



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-95-22 Azeb Desta

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: November 29, 2023.

CERTIFICATE OF SERVICE

This is to certify that on February 14, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Barbara J Stone", is written over a horizontal line.

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: Azeb Desta

Appeal No.: V-95-22

Subject Property: Lot 18, Block R, Langley Park Subdivision, being 8012 18th Avenue, Hyattsville,
Prince George's County, Maryland

Heard: February 8, 2023; Decided: November 29, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson¹

Carl Isler, Acting Vice Chair

Renee Alston, Member

Teia Hill, Member

Board Member Absent:

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 27-3603 of the Zoning Ordinance, Petitioners request that the Board approve a variance from 27-4202(e)(2) which prescribes that each lot shall have a minimum width of 65 feet measured along the minimum front setback (lot width). Petitioner proposes to validate existing conditions (lot width) and to obtain a building permit for the construction of a 6-foot vinyl fence in the front yard. A variance of 5 feet lot width, and a waiver of the fence height and location requirement for a fence over 4 feet in height in the front yard are requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 6,812 square feet, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling, driveway, and rear deck with steps. Exhibits (Exhs.) 2, 4, 7, 8 and 10 (A) thru (F).
2. The subject property has a unique rectangular shape with the rear yard significantly sloping away from the house toward the rear property line. Exhs. 2, 4, 7, 8 and 10 (A) thru (F).
3. Petitioner proposes to validate existing conditions (lot width) and to obtain a building permit for the construction of a 6-foot vinyl fence in the front yard. A variance of 5 feet lot width, and a waiver of the fence height and location requirement for a fence over 4 feet in height in the front yard are requested. Exhs. 2, 4, 7, 8 and 10 (A) thru (F).
4. Petitioner Azeb Desta testified that she would like permission to construct a 6-foot vinyl fence in the front and side yards of her property. She stated that sometimes people who walk past her lot, throw trash. She is tired of cleaning up the trash. The fence will be needed for safety and security. Further, she has had plants stolen out of her yard. Intruders have gone into her back yard. Currently, she has a 4-foot fence on the sides lot lines. Exhs. 2, 3, and 5 (A) thru (E).

¹ Board Members Mack, Isler, Alston, and Hill were present for the final disposition of V-95-22 on November 29, 2023

5. Administrator Stone noted that the request is for a fence in the front yard, yet the site plan submitted does not indicate the location of the fence. The site plan does indicate a fence along the sides but does not indicate a height. Petitioner indicated that she sent a site plan with red and yellow highlighted area, but the file does not include this site plan. Exhs. 2.

6. Petitioner explained that the driveway is located on the left side of the property. She will need two gates for the fence. Then, there is one gate for the driveway and a gate in the center of the yard. Exh. 2

7. Administrator Stone explained to the Petitioner that we will need a revised site plan demonstrating the location and the height of the proposed fence. Petitioner will send a revised plan.

A motion was made by Chair Mack and seconded by Ms. Alston, to hold the record open for the revised site plan to demonstrate the location of the proposed fence. Motion carried 5/0 (Mack, Isler, Alston, Hill, and Johnson).

On February 22, 2023, the case was heard as a Discussion/Decision item.

1. Petitioner has submitted a revised site plan demonstrating the location and height of the fence. Although, the Petitioner noted on the site plan a 5-foot fence. Exh. 17.

2. Per Celeste Barlow, staff, she had an in-person visit with the Petitioner. The Petitioner stated that she needed a 5-foot fence for privacy and security. Exh. 17

3. Mr. Isler stated that the Petitioner stated at the original hearing the reason she needed the fence because people throw trash in her yard. She did note that other neighbors had fences in the front yard. Exh. 9 and 11 (A) thru (B).

A motion was made by Mr. Isler and seconded by Chair Mack, to APPROVE. Motion carried 4/0 (Mack, Isler, Hill, and Johnson).

On April 5, 2023, the record was reopened being a Discussion/Decision item, as the approval from February 22, 2023, included zoning requirements from both the prior and current code by staff error. In order to correct the issue, it was determined by the Administrator and Board Attorney's to rescind the approval and review the correct regulations. The Petitioner has requested that the request be reviewed under the prior code.²

To resolve the error, Chair Mack made the motion to rescind the February 22, 2023, approval. The motion was seconded by Ms. Johnson. Motion carried 5/0 (Mack, Isler, Alston, Hill, and Johnson).

A motion was made by Chair Mack and seconded by Ms. Johnson to reconsider and review this record under the prior code. Motion carried 5/0 (Mack, Isler, Alston, Hill, and Johnson).

The record was rescheduled and readvertised for hearing on May 24, 2023. Petitioner did not appear for the hearing. Madam Chair made the motion to reschedule and seconded by Mr. Isler. Motion carried 5/0 (Mack, Isler, Alston, Hill, and Johnson).

On November 29, 2023, the Board heard the record was heard as a new variance reviewed under the prior code as requested by the Petitioner. A motion was made by Chair Mack and seconded by Mr. Isler to adopt the prior testimony. Motion carried 4/0 (Mack, Isler, Alston, and Hill).

² The specific violation resides in the fact that Zoning Ordinance 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 27-420(a) prescribes that lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high without the approval of a variance. A variance of 5 feet front building line width, and a waiver of the fence height and location requirement for a fence over 4 feet in height in the front yard are requested.

1. Discussion was made as to the prior history of the actions.
2. Petitioner Azeb Desta testified that she needs the fence for safety due to intoxicated individuals traversing the driveway and stealing and vandalizing her property. In addition, she works the night shift and does not return home until after 2:00 – 3:00 a.m. She desperately needs the additional security. Also, several neighbors have a fence in the front yard, so her request is not outside the character of the neighborhood. The proposed fence will be 5-feet in height. She opined that if the fence was installed, she would feel safer.

