

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-55-17 Lashanda Conyers

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: June 21, 2017.

CERTIFICATE OF SERVICE

This is to certify that on August 2, 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-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

Petitioner: Lashanda V. Conyers

Appeal No.: V-55-17

Subject Property: Lot 11, Block P, Queensland Subdivision, being 12600 Crozet Drive, Upper Marlboro, Prince George's County, Maryland

Witnesses: Linda Anderson, Neighbor
Shenning Mahoney, Neighbor

Heard and Decided: June 21, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Al Scott, Vice Chair
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), which prescribes that each lot shall have a side yard at least 17 feet in width; Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set 2 feet from the rear lot line; and Section 27-420(a) 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. Petitioner proposes to validate existing conditions and construct a 6-foot wooden fence. Variances of 1 foot side yard setback for the dwelling, 1 foot rear lot line setback for an accessory building and a waiver of the fence location and height requirements for a fence over 4 feet in height in the side yard (Loanda Drive) are requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 10,538 square feet, is zoned R-A (Residential-Agricultural) and is improved with a single-family dwelling, driveway, deck and shed. The property is a corner lot with the dwelling facing the legal front street (Crozet Drive). Exhibit (Exhs.) 2, 4, 8, and 10 (A) thru (B).

2. Petitioner would like to construct a 6-foot wooden fence around the back yard. A portion of the fence will be located approximately 4 feet from the side street line. As the proposed fence will extend into the yard between the dwelling and the street, waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Loanda Drive) were requested. Exhs. 2, 3, 5 (A) thru (B) and 12.

3. Petitioner would also like to validate existing conditions for the dwelling, which is located 16 feet from the side lot line and an existing shed, in which a corner of the shed is located 1 foot from the rear lot line. Variances of 1 foot side yard setback for the dwelling and 1 foot rear lot line setback for an accessory building were requested. Exhs. 2, 3, 5 (A) thru (B) and 12.

4. Petitioner Conyers testified that she operates a daycare business from her home and has two small children. She stated that she would like to erect a 6-foot wood fence around the back yard of her property, including along the property line abutting Loanda Drive and approximately 4-feet from the sidewalk. Exhs. 2, 3, 5 (A) thru (B).

5. Linda Anderson, who lives across at 7309 Loanda Drive, opposed the construction of the proposed 6-foot fence. She believes that the fence will obstruct her view and change the beauty and landscape of Loanda Drive. She testified that there are no other 6-foot fences constructed that face Loanda Drive. Exh. 19.

6. Petitioner testified that her house is the only dwelling along Loanda Drive that does not face Loanda Drive. Exh. 10 (A).

7. Shenning Mahoney, who lives at 7400 Loanda Drive, testified that she has a 6-foot wooden fence that runs along Crozet Drive. Exh. 10 (B).

8. Petitioner explained that she needs the 6-foot fence for the security and safety of her small children and children attending the day care. She described Loanda Drive as a main street (off Route 301) and is very busy. Exhs. 2, 3, 5 (A) thru (B) and 10 (A) thru (F).

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 subject property being a corner lot with the house facing the legal front (Crozet Drive), the need for the security and safety measures for day care children 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, by majority vote, Mr. Al Scott absent, that variances of 1 foot side yard setback for the dwelling, 1 foot rear lot line setback for an accessory building and a waiver of the fence location and height requirements for a fence over 4 feet in height in the side yard (Loanda Drive) are requested in order to validate existing conditions and construct a 6-foot wooden fence on the property located at Lot 11, Block P, Queensland Subdivision, being 12600 Crozet 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 2 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.