



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-32-24 Kenneth Grady and Carson Groenewold

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: June 20, 2024.

CERTIFICATE OF SERVICE

This is to certify that on October 25, 2024, 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.

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: Kenneth Grady and Carson Groenewold

Appeal No.: V-32-24

Subject Property: Lot 1, Block B, Martin's Wood Subdivision, being 7309 Finns Lane, Lanham,
Prince George's County, Maryland

Heard: May 22, 2024; Decided: June 20, 2024

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

Carl Isler, Vice Chairman

Teia Hill, Member

Renee Alston, 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, Section 27-6603 prescribes that unless otherwise stated in Section 27-6600, fences and walls shall comply with the height standards set in Table 27-6603(a); Fences and Wall Height. Any fence or wall that does not comply with height standards will require a Security Exemption review and approval under Section 27-6610 Security Exemption Plan. A security exemption review for a fence 2 feet over the allowable height located in the front yard is requested.

Evidence Presented

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

1. The property was subdivided in 1940, contains 2,217 square feet, is zoned RR (Residential, Rural), and is improved with a single-family dwelling, shed, and a fence. Exhibits (Exhs.) 3, 4, 6, 7 (A) thru (D), and 9.
2. The subject lot is a hand-made log house on a uniquely shaped parcel of land surrounded by woods. Exhs. 4 and 6.
3. The Petitioner proposed to obtain a building permit to construct a 6-foot wooden privacy fence in the front yard. Exhs. 4, 5(A), 7 (A) thru (D), 11 (A) thru (F), and 12.
4. Petitioner Kenneth Grady testified that people were constantly throwing trash onto his property and trespassing.
5. Vice Chair Isler asked if the fence extended around the entire property. The Petitioner answered no just in the front of his property.
6. Chair Mack inquired if the fence is sight-tight and whether it will obstruct the view on Finns Lane.
7. Vice Chair Isler asked to view the aerial photos of the Petitioner's property and determined that the proposed fence would be 6 feet from the curb. Exh. 15.
8. The Petitioner testified that he is removing the Evergreens on his property and replacing it with the proposed wooden fence.

¹ Chair Mack attended and voted at the May 22, 2024, Board Hearing; however, Ms. Mack was absent for the final vote on June 20, 2024.

Chair Mack made a Motion to Hold Open to review the Statement of Justification. Motion Seconded by Alston. Motion carried 4-0 to Hold Open. Attorney Watson suggested the Board rescind the previous motion due to it not accepting additional documents but reviewing currently held ones. Chair Mack made a Motion to Rescind and Seconded by Vice Chair Isler. Motion carried by a 4-0 vote. Chair Mack made a new Motion to Take Under Advisement and Seconded by Board Member Alston. Motion carried by a 4-0 vote.

On June 20, 2024, the record was heard as a Discussion/Decision item.

1. Vice Chair Isler rehashed the case made by the Petitioner that there was heavy dumping on the property in a heavily wooded area.
2. Board Member Hill indicated she had no issues with this case.
3. Vice Chair Isler made the Motion to Approve V-32-24 and Seconded by Board Member Alston. Motion carried by a 3-0 vote.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-6610 of the Prince George's County Zoning Ordinance are satisfied:

27-6610. Security Exemption Plan

(a) A landowner in need of heightened security may submit to the Planning Director, or, where delegated pursuant to Section 27-3308(b), the municipality in which the development application is located a security exemption plan proposing a fence or wall taller than those permitted by this Section, an electric fence, or proposing the use of barbed and/or razor wire atop a fence or wall for security reasons.

(b) The Board of Appeals or municipality may approve or approve with conditions, the security exemption plan, upon finding all of the following:

(1) **Need for Safety or Security Reasons**
The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without:

(A) A taller fence or wall;
(B) An electric fence; or
(C) Use of barbed and/or razor wire atop a fence or wall.

(2) **No Adverse Effect**
The proposed fence or wall will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

(c) If the Board of Appeals or municipality finds the applicant fails to demonstrate compliance with Sections 27-6610(b)(1) and 27-6610(b)(2) above, the security plan shall be disapproved.

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 27-6610(b)(1)(2), more specifically:

The Board determined that the Petitioner's location in a heavily wooded and trespass-friendly area indicates that the land is in a significantly greater danger of theft or damage than the surrounding land. Also, the Board determined that the Petitioner's proposed fence posed no significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole. Lastly, the Board determined that the record supported approval of the Security Exemption Plan.

BE IT THEREFORE RESOLVED, by a 3-0 vote, Chair Mack being absent, that the Security Exemption Plan for a fence 2 feet over the allowable height located in the front yard be APPROVED. Approval of the Security Exemption Plan is contingent upon development in compliance with the approved site plan, Exhibit 4, and approved elevation plan, Exhibit 5(A).

