

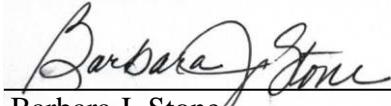
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-206-17 Quinton C. Walker, Jr.

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 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: 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: Quinton Walker, Jr.

Appeal No.: V-206-17

Subject Property: Lot 11, Block F, Brookwood Subdivision, being 9756 Wyman Way, Upper Marlboro,
Prince George's County, Maryland

Witness: Quintina Walker, Daughter

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, 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 vinyl privacy fence in the front yard of a corner lot. Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Frank Tippett Road) are requested.

Evidence Presented

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

1. The property was subdivided in 1969, contains 11,498 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibit (Exhs.) 2, 4, 8, 9, 10 (A) thru (F) and 19.

2. The property is a corner lot, with the dwelling facing the legal side street. Exhs. 2, 4, 10, (A) thru (F) and 19.

3. Petitioner Quinton Walker would like to replace the existing 4-foot chain link fence around the back yard with a 6-foot vinyl privacy fence. A portion of the fence will be constructed along the side lot line, past the line of the dwelling, towards Frank Tippett Road. Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Frank Tippett Road) were requested. Exhs. 2, 3, 5 (A) thru (E), 6 (A) thru (C) and 19.

4. Petitioner testified that he would like to erect a 6-foot privacy fence for his safety and protection from 4 large dogs who stay next door at 9718 Frank Tippet Road. He further testified that he has already (legally) installed a portion of a 6-foot fence behind his house and is requesting permission to erect an additional 38 feet of fence to provide protection and to block the view of the dogs of him. Petitioner stated that the fence will end 20-feet from the front property line. Exhs. 2, 3, 5 (A) thru (E), 6 (A) thru (C) and 19.

5. Mr. Walker explained that he has contacted animal control several times because the dogs have jumped the existing 4-foot fence, charging at him, growling and barking. He further stated that he cannot enter his back yard for fear of the dogs attacking him.

6. Quintina Walker, petitioner's daughter, likewise testified that her father has been attacked by the neighbor's dogs when he is just walking out of his house. She stated her father is 70 years old with a "bad knee", he cannot run from the dogs.

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 a corner lot, the existence of aggressive dogs located on an adjoining lot, the need for Petitioner's safety, welfare and protection 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 front yard (abutting Frank Tippett Road) in order to construct a 6-foot vinyl privacy fence in the front yard of a corner lot on the property located at Lot 11, Block F, Brookwood Subdivision, being 9756 Wyman Way, 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 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.