE: 35.0 %
 EXISTING LOT COVERAGE: 14.2 %
 PROPOSED LOT COVERAGE: 15.4 %
SET BACKS
 MINIMUM FRONT YARD: 25.0 FT
 EXISTING FRONT YARD: 25.0 FT +/-
 PROPOSED FRONT YARD: 17.0 FT +/-,*
 MINIMUM REAR YARD: 20.0 FT
 EXISTING REAR YARD: 42.0 FT +/-
 PROPOSED REAR YARD: NO CHANGE
 * REQUIRES VARIANCE

* REQUIRES VARIANCE

INDEX OF DRAWINGS

- A-0 SITE PLAN & PROJECT NOTES
- A-1 PLANS, ELEVATION, SECTION
- A-2 PROJECT SPECIFICATIONS
- S-1 FOUNDATION & FRAMING



SITE DIAGRAM

FROM HOUSE LOCATION DRAWING BY: DUDLEY & ASSOCIATES, UPPER MARLBORO, MD. ABSIL 3, 2020
WITH SUPPLEMENTAL INFORMATION BY: AHMANN LLC ARCHITECTURAL SERVICES

BOARD OF APPEALS

APPROVED JAN 27 2021

ADMINISTRATOR

AHMANN LLC
ARCHITECTURAL SERVICES
HIGHWOOD ROAD UNIVERSITY PARK,
PA 16828-2072
PHONE 301 864-1334
FAX 301 864-6818

COVER SHEET
PROJECT NOTES & INDEX

HIP HOMES
MODERATE REHABILITATION
7701 BURNSIDE ROAD
HYATTSVILLE, MD 20785

Conrad Collection, Flanley verify
that these documents were prepared or
supervised by him, and that I am a stu-
dent assisting under the terms of the said
agreement. License No. 257548, Expired
Oct. 12, 2026-2027

A-0
Aldente LLC
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