

*NOTICE OF FINAL DECISION*

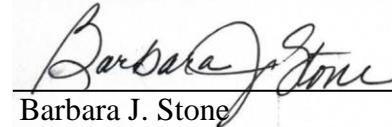
*OF BOARD OF APPEALS*

RE: Case No. V-196-17 Patricia White and Robert Mitchell

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: February 28, 2018.

**CERTIFICATE OF SERVICE**

This is to certify that on March 7, 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

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

Petitioners: Patricia White and Robert Mitchell

Appeal No.: V-196-17

Subject Property: Lot 8, Block G, Largo Knolls Subdivision, being 822 Falcon Drive, Upper Marlboro, Prince George's County, Maryland

Heard and Decided: February 28, 2018

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 5-foot polymer coated chain link fence and 6-foot vinyl 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 Uphill Court) are requested.

**Evidence Presented**

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

1. The property was subdivided in 1977, contains 12,408 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway, shed and basketball court. Exhibits (Exhs.) 2, 4, 9, 10 and 12 (A) thru (F).

2. The property is a corner lot located in a cluster subdivision, with the dwelling facing the legal front street at an angle. Exhs. 2 and 4.

3. Petitioners would like to construct a 6-foot vinyl privacy fence along the rear lot line and a 5-foot wrought iron fence along the side lot lines and connecting to the house. As a part of the 5-foot and 6-foot fences will be in the yard between the dwelling and the street, waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Uphill Court) were requested. Exhs. 2, 3 (a) thru (b) and 14.

4. Petitioner Patricia White testified that the original fence was built approximately 32 years ago and is now rusty and in disrepair. The fence is for security/privacy purposes and to prevent persons from passing through the property. She believes the proposed fence will make the yard (and neighborhood) more attractive. Exhs. 2, 5 (A) thru (E), and 6 (A) thru (D).

5. She further explained that currently a 5-foot (in height) chain link fence exists in the side yards and a 6-foot (in height) chain link fence with privacy slats exists in the rear yard. Petitioners will be essentially replacing the original fences with fences of the same height - 5-foot open wrought iron fence on

the side property lines and a 6-foot white vinyl privacy fence on the rear property line. Exhs. 2, 3 (a) thru (b), 5 (A) thru (E) and 6 (A) thru (D).

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 property being located on a corner lot, the existing fence being constructed approximately 32 years ago and in disrepair, the replacement fencing being erected in the same location and height as the original 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, by majority vote, Ms. Bobbie Mack absent, that waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Uphill Court) to construct a 5-foot wrought iron fence in the side yards and 6-foot white vinyl privacy fence in the rear yard of a corner lot on the property located at Lot 8, Block G, Largo Knolls Subdivision, being 822 Falcon Drive, Upper Marlboro, 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 19 and approved elevation plans, Exhibits 3 (a) thru (b).

BOARD OF ZONING APPEALS

By: (Original Signed)  
Albert C. Scott, Vice Chairman

**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.