BOARD OF ZONING APPEALS

By: Bobbie S. Mack
Bobbie S. Mack, Chairperson

APPROVED FOR LEGAL SUFFICIENCY

By: Ellis Watson
Ellis Watson, Esq.

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 27-3613(c)(10)(B) 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.

NOTE:
ENCROACHMENTS
MAY EXIST

BOARD OF APPEALS

APPROVED JUN 20 2024

Barbara J. Stone
ADMINISTRATOR

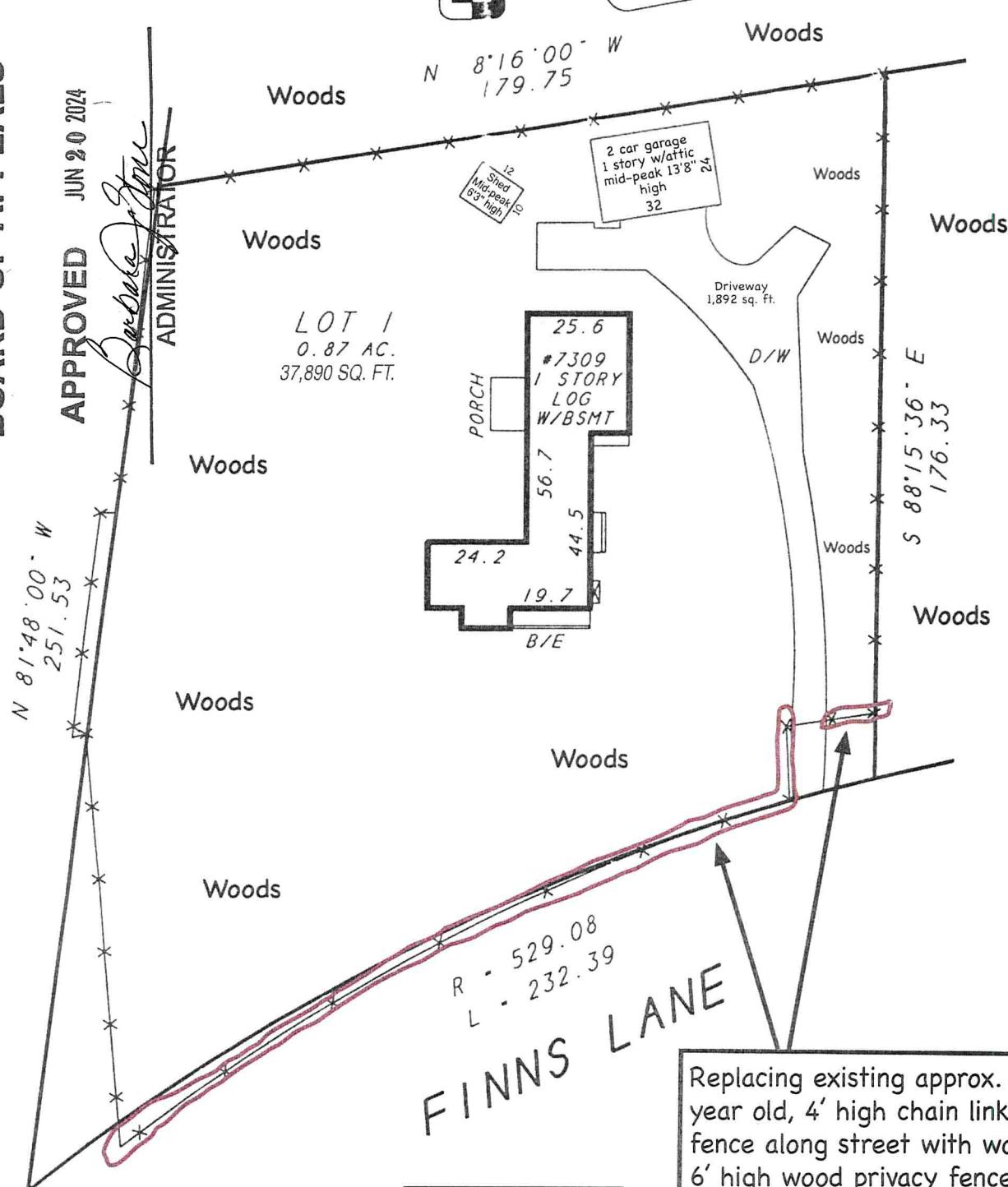


EXHIBIT
4

V-32-24

LOCATION SURVEY OF:

#7309 FINNS LANE

LOT 1 BLOCK B
MARTIN'S WOODS
19TH ELECTION DISTRICT
PLAT BOOK 8 PAGE 13
PRINCE GEORGE'S COUNTY, MD

SCALE: 1"-40'

