

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-128-16 Edward, Barbara and Andre Lyles

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 9, 2016.

CERTIFICATE OF SERVICE

This is to certify that on November 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: Petitioners
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

Petitioners: Edward, Barbara and Andre Lyles

Appeal No.: V-128-16

Subject Property: Lot 22, Block J, Crestview Manor Subdivision, being 7000 Groveton Drive, Clinton,
Prince George's County, Maryland

Heard and Decided: November 9, 2016

Board Members Present and Voting: 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 wooden privacy fence. Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Danford Drive) 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 1966, contains 15,997 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2 and 4.
2. The property is a corner lot with the dwelling facing the legal front street. Exhs. 2, 4 and 9.
3. Petitioners would like to replace the existing 6-foot wooden privacy fence as it is in disrepair. In order to obtain a permit to construct a new fence in the same location (Exh. 2), waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Danford Drive) of a corner lot were requested. Exh. 12.
4. Petitioner Barbara Lyles testified that the subject property (with the existing 6-foot fence) was purchased in 2000 and due to time and weather the fence now is in disrepair. Exhs. 5 and 9.
5. Mrs. Lyles stated that the fence will not impede any sight lines from the two streets and neighbors are in favor of the replacement fence. Exhs. 2 and 5.

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 odd shape of the property, the property being a corner lot, the proposed fence being of the same type and height as the existing fence, the existing fence being in disrepair, 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, Ms. Mack absent, that waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Danford Drive) of a corner lot are requested in order to construct a 6-foot wooden privacy fence on the property located at Lot 22, Block J, Crestview Manor Subdivision, being 7000 Groveton Drive, Clinton, 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 plans, Exhibits 3(a) and (b).

BOARD OF ZONING APPEALS

By: (Original Signed)
Albert C. Scott, Vice Chairman

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.