

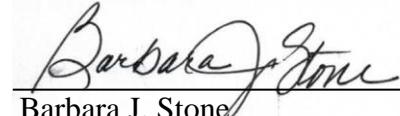
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-139-17 Cory Chase and Monica Lester

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: December 13, 2017.

CERTIFICATE OF SERVICE

This is to certify that on January 3, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Barbara J. Stone
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Other Interested Parties

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

Petitioners: Cory Chase and Monica Lester

Appeal No.: V-139-17

Subject Property: Lot 1, Block B, Ashford Subdivision, being 6600 Middlefield Road, Fort Washington, Prince George's County, Maryland

Witnesses: Novella Jackson, Neighbor

Flora Lindsay Boston, Neighbor

Gwendolyn Kerrick, Neighbor

Iratha Waters Dillahunt, Neighbor

Heard: November 15, 2017; Decided: December 13, 2017

Board Members Present and Voting: 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, with brick columns, in the front and side street yards. Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Highgate Drive) and side yard (abutting Middlefield Road) are requested.

Evidence Presented

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

1. The property was subdivided in 1972, contains 14,375 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7 and 9 (A) thru (F).

2. Petitioners would like to construct a 6-foot wooden privacy fence, with brick columns, around the side and back yards. A portion of the fence would be in the front and side yards. Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Highgate Drive) and the side yard (abutting Middlefield Road) were requested. Exhs. 2, 3 5 (A) thru (F).

3. Petitioner Cory Chase testified that he would like to build a 6-foot privacy fence around his property, but a variance is required because the house sits on a corner lot which is long and narrow. Exhs. 2, 3, 5 (A) thru (F).

4. Petitioner stated that no other houses in the community have a fence in the front yard, but several have 6-foot fences. Exhs. 2 and 3.

5. Ms. Jackson, 4209 Farmer Place, testified that there are other 6-foot fences in the neighborhood, but if Mr. Chase places the proposed 6-foot fence coming up Middlefield Road, it's going to look like a fortress and out of character in the neighborhood.

6. Ms. Boston, 6605 Highgate Drive, stated that the proposed fence on Middlefield Road will impede the site views on that street as well as Highgate Drive, especially at night.

7. Ms. Kerrick, 4203 Farmer Place, stated that the proposed fence will look like a blockade in the community because it is the first house that is seen coming into the community. She stated that other corner lots have 6-foot fences, not in the front yard area.

8. Ms. Waters-Dillahunt, 6606 Highgate Drive, stated she is also concerned about the fence in the front of the house. She explained that she is in her 70's, there is a stop sign at the intersection and you want to see what's coming. She stated that she did not want to "inch out a little bit into the street to see beyond the (proposed) fence." She continued that Highgate Drive is on a hill, which could be dangerous during the winter months when there is snow and ice on the roads. She cautioned that when you cannot see clearly there is potential for an accident.

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 does not comply with the applicable standards set forth in Section 27-230, more specifically:

1. Even assuming the subject property is exceptional with its shape, the Board does believe that the absence of the proposed 6-foot fence in the legal front yard constitutes a peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property. Indeed, no other community corner lot apparently has a fence in the front yard and there is suggestion that placement of the fence in the front yard may prompt safety concerns for motorists, which was not rebutted.

2. In addition, being persuaded by the evidence, particularly by the testimonies of neighbors, that location of the proposed fence in front of the property would be out of character with the neighborhood as well as compromise the neighborhood appearance.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Bobbie Mack abstaining, that waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Highgate Drive) and side yard (abutting Middlefield Road) to construct a 6-foot wooden privacy fence, with brick columns, in the front and side street yards on the property located at Lot 1, Block B, Ashford Subdivision, being 6600 Middlefield Road, Fort Washington, Prince George's County, Maryland, be and are hereby DENIED.

BOARD OF ZONING APPEALS

By: ORIGINAL SIGNED
Albert C. Scott, Vice Chairman

Further, Section 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.