

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-74-17 Charlene Kimbrough

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: 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: Charlene Kimbrough

Appeal No.: V-74-17

Subject Property: Lot 1, Block B, Den Lee Acres Subdivision, being 10711 Bickford Avenue, Clinton,  
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, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth and Section 27-420(a), which prescribes that on a corner lot 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 high without the approval of a variance. Petitioner proposes to validate an existing condition and construct a 5-foot chain link fence. A variance of 2 feet front yard depth for the existing dwelling and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Den Lee Drive) are requested.

**Evidence Presented**

1. The property was subdivided in 1960, contains 13,918 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 3, 5, 13 and 14 (A) thru (F).

2. The subject property is a corner lot with the dwelling facing the legal front yard (Bickford Avenue) Exh.3

3. Petitioner would like to construct a 5-foot chain link fence around the back yard. Waivers of the fence location and height requirements for a fence over 4 feet in height in the legal side yard (abutting Den Lee Drive) were requested. Exhs. 2, 3, 4, 6 (A) thru (C).

4. Because the existing covered front porch on the house is located 23 feet from the front street line (Bickford Avenue) a variance of 2 feet front yard depth was also requested. Exhs. 2 and 14 (A) thru (F).

5. Petitioner Charlene Kimbrough testified that she would like to replace an existing 4-foot fence with a 5-foot chain link fence for her security and to keep her (shelter rescue) dog from climbing the fence. Exhs. 3, 4, 6 (A) thru (C), 9, 10.

6. She also explained that because of the steep slope of her property, portions of the existing fence are lower than 4-feet over which her dog can easily climb. Exh. 6 (A).

7. The fence would be replaced in the same location as the existing fence. Exh. 3.

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 subject property being a corner lot, the steep slope of the rear yard affecting the height of the fence, the adoption of a shelter rescue dog, the need to increase the height of the fence for the safety 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 a variance of 2 feet front yard depth and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Den Lee Drive) to validate an existing condition and construct a 5-foot chain link fence on the property located at Lot 1, Block B, Den Lee Acres Subdivision, being 10711 Bickford Avenue, Clinton, 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 3 and approved elevation plan, Exhibit 4.

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.