

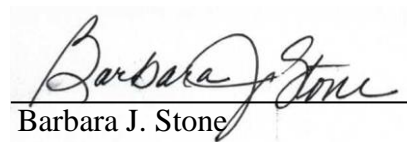
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-113-17 Earl Grant

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: September 27, 2017.

CERTIFICATE OF SERVICE

This is to certify that on October 25, 2017, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Piscataway Hills Citizens' Association

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

Petitioner: Earl Grant

Appeal No.: V-113-17

Subject Property: Lot 78, Piscataway Hills Subdivision, being 13101 Piscataway Drive, Fort Washington,
Prince George's County, Maryland

Witness: Carol Schlechtriem, Neighbor

Heard and Decided: September 27, 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 a variance 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 lots consisting of one (1) acre or less, fences and walls in the front yard shall not be more than four (4) feet in height without the approval of a variance. Petitioner proposes to construct a 6-foot metal fence in the front yard. A waiver of the fence location requirement for a fence over 4 feet in height in the front yard is requested.

Evidence Presented

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

1. The property was subdivided in 1968, contains 37,392 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 5, 11 and 13 (A) thru (F).
2. The property is an odd triangular-shaped lot. Exhs. 2 and 5.
3. Petitioner would like to construct a 6-foot metal fence around the structures on the subject property. A portion of the fence would be in the front yard along Piscataway Drive. A waiver of the fence location requirement for a fence over 4 feet in height in the front yard was requested. Exhs. 2, 3 and 4.
4. It was explained that there is a 100-foot storm drain and sanitary sewer easement that runs along the angled side lot line, 25 feet into the property. Exhs. 2 and 5.
5. Petitioner Earl Grant testified that he would like to place a 6-foot metal fence around the perimeter of the house to prevent deer, which carry infectious diseases, from coming onto his property. He stated that in the front of the property the fence will be a maintenance free, aluminum (Lonspur) fence and the rest of the fencing will be black chain link. Exhs. 2, 3, 4, 6, 7 and 13 (A) thru (F).
6. Ms. Carol Schlechtriem stated that she is concerned that the fence may be on her property. Exh. 2.
7. Mr. Grant reassured Ms. Schlechtriem that he will have a survey conducted to assure that the proposed fence is not located on the Schlechtriem property. Exh. 2.
8. Mr. Grant stated that because his property is all wooded, he will be placing the fence very close to the house, not completely around the property line, so the deer have free roam of most of his property. He

emphasized that the only portion of fencing that will be on the property line is to the left of his house which abuts Ms. Schlechtriem's property. Exhs. 2, 6, 13 (A) thru (F).

9. Piscataway Hills Citizens' Association (PHCA) has no objection to the requested fence types or location other than no chain link fence be placed in the front yard. 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 odd triangular shape of the lot, the location of the storm drain and sanitary sewer easement on the property, the subject property being extremely wooded, the need to control the roaming of the deer (which may carry disease) 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 waiver of the fence location requirement for a fence over 4 feet in height in the front yard to construct a 6-foot metal fence in the front yard on the property located at Lot 78, Piscataway Hills Subdivision, being 13101 Piscataway Drive, Fort Washington, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 and 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.