

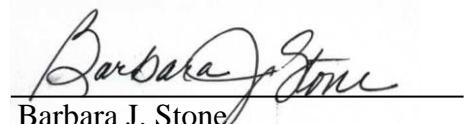
*NOTICE OF FINAL DECISION*  
*OF BOARD OF APPEALS*

RE: Case No. V-110-17 Ishioma Opi-Edemenya and Chukwunalu Edemenya

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: October 11, 2017.

**CERTIFICATE OF SERVICE**

This is to certify that on October 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  
Kettering Community Association, Inc.

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

Petitioners: Ishioma Opia-Edemenya and Chukwunalu Edemenya

Appeal No.: V-110-17

Subject Property: Lot 1, Block 26, Kettering Subdivision, being 12601 Cambleton Drive, Upper Marlboro, Prince George's County, Maryland

Witness: Donna Thomas, Neighbor

Heard: September 27, 2017; Decided: October 11, 2017

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Albert C. Scott, Vice Chairman

**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 side yard (abutting Watkins Park Drive) are requested.

**Evidence Presented**

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

1. The property was subdivided in 1970, contains 13,479 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 10 and 12 (A) thru (F).
2. The property is an odd shaped corner lot with the dwelling facing the legal front street. Exhs. 2, 4 and 21.
3. Petitioners would like to construct a 6-foot wooden privacy fence around the back yard. A portion of the fence will be in the yard between the dwelling and the side street and be about 12 feet from the side street line. Waivers of the fence location and height for a fence over 4 feet in height in the side yard (abutting Watkins Park Drive) were requested. Exhs. 2, 3, 5 (A) thru (B), 12 (A) thru (B) and 21.
4. Petitioner Ishioma Opia-Edemenya would like to locate a 6-foot wooden fence in the rear yard which abuts Watkins Park Drive. She stated that neighboring properties, except one, situated along Watkins Park Drive have a 6-foot fence. She stated that Watkins Park Drive is a high traffic road and privacy is desired. Exhs. 2, 3, 5 (A) thru (B), 6 (A) thru (H), 12 (A) thru (B) and 21.
5. She further testified that the proposed fence will be set back sufficiently to allow vehicular view from Cambleton Drive to Watkins Park Drive (and vice versa). Exhs. 2 and 21.
6. Donna Thomas, 103 Weymouth Street, testified that she does not object to the proposed fence, but requests that the proposed fence from the house is angled further from the corner of Cambleton Drive and Watkins Park Drive to enhance car visibility. Exh. 2 and 21.

7. Petitioner Ishioma Opia-Edemenya supports angling the fence towards the rear, but does not want to disturb the current landscaping and informed the Board that an existing tree will further limit the angle of the fence. Exhs. 2 and 21 (revised site plan).

8. Management/Kettering Community Association, Inc. provided an approval letter of the 6-foot wooden privacy fence. Exhs. 20.

9. A revised site plan angling the fence more to the rear of the dwelling was submitted. Exh. 21.

#### 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 irregular shape of the corner lot, the need for privacy along Watkins Park Drive and the character of the neighborhood (already with the presence of 6-foot fences), 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**, by majority vote, Ms. Anastasia Johnson, absent, that waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Watkins Park Drive) are requested to construct a 6-foot wooden privacy fence on the property located at Lot 1, Block 26, Kettering Subdivision, being 12601 Cambleton 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 revised site plan, Exhibit 21 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.