

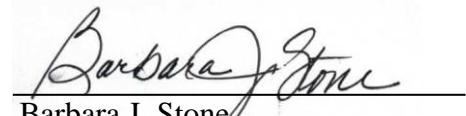
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-80-17 Danilo Cruz and Maria Aleman

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: August 9, 2017.

CERTIFICATE OF SERVICE

This is to certify that on August 31, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioners
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

Petitioners: Danilo Cardona and Maria Aleman

Appeal No.: V-80-17

Subject Property: Lots 1 & 2, Block 1, Hynesboro Park Subdivision, being 6305 Cipriano Road, Lanham,
Prince George's County, Maryland

Witness: Belqui Aleman, daughter of Maria Aleman

Heard and Decided: August 9, 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 27-420(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. Petitioners propose to construct a 6-foot wooden privacy fence. Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Second Street) and the side yard (abutting Cipriano Road) are requested.

Evidence Presented

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

1. The property was subdivided in 1887, contains 9,511 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 6, 7, 8 and 12.

2. The property is an odd-shaped (elongated triangle) corner lot, with the dwelling facing the legal side street. Exhs. 2, 4 and 5 (A) thru (C).

3. Petitioners would like to construct a 6-foot wooden privacy fence around the left side yard of the property. The fence would extend from the rear corner of the dwelling to the side lot line and along the property lines abutting the side and front streets. Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Second Street) and the side yard (abutting Cipriano Road) are requested. Exhs. 2, 3, 5 (A) thru (C) and 14 (A) thru (F).

4. Belqui Aleman testified that Petitioners propose to replace a 4-foot fence with a 6 foot fence because along Cipriano Road there is a hill and pedestrian's transverse through the yard (on the corner lot). Exhs. 2, 5 (A) thru (C) and 14, (A) thru (F).

5. She further testified that there are many other properties in the community with 6-foot fences. Exhs. 14 (A) thru (F).

6. The maximum height of the fence (including retaining wall height) will not be more than 6-feet. Where the retaining wall height fluctuates, the fence will be reduced accordingly to establish the maximum height of 6 feet. Exhs. 5 (A) thru (C).

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 unusual shape of the property (an elongated triangle), the lot being a corner lot, the house facing the legal side, the substantial need for security 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 waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Second Street) and the side yard (abutting Cipriano Road) are requested in order to construct a 6-foot wooden privacy fence (5-feet where located on top of existing retaining wall) on the property located at Lots 1 & 2, Block 1, Hynesboro Park Subdivision, being 6305 Cipriano Road, Lanham, 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.