

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-58-16 Freddie Santiago Fernandez

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 22, 2016.

**CERTIFICATE OF SERVICE**

This is to certify that on June 30, 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

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

Petitioner: Freddie Santiago Fernandez

Appeal No.: V-58-16

Subject Property: Lot 2, Block 7, Fort Washington Forest Subdivision, being 13463 Buchanan Drive,  
Fort Washington, Prince George's County, Maryland

Witness: Meghan Pope, Petitioner's wife

Heard and Decided: June 22, 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 and side yards shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to construct a driveway extension and 6-foot vinyl privacy fence in the front yard and side yard abutting a street on a corner lot. Waivers of the fence height and location requirements for a fence over four (4) feet in height in the front and side yards of a corner lot are requested.

**Evidence Presented**

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

1. The property was subdivided in 1957, contains 14,314 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 10 and 11. The existing dwelling was built in 1973. Exh. 10.
2. The property is a corner lot, the house faces the legal side street (Fillmore Road) at an angle, and driveway access is off of Fillmore Road. Exh. 2.
3. Petitioner would like to construct a 12' x 20.3' driveway extension and 6-foot vinyl privacy fence around the back yard, but variances are needed to obtain a building permit. Since the fence would be over 4 feet in height and extend into the front yard (next to Buchanan Drive) and side yard (abutting Fillmore Road) (Exh. 2), waivers of the fence height and location requirements for a fence over four (4) feet in height in the front and side yards of a corner lot were requested. Exh. 14.
4. Petitioner testified that he would like a 6-foot fence for privacy and security reasons associated with vehicular and pedestrian traffic from a community center and elementary school across the street. Exhs. 8(C) thru (F). He further stated that his large dog would not be contained by a 4-foot fence. He explained that the proposed fence would be the same type of fence as a neighbor's existing fence and be set back about 20 feet from the street and 68-70 feet from the corner. He stated that the driveway extension would provide a place to park a second vehicle. Exhs. 2 and 9.

5. Meghan Pope explained that the 6-foot fence would start at the front of the garage so that one car could be parked on the driveway extension behind the fence for security. *See* Exhs. 2 and 8(B).

#### 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 house facing the street at an angle, car and pedestrian traffic being generated by a community center and elementary school across the street from the property, a 6-foot fence providing additional security and privacy, the location of the driveway extension behind the 6-foot fence providing secure parking for one vehicle, 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 height and location requirements for a fence over four (4) feet in height in the front and side yards of a corner lot in order to construct a 12' x 20.3' driveway extension and 6-foot vinyl privacy fence on the property located at Lot 2, Block 7, Fort Washington Forest Subdivision, being 13463 Buchanan Drive, 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.