

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-104-16 Jason and Valerie Crockett

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: September 28, 2016 .

CERTIFICATE OF SERVICE

This is to certify that on October 25, 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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Concerned Citizens Association of Lynnalan Acres

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

Petitioners: Jason and Valerie Crockett

Appeal No.: V-104-16

Subject Property: Lot 1, Block B, Lynnalan Acres Subdivision, being 8911 Palmer Street, Fort Washington, Prince George's County, Maryland

Heard and Decided: September 28, 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, Petitioners request 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 and walls in the front yard or side yard shall not be more than four (4) feet in height without the approval of a variance. Petitioners propose to construct a 6-foot vinyl 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 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 1973, contains 10,125 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4 10 and 11. The existing dwelling was built in 1976. Exh. 10.

2. The property is located on a sharp curve in the street, making the property a corner lot. Exhs. 4, 12(A) thru (E). The dwelling faces the legal side street line. Exh. 2.

3. In May 2016, the Board approved variances (Appeal No. V-41-16) to construct an attached garage on the right side of the house. Exh. 7.

4. Petitioners would like to construct a 6-foot vinyl privacy fence around the back yard, but variances are needed to obtain a building permit. Since the proposed fence would be over 4 feet in height and a portion of the fence would extend into the front yard, waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard of a corner lot are requested. Exh. 14.

5. Petitioner Valerie Crockett testified that the proposed 6-foot vinyl privacy fence would replace an existing 6-foot wooden privacy fence that is 20 years old. *See* Exhs. 5(A) and (B). She stated that the proposed fence would be built in the exact same location as the existing fence and that the proposed fence will not impact traffic visibility at the street corner.

6. Concerned Citizens Association of Lynnalan Acres approved the request. Exh. 20.

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 legal side street line, the proposed vinyl fence replacing an old wooden fence of the same height in the same location, 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, unanimously, that waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard of a corner lot are requested in order to construct a 6-foot vinyl privacy fence on the property located at Lot 1, Block B, Lynnalan Acres Subdivision, being 8911 Palmer Street, 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.