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

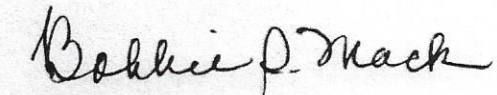
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the topography of the Petitioner's property being a unique rectangular shape that slopes away from the house towards the rear property line, the Board considers this an extraordinary condition that is specific to her parcel. In addition, this would result in peculiar and unusual practical difficulties and undue hardship to the owner of the property. Further, 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 sustainably impair the Petitioner's security that is articulated in the aforementioned "Evidence Presented" section.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Johnson absent that variances of 5 feet front building line width, and a waiver of the fence height and location requirement for a fence over 4 feet in height in the front yard, as described under the prior code, in order to validate existing conditions (lot width) and to obtain a building permit for the construction of a 5-foot vinyl fence in the front yard on the property located at 8012 18th Avenue, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17 and approved revised elevation plan, Exhibit 18.

BOARD OF ZONING APPEALS

By:



Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By: Ellis Watson
Ellis Watson

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.

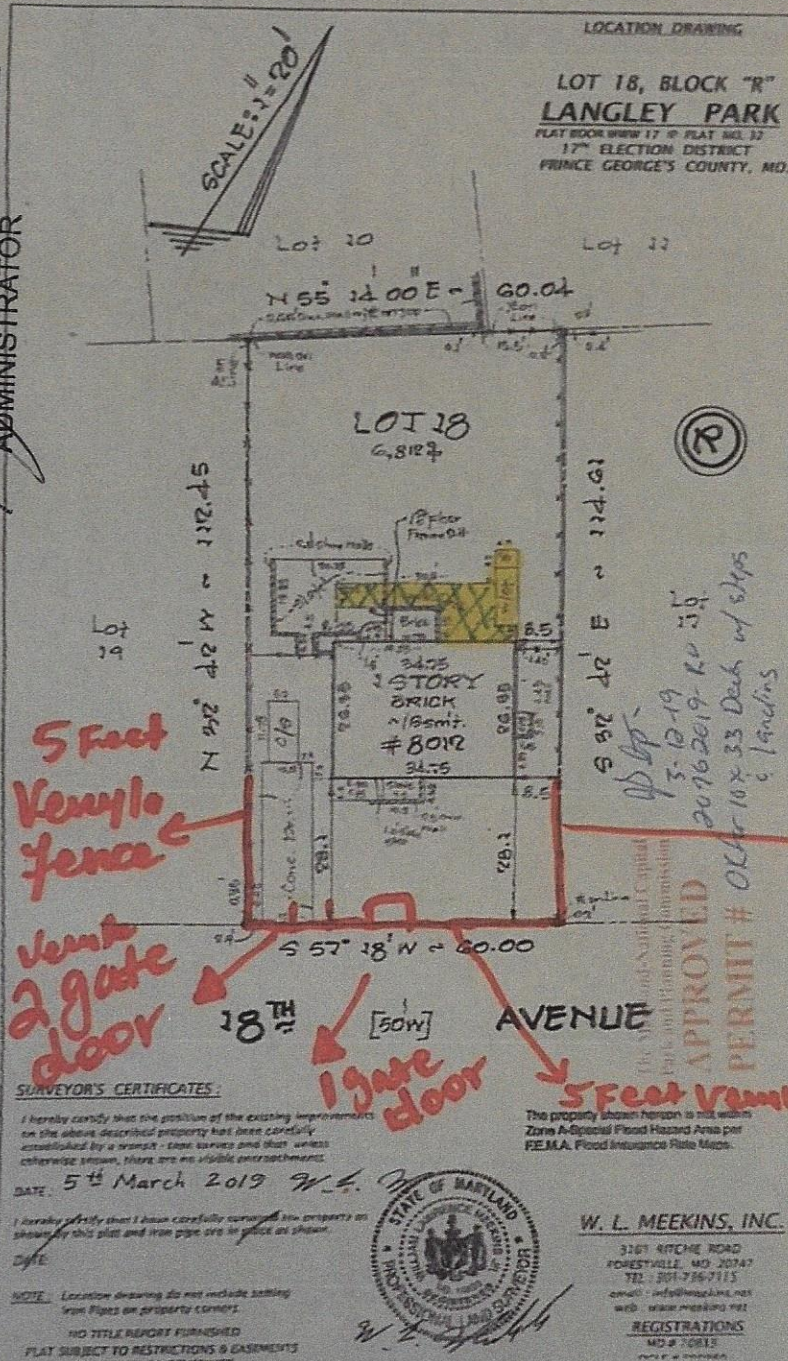
Signature: Ellis F. Watson
Ellis F. Watson (Feb 5, 2024 13:59 EST)
Email: efwatson@co.pg.md.us

BOARD OF APPEALS

APPROVED NOV 29 2023

ADMINISTRATOR

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5 Feet Vinyl fence on front & two sides.
Thanks.

EXH. # 17
V-95-22

Front fence*

From: Azeb Desta (azebina2001@yahoo.com)

To: azebina2001@yahoo.com

Date: Thursday, February 9, 2023 at 10:57 AM EST

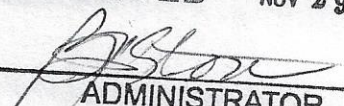


EXH. # 18
V-95-22

[Sent from Yahoo Mail on Android](#)

BOARD OF APPEALS

APPROVED NOV 29 2023


ADMINISTRATOR