

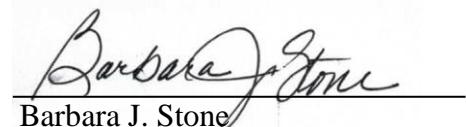
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-176-17 Angie and Kevin Williams

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: January 24, 2018.

CERTIFICATE OF SERVICE

This is to certify that on February 15, 2018, 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

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

Petitioners: Angelette and Kevin Williams

Appeal No.: V-176-17

Subject Property: Lot 1, Block C, Valley View Subdivision, being 2001 Valley View Drive, Fort Washington, Prince George's County, Maryland

Heard and Decided: January 24, 2018

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, Petitioners request that the Board approve variances from Section 27-424(b) of the Zoning Ordinance, which prescribes that outdoor swimming pools shall meet the setback requirements for a main building (not for accessory structures) and Section 27-420(a), 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 an above-ground swimming pool and 6-foot ornamental aluminum fence in the front yard of a corner lot. A variance of 17.5 feet front street line setback for an above-ground swimming pool and waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Tinker Drive) are requested.

Evidence Presented

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

1. The property was subdivided in 1966, contains 11,912 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. The property is a corner lot with the dwelling facing the legal side street. Exhs. 2 and 4.
3. Petitioners would like to construct a 6-foot ornamental aluminum fence around the back yard, extending from the dwelling to the property lines to the side and connecting to the property line to the rear of the dwelling. As part of the fence will be along the legal front property line, waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Tinker Drive) were requested. Exhs. 2, 3, 5 (A) thru (E) and 16 (A) thru (B).
4. Petitioner Angelette Williams testified that they are proposing to install an above ground swimming pool, which will be located 7.5 feet from Tinker Drive. As the Zoning Ordinance requires the pool to be located 25 feet from any property line abutting a street, a variance of 17.5 feet front street line setback was requested. Exhs. 2, 3, 5 (A) thru (E), 15 and 16 (A) thru (B).

5. Section 27-451 (a) requires that "all outdoor swimming pools accessory to one-family detached dwellings shall be enclosed by a fence at least six (6) feet high..."

6. Petitioner further testified that the 6-foot fence will replace a 4-foot chain link in the exact same location. Exhs. 2, 3, 5 (A) thru (E) and 10 (A) thru (F).

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 subject property being a corner lot, zoning regulations mandating a 6-foot fence around swimming pools, 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 17.5 feet front street line setback for an above-ground swimming pool and waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Tinker Drive) to construct a 6-foot ornamental aluminum fence in the front yard of a corner lot on the property located at Lot 1, Block C, Valley View Subdivision, being 2001 Valley View Drive, 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 site plan, Exhibit 2 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.