

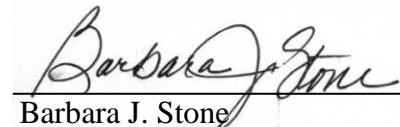
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-160-17 Aurora Hoople

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 2, 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: 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: Aurora Hoople

Appeal No.: V-160-17

Subject Property: Lot 9, Block C, Bluffwood Estates Subdivision, being 800 Bluffwood Court, Fort Washington, Prince George's County, Maryland

Heard and Decided: December 13, 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 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. Petitioner proposes to construct a 6-foot wooden privacy fence in the side yard of a corner lot. Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Bluffwood Lane) are requested.

Evidence Presented

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

1. The property was subdivided in 1970, contains 15,792 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7 and 9 (A) thru (F).

2. The property is a corner lot with the dwelling facing the legal front street. Exhs. 2 and 4.

3. Petitioner would like to construct a 6-foot wooden privacy fence around the back yard, a portion of which would be in the yard between the house and approximately 15 feet from the side street line. Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Bluffwood Lane) are requested. Exhs. 2, 3 and 5 (A) thru (D).

4. Petitioner Aurora Hoople testified that she would like to build a 6-foot privacy fence for security and privacy reasons because of military travel. She stated that the adjoining lot to the rear has a 6-foot fence to which the proposed fence will be connecting. Exhs. 2, 3 and 5 (A) thru (D).

5. Because the fence is setback 15 feet on Bluffwood Lane, vehicular site views will not be blocked at the corner. Exhs. 2 and 17.

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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the need for security during Petitioner's military travel time 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 waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Bluffwood Lane) in order to construct a 6-foot wooden privacy fence in the side yard of a corner lot on the property located at Lot 9, Block C, Bluffwood Estates Subdivision, being 800 Bluffwood Court, Fort Washington, 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 17 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

ORIGINAL SIGNED
By: _____
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.