

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-87-16 Antoinette Beckham

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: April 12, 2017.

CERTIFICATE OF SERVICE

This is to certify that on April 21, 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: Petitioner
Adjoining Property Owners
M-NCPCC, Permit Review Section
DPIE/Building Code Official, Permitting
DPIE/Inspections Division
City of District Heights

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

Petitioner: Antoinette Beckham

Appeal No.: V-87-16

Subject Property: Lot 44 and Part of Lot 45, Block 20, District Heights Subdivision, being 6608 Lansdale Street, District Heights, Prince George's County, Maryland

Municipality: City of District Heights

Heard: September 28, 2016; Decided: April 12, 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, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have one side yard at least 8 feet in width or two side yards totaling 17 feet in width and a rear yard at least 20 feet in depth/width; and Section 27-420(a), which prescribes that fences and walls more than 6 feet in height shall not be located in any required yard, and shall meet the setback requirements for main buildings. Petitioner proposes to validate existing conditions and obtain a building permit for a new white vinyl privacy fence up to 7 feet 3 inches in height. Variances of 1 foot side yard width for the dwelling and 17 feet total side yard width and 20 feet rear yard depth/width for the fence are requested.

Evidence Presented

1. The property contains 6,329 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and fence. Exhibits (Exhs.) 2, 4, 14 and 15. The existing dwelling was built in 1959. Exh. 14.

2. The property consists of one lot and part of another lot that were subdivided in 1951. Exh. 4. The property was created as it exists today by deed in 1960. Exh. 8.

3. The natural grade and slope of Petitioner's rear yard causes the need for the fence height of 7 feet 3 inches to be effective as a privacy fence. Exhs. 3 (a) thru (b) and 16 (A) thru (F).

4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a Correction Order on July 15, 2016 for a fence and posts exceeding 6 feet on the property. Exh. 12.

5. Petitioner would like to obtain a building permit for a new white vinyl privacy fence extending up to 7 feet 3 inches in height, although variances are required to obtain the permit. Since the fence is over 6 feet in height and extends along the side and rear lot lines, it must meet main structure setbacks. Variances of 17 feet total side yard width and 20 feet rear yard depth/width were requested to validate the fence. Exh. 18.

6. In addition, a variance is needed to validate the existing dwelling which is located approximately 7 feet from the right side lot line. A variance of 1 foot side yard width was requested. Exh. 18.

7. The City of District Heights requested the record to be held open on September 13, 2016 and September 15 to work with the Petitioner to correct "the violation". On March 28, 2017 the City supported Petitioner's variance request before the Board. Exhs. 24, 25, 26 and 27.

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

Due to the grade and slope of the rear yard, the need for privacy, 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 variances of 1 foot side yard width for the dwelling and 17 feet total side yard width and 20 feet rear yard depth/width for the fence in order to validate existing conditions and obtain a building permit for a new white vinyl privacy fence up to 7 feet 3 inches in height on the property located at Lot 44 and Part of Lot 45, Block 20, District Heights Subdivision, being 6608 Lansdale Street, District Heights, 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) thru (h).

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.