DATE: 12-21-2001

CASE # 01-01-1063Y
GRADY & GROENWOLD
FILE # 017114-017
DRAWN BY: WRH

A LAND SURVEYING AND DESIGN COMPANY

**DULEY
AND
ASSOCIATES, INC.**
SERVING D.C. MD. VA.

HOUSE LOCATION SURVEYS
BOUNDARY SURVEYS - ALTA SURVEYS
TOPOGRAPHIC SURVEYS - SITE PLANS

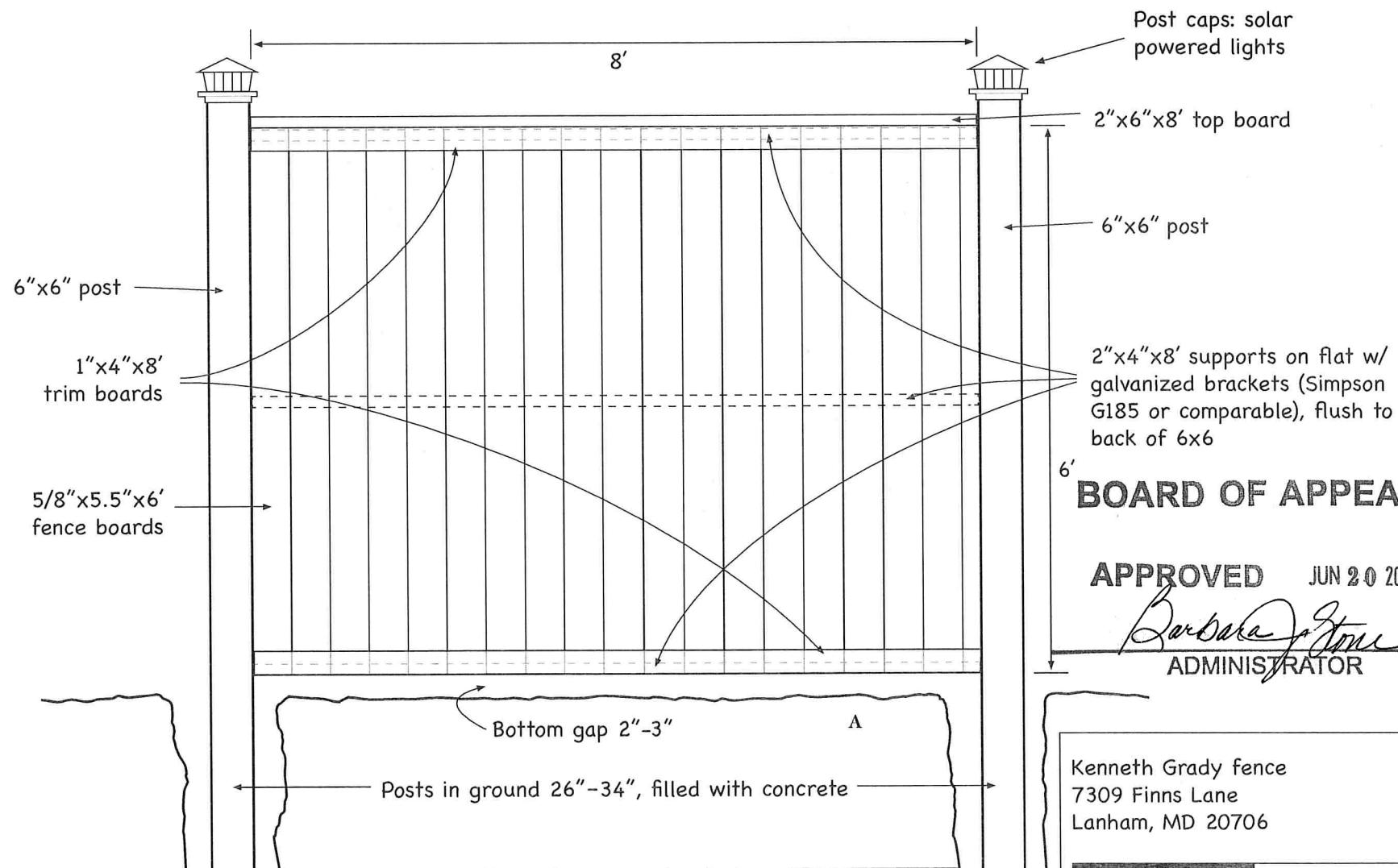
9450 PENNSYLVANIA AVE.
UPPER MARLBORO, MD. 20772

FAX: 301-888-1114
FAX: 1-888-88-DULEY

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT THE EXISTING VISIBLE IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY ACCEPTED METHODS AND THAT THE IMPROVEMENTS APPEAR TO LIE WITHIN FLOOD ZONE C. A FLOOD CERTIFICATION IS RECOMMENDED TO DETERMINE THE EXACT FLOOD ELEVATION AND FLOOD ZONE. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF ANY FENCE, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES. 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 LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1". NO TITLE REPORT 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.





6' BOARD OF APPEALS

APPROVED JUN 20 2024
Barbara J. Jones
ADMINISTRATOR

Kenneth Grady fence
7309 Finns Lane
Lanham, MD 20706

1" = 1'
Feb. 1, 2024