

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-72-16 Resad Balic

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: July 27, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on August 9, 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
Enterprise Road Corridor Development Review District
Glenn Dale Forest Homeowners Association

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

Petitioner: Resad Balic

Appeal No.: V-72-16

Subject Property: Lot 4, Glendale Forest Subdivision, being 7111 Oakley Road, Glenn Dale,
Prince George's County, Maryland

Witnesses: Grace Teaney, neighbor

Michael Teaney, neighbor

Heard and Decided: July 27, 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 fences and walls on corner lots consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to construct a 6-foot iron picket fence in the front yard. Waivers of the fence height and location requirements for a fence over 4 feet in height in the front yard (abutting Prospect Hill Road) are requested.

Evidence Presented

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

1. The property was subdivided in 2003, contains 20,000 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 2006. Exh. 7.

2. The property is located within the Enterprise Road Corridor. Exh. 8.

3. The property is a through lot with two legal front yards. The dwelling faces Oakley Road and the property backs up to Prospect Hill Road. Exh. 2.

4. Petitioner would like to construct a 6-foot iron picket fence around the side yards and a portion of the yard behind the dwelling, crossing the property approximately 48 feet from the street line of Prospect Hill Road. Exh. 2. Since the fence is over 4 feet in height and would be located in a legal front yard, waivers of the fence height and location requirements for a fence over 4 feet in height in the front yard were requested, respectively. Exh. 11.

5. Petitioner testified that he has lived at the property for two years. He stated that he has six children under the age of 12 and he wants the fence for safety reasons. He explained that he wants the fence to also enclose the side yards so that the children will be able to access the fenced-in area through a side door on the garage (Exh. 9(D)) and he wants the fence in both side yards to look the same. He further explained that he wants to put in a swimming pool in the future and a 6-foot fence would be required (to enclose the pool).

6. Grace Teaney, whose house is next door to Petitioner's, testified that Petitioner's 6-foot fence is the first on the street but she and her husband, Michael Teaney, had no objection to the request.

7. Glenn Dale Forest Homeowners Association provided no comment on the request.

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 through lot, the need for a safe area in which young children can play, a 6-foot fence being required for a future swimming pool, 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 4 feet in height in the front yard (abutting Prospect Hill Road) is requested in order to construct a 6-foot iron picket fence in the front yard on the property located at Lot 4, Glendale Forest Subdivision, being 7111 Oakley Road, Glenn Dale, 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.