

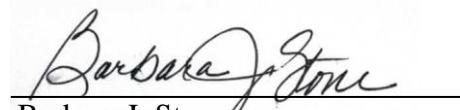
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-190-17 Jade Jaggers

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: March 14, 2018.

CERTIFICATE OF SERVICE

This is to certify that on March 20, 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
Town of Riverdale Park

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

Petitioner: Jade Jaggers

Appeal No.: V-190-17

Subject Property: Lot 15, Block 44, Riverdale Park Subdivision, being 4514 Oliver Street, Riverdale,
Prince George's County, Maryland

Municipality: Town of Riverdale Park

Heard: February 14, 2018; Decided: March 14, 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, 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 46th Avenue) are requested.

Evidence Presented

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

1. The property was subdivided in 1889, contains 8,727 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and detached garage. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The property is a corner lot with the dwelling facing the legal front street. Exhs. 2, 4 and 9 (A) thru (F).
3. Petitioner would like to construct a 6-foot wooden privacy fence around the back yard, with part of the fence being located between the dwelling 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 46th Avenue) were requested. Exhs. 2, 3 (a) thru (b), 5 (A) thru (B) and 10.
4. The Town of Riverdale Park is in support of the waivers. Exh. 22.
5. Petitioner Jade Jaggers testified that her property is located on the corner of Oliver Street and 46th Avenue. She stated that on the abutting Lot 14 property line there is an existing 4-foot chain link fence that will be replaced with the proposed 6-foot wooden fence along the property line. There is an existing 6-foot fence on the rear property line. The proposed fence will replace the 4-foot chain link as well as the rear 6-foot fence and will be placed along 46th Avenue (approximately 6 feet off the curb line). She stated that the

existing line of bushes that will be outside of the fence will remain for esthetic purposes. Exhs. 2, 3 (a) thru (b), 5 (A) thru (B) and 21 (A) thru (I).

6. Ms. Jaggers stated that she would like to erect the 6-foot fence for privacy and because her dogs can easily jump a 4-foot fence. Exhs. 2, 3 (a) thru (b), 5 (A) thru (B) and 21 (A) thru (I).

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 lot being a corner lot with the dwelling facing the legal front street, the desire for privacy 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 46th Avenue) to construct a 6-foot wooden privacy fence in the side yard of a corner lot on the property located at Lot 15, Block 44, Riverdale Park Subdivision, being 4514 Oliver Street, Riverdale, 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 plans, Exhibits 3 (a) thru (b).

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.