



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

BOARD OF ADMINISTRATIVE APPEALS

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-157-18 Habitat for Humanity Metro Maryland Inc.

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 27, 2019.

CERTIFICATE OF SERVICE

This is to certify that on April 17, 2019, 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".

Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
DPIE/Building Code Official, Permitting

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

Petitioner: Habitat for Humanity Metro Maryland, Inc.

Appeal No.: V-157-18

Subject Property: Lot 14, Block E, The Hillsboro Subdivision, being 1903 Houston Street, Suitland,
Prince George's County, Maryland

Counsel for Petitioner: Heather Dlhopolksy, Esq., Linowes and Blocher
Peter Goldsmith, Esq., Linowes and Blocher

Witnesses: Katie Temple, Project Manager, Habitat for Humanity Metro Maryland, Inc.
Sallie Stewart, Landscape Architect, Charles P. Johnson and Associates

Heard and Decided: February 27, 2019

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 27-120.01(c) of the Zoning Ordinance, which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to construct a new single-family dwelling and driveway in the front yard. A waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1946, contains 6,807 square feet, is zoned R-55 (One Family Detached Residential) and is an unimproved lot. Exhibits (Exhs.) 3, 5, 10, 11 and 12 (A) thru (F).
2. Petitioners propose to construct a one-story single-family dwelling and driveway. Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the area of the front yard between the front street line and the sides of the dwelling. Since part of Petitioner's driveway will be located in this area of the front yard, a waiver of the parking area location requirement was requested in order to obtain building permit (1450-2018). Exhs. 2, 3, 4, 7 (A) thru (H).
4. Katie Temple testified that Habitat for Humanity (Habitat) is planning to build a one-story single-family dwelling (without a garage) on the subject vacant lot. Habitat does not generally provide garages for any of their houses because the mission is to provide relatively affordable housing and maximize valuable livable space in the home and space in the yard. Habitat designs to a universal design standard, which is essentially to fulfill the life cycle of a family. Exhs. 2, 3, 4, 7 (A) thru (H) and 18.¹

¹ Hillside Civic Association did not submit comments.

5. Per Narrative Statement submitted by Rich Ingram, Section Head, Planning Department with Charles B. Johnson & Associates, the development must comply with the Americans with Disabilities Act (ADA) to ensure that a future family may be able to purchase the home and meet any needs they have. To ensure proper access to the house, the proposed driveway has been sized and located in the front yard which is the closest point of access to the dwelling. Due to main structure setback requirements and the size of the property, locating the property width driveway to the side of house is not possible. Reducing the driveway width and extending to the side of the house also creates a lot coverage violation. Exh. 2.

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 requirement that the development must comply with the Americans with Disabilities Act (ADA) 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 waiver of the parking area location requirement in order to construct a new single-family dwelling and driveway in the front yard on the property located at Lot 14, Block E, The Hillsboro Subdivision, being 1903 Houston Street, Suitland, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved site plan, Exhibit 3 and approved elevation plan, Exhibit 4.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson
bjs

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.