

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-67-17 James and Susan Trent

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 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
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Holmehurst South Civic Association

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

Petitioners: James and Susan Trent

Appeal No.: V-67-17

Subject Property: Lot 38, Block B, Holmehurst South Subdivision, being 4523 Woodgate Way, Bowie,
Prince George's County, Maryland

Heard and 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, Petitioners request that the Board approve variances from Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from a front street line and generally be located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots); and Section 27-420(a), which prescribes that on lots consisting of one (1) acre or less, fences and walls in a front yard shall not be more than four (4) feet high without the approval of a variance. Petitioners propose to validate existing conditions of two sheds and construct a 6-foot vinyl fence. A variance of 44 feet front street line setback (Enterprise Road) for one accessory building, a waiver of the rear yard location requirement for a second accessory building and waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard are requested.

Evidence Presented

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

1. The property was subdivided in 1979 contains 22,309 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and two sheds. The property is a through lot, fronting on three streets, with the dwelling facing Woodgate Way. Exhibits (Exhs.) 3, 5, 8, 10 (A) thru (F) and 18.
2. Petitioners would like to replace the existing 6-foot wooden fence around the back yard with a 6-foot vinyl fence. As the existing fence does, and the proposed fence would, extend to the property lines abutting Enterprise Road and Woodgate Court South, waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard were requested. Exhs. 2, 3, 6 (A) thru (Q), 10 (A) thru (F) and 18.
3. The two sheds (accessory buildings) on the property also require variances. One of the sheds is located 16 feet from Enterprise Road and the other shed is located beside the house. A variance of 44 feet front street line setback (Enterprise Road) for one accessory building and a waiver of the rear yard location requirement for the second accessory building were requested. Exhs. 3, 6 (A) thru (Q), 10 (A) thru (F) and 18.

4. Petitioner James Trent testified that the new 6-foot vinyl fence is to replace an existing 6-foot wooden fence which been up since 1986 and is deteriorating. Exhs. 10 (A) thru (F). He further testified that his wife, Susan Trent, who is disabled, requires exercise and sunlight and the proposed fence would provide security and privacy for her. Exhs. 3, 6 (A) thru (Q), 10 (A) thru (F) and 18.

5. Mr. Trent, a member of the Holmehurst South Civic Association, advised the Board that the Holmehurst South Civic Association did not oppose the variance request.

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 lot being a through lot (fronting on three streets), the deterioration of the existing 6-foot wooden fence, Petitioner Susan Trent being disabled and the need for a secure and private outdoor area for her 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, unanimously, that a variance of 44 feet front street line setback (Enterprise Road) for one accessory building, a waiver of the rear yard location requirement for a second accessory building and waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard in order to validate existing conditions and construct a 6-foot vinyl fence on the property located at Lot 38, Block B, Holmehurst South Subdivision, being 4523 Woodgate Way, Bowie, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18 and approved elevation plans, Exhibits 4 (A) thru (B).

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.