



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
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BOARD OF ADMINISTRATIVE APPEALS

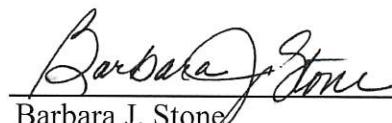
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-107-18 Dominick Dale and Jennifer Beddor

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 14, 2018.

CERTIFICATE OF SERVICE

This is to certify that on December 20, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Hyattsville

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

Petitioners: Dominick Dale and Jennifer Beddar

Appeal No.: V-107-18

Subject Property: Lot 4A, Re-Subdivision of Ellaville Subdivision, being 4210 Longfellow Street,
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Heard: October 24, 2018; Decided: November 14, 2018

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

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 variances 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, Petitioners request that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width and a rear yard at least 20 feet in depth/width and Section 27-420(a), which prescribes that fences and walls more than 6 feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings. Petitioners propose to validate an existing condition (dwelling) and to construct a 3-foot extension to the existing 6 foot wooden fence along the rear lot line. Variances of .4 foot side yard width for the dwelling and 20 feet rear yard depth/width for a fence over 6 feet in height in the rear yard are requested.

Evidence Presented

1. The property was subdivided in 1940, contains 6,066 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is located within the Gateway Arts District Development Overlay Zone. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).

2. Petitioners would like to increase the height of the 6-foot wooden fence along the rear lot line to 9 feet in height. Since any fence exceeding 6-foot in height would need to meet main building setbacks, and the fence would be along the property line, a variance of 20 feet rear yard depth/width was requested. Exhs. 2, 3, 5 (A) thru (R) and 6 (A) thru (F).

3. In addition, the existing dwelling is located 7.6 feet and 1 inch from the side lot line. A variance of .4 foot side yard width was requested. Exhs. 2, 3, 5 (A) thru (R) and 6 (A) thru (F).

4. The City of Hyattsville voted to support the variances. Exh. 16.

5. Petitioner Dominick Dale testified that they currently have a 6-foot fence in the back yard that will remain and are requesting to add 3 feet to the height of the fence using lattice panels. He explained that the panels will be added in the rear yard where there is a slope that is roughly 7 - 8 feet in height. He stated that because of the rear elevation, there is essentially a 6-foot fence in front of an 8-foot hill. He further stated at the top of the hill is a parking lot for a church and directly beyond the church there are apartment buildings. He explained there are no trees or foliage to buffer the view of the back yard from either the church parking lot where vehicles are parked day and night, or the upper levels of the apartment. He further explained that

during the evening the headlights of cars parked in the church parking lot shine directly into their house. Exhs. 2, 3, 5 (A) thru (R), 6 (A) thru (F), and 19.

6. Mr. Dale added that photographs submitted show that the parking lots of the apartment buildings have security lights on poles and that as a result, in the evening, there are approximately 9 or 10 of those security lights shinning into their home. He believes that the 3-foot panels will block a major portion of the car lights and the security lighting. Exhs. 2, 3, 5 (A) thru (R), 6 (A) thru (F), and 19.

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 exceptional topography (sloping) of the rear yard, the need for privacy and buffering from security lighting from abutting uses 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Anastasia Johnson absent, that variances of .4 foot side yard width for the dwelling and 20 feet rear yard depth/width for a fence over 6 feet in height in the rear yard in order to validate an existing condition (dwelling) and to construct a 3-foot extension to the existing 6-foot wooden fence along the rear lot line on the property located at Lot 4A, Re-Subdivision of Ellaville Subdivision, being 4210 Longfellow Street, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson
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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.