

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-60-17 Gwendolyn and Warren Owens, Jr.

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: July 26, 2017 .

CERTIFICATE OF SERVICE

This is to certify that on August 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
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
MEINC Woodyard Estates HOA

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

Petitioner: Gwendolyn and Warren Owens, Jr.

Appeal No.: V-60-17

Subject Property: Lot 17, Block A, Woodyard Estates, being 10111 Georgian Lane, Upper Marlboro,
Prince George's County, Maryland

Heard: July 12, 2017; Decided: July 26, 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 27-420(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. Petitioner proposes to construct a driveway extension and a 6-foot white vinyl fence. Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Woodlot Lane) are requested.

Evidence Presented

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

1. The property was subdivided in 2004, contains 24,108 square feet, is zoned R-R (Rural-Residential) and is improved with a single-family dwelling, driveway and shed. The property is an odd-shaped cul-de-sac corner lot, with the dwelling facing the corner of Georgian Lane and Woodlot Lane. Exhibit (Exhs.) 2, 4, 9 and 11 (A) thru (F).
2. Petitioners would like to construct a 6-foot white vinyl fence around the back yard. 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 Woodlot Lane) were requested. Exhs. 2, 3, 5 (A) thru (G) and 11 (A) thru (G).
3. Petitioner Warren Owens testified that he would like to install the 6-foot vinyl fence for privacy and security. Exhs. 2, 3, 5 (A) thru (G) and 11 (A) thru (G).
4. He further testified that he would like to widen or extend a portion of the driveway to accommodate additional off-street parking on Georgian Lane. Currently, Petitioners have a two-car garage. Exhs. 2, 3, 5 (A) thru (G) and 11 (A) thru (G).
5. MEINC Woodyard Estates HOA approved Petitioners' proposal. Exh. 19

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 an odd-shaped corner lot located on a cul-de-sac, the need for security and privacy, the need for additional parking 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 side yard (abutting Vicar Woods Lane) are requested to construct a 20' x 26' driveway extension and a 6-foot white vinyl fence on the property located at Lot 1, Block F, Westwood Subdivision, being 13007 Vicar Woods Lane, Bowie, 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.