

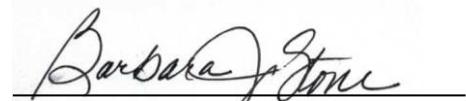
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-166-17 Annette Gray

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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Templeton Knolls Civic Association

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

Petitioner: Annette Gray

Appeal No.: V-166-17

Subject Property: Lot 9, Hawvermale's Addition to Templeton Knolls Subdivision, being 5906 Carters Lane, Riverdale, 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 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth; Section 27-442(c)(Table II), which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking; and Section 27-420(a), which prescribes that on a corner lot 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 high without the approval of a variance. Petitioner proposes to validate existing conditions and construct a 6-foot wooden privacy fence in the side yard of a corner lot. Variances of 4 feet front yard depth, 1% net lot coverage and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting 60th Avenue) are requested.

Evidence Presented

1. The property was subdivided in 1958, contains 6,842 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is a corner lot with the dwelling facing the legal front street. Exhibits (Exhs.) 2, 4, 7 and 9 (A) thru (F).

2. Petitioner would like to construct a 6-foot wooden privacy fence around the back yard. As part of the fence would be in the yard between the house and 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 60th Avenue)¹ were requested. Exhs. 2, 3, 5 (A) thru (E) and 19.

3. The existing covered front porch is located 21 feet from the front street line and all the existing development on the property exceeds the amount of lot coverage allowed. Variances of 4 feet front yard depth and 1% net lot coverage were requested. Exhs. 2, 3, 5 (A) thru (E) and 19.

4. Petitioner Annette Gray testified that she would like to erect a 6-foot privacy fence in the rear yard of her property which would include replacing a portion of an existing 4-foot fence (in the rear) with the proposed 6-foot privacy fence. She further testified that because of the constant foot traffic, loitering and

¹ Petitioner represented, and the development site in Exh. 9 appears to support that 60th Avenue is a "paper street" (existing only on paper, never constructed).

littering caused by persons cutting through on 60th Avenue heading to Longfellow Street, she proposes the 6-foot fence. Exhs. 2, 3, 5 (A) thru (E) and 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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject property being a corner lot, 60th Avenue being a paper street, the need for privacy and protection from cross foot traffic, loitering and littering stemming from 60th Avenue 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 variances of 4 feet front yard depth, 1% net lot coverage and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting 60th Avenue) in order to validate existing conditions and construct a 6-foot wooden privacy fence in the side yard of a corner lot on the property located at Lot 9, Hawvermale's Addition to Templeton Knolls Subdivision, being 5906 Carters Lane, Riverdale, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 19 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.