

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-51-16 Christina Tyler

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 8, 2016.

CERTIFICATE OF SERVICE

This is to certify that on June 22, 2016, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed) _____
Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Maplewood Civic Association

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

Petitioner: Christina Tyler

Appeal No.: V-51-16

Subject Property: Lot 16, Block A, Maplewood Subdivision, being 3420 Stonesboro Road,
Fort Washington, Prince George's County, Maryland

Witnesses: Agnes Bullock, neighbor

Gloria Williams, President, Maplewood Civic Association & neighbor

Freddie Tate, neighbor

Doris Tate, neighbor

Heard and Decided: June 8, 2016

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 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, Petitioner requests that the Board approve variances from Section 27-420(a) of the Zoning Ordinance, which prescribes that on corner lots consisting of one (1) acre or less, fences in the front or side yards shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to construct a 6-foot wooden privacy fence in the front yard. Waivers of the fence location and height requirements 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 1967, contains 15,825 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, attached carport, driveway and shed. Exhibits ("Exhs.") 2, 4, 8 and 9.

2. The property is a corner lot with the house facing the legal side street (Stonesboro Road) at an angle. Exhs. 2, 10(A) thru (E).

3. Petitioner would like to construct a 6-foot wooden privacy fence that would extend into the legal front yard (abutting Brightwood Drive) (Exh. 2), but variances are required to obtain a building permit. Since the proposed fence exceeds 4 feet in height and would extend into the legal front yard, waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard were requested. Exh.11.

4. Petitioner testified that she would like to replace the existing 4-foot fence that is falling down with a 6-foot privacy fence in the same location. She explained that the 6-foot fence would secure an area in the back yard which family members can enjoy.

5. Freddie and Doris Tate, who live on property behind Petitioner and whose fence joins with Petitioner's, and Agnes Bullock, who lives on property across the street, provided no objection to the request.
6. Gloria Williams, on behalf of Maplewood Civic Association, testified that there is no objection.

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 property being a corner lot, the angle of the house on the lot, the proposed fence replacing an existing fence that is falling down, the need for an enclosed play area in the yard for children, 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 waivers of the fence location and height requirements for a fence over 4 feet in height in order to construct a 6-foot wooden privacy fence in the front yard on the property located at Lot 16, Block A, Maplewood Subdivision, being 3420 Stonesboro Rod, Fort Washington, 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 the 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.