

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-2-17 Tonica Jenkins and Everette Reel

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: February 22, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on March 7, 2017 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)
Barbara J. Stone
Acting Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPCC, 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: Tonica Jenkins and Everette Reel

Appeal No.: V-2-17

Subject Property: Lot 32, Block D, Queensland Subdivision, being 12415 Kayak Drive, Upper Marlboro, Prince George's County, Maryland

Heard: February 8, 2017; Decided: February 22, 2017

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 wooden privacy fence. Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Sybaris 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 1967, contains 10,584 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 5 (A) thru (C), 7, 9 (A) thru (F) and 17.
2. The property is a corner lot with the dwelling facing the legal side street (Kayak Drive). Exhs. 2, 4, 5 (A) thru (C), 7, 9 (A) thru (F) and 17.
3. Petitioners would like to construct a 6-foot wooden privacy fence around the back yard, with the fence extending towards the property line along the legal front street. Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Sybaris Drive) of a corner lot are requested. Exhs. 2, 3, 5 (A) thru (C), 11 and 17.
4. Petitioner testified that the proposed fence will be tying into the neighbors existing fences. Exh. 5 (A) thru (C), 9 (A) thru (F) and 17.
5. Petitioner further testified that he would like to erect the 6 foot sight tight fence for security and privacy purposes. Exhs. 5 (A) thru (C), 9 (A) thru (F) and 17.
6. The proposed fence will not obstruct the corner view of approaching vehicular traffic at Sybaris Drive and Kayak Drive. Exhs. 9 (A) thru (F) and 17.
7. The fence will be set back 4 feet from the property line on Sybaris Drive. Exh. 17.

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 owners 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 variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the need for security and privacy for the family 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 the front yard (abutting Sybaris Drive) of a corner lot are requested in order to construct a 6-foot wooden privacy fence on the property located at Lot 32, Block D, Queensland Subdivision, being 12415 Kayak Drive, Upper Marlboro, 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 17 and 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.