

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Housing Initiative Partnership, Inc.

Appeal No.: V-99-18

Subject Property: Lot 82, Block U, Palmer Park Subdivision, being 1802 Ray Leonard Road, Landover,
Prince George's County, Maryland

Counsel for Petitioner: Michele La Rocca, Esq., Myers, Rodbell and Rosenbaum

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

Heard and Decided: September 26, 2018

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 from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioner propose to construct a covered front porch on a semi-detached dwelling. A variance of 7 feet front yard depth is requested.

Evidence Presented

1. The property was subdivided in 1959, contains 4,270 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioner would like to construct an 8' x 18.2' covered front porch. The porch would be located 18 feet from the front street line. A variance of 7 feet front yard depth was requested. Exhs. 2, 3, 5 and 10.

3. Attorney Michele La Rocca explained that the porch will cover the full length of the front of the house. She further explained that the house, which was built in 1959, is itself already too close to the front property line (based on the minimum front yard setback requirement) which necessitates the need for the variance for the proposed improvement. Exhs. 2, 3, 5, 17 and 18.

4. Ms. Jocelyn Harris stated that under the HIP program the subject property will be sold to a first-time homebuyer with low or moderate income, that the property was bank owned and had remained vacant for several years. She described the condition of the house as dilapidated. HIP is proposing interior and exterior renovations to include new siding, roof and porch. She also stated that a notification letter was sent to all adjoining property owners detailing the proposed plans. HIP believes that the addition of the front porch will keep "eyes of the street" which provides neighborhood security and encourages community interaction. Exhs. 2, 3, 5, 17 and 18.

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 existing dwelling encroaching upon the front yard setback, providing a front porch will 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 7 feet front yard depth in order to construct an 8' x 18.2' covered front porch on a semi-detached dwelling on the property located at Lot 82, Block U, Palmer Park Subdivision, being 1802 Ray Leonard Road, Landover, 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, Exhibit 2 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: _____ (ORIGINAL SIGNED)

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.

