

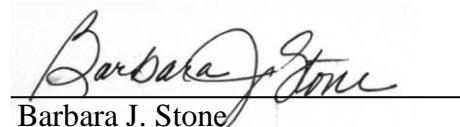
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-207-17 Michelle Humphrey

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 27, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Quality 1 Property Management

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

Petitioner: Michelle Humphrey

Appeal No.: V-207-17

Subject Property: Lot 4, Block C, Chester Grove Community Subdivision, being 3050 Chester Grove Road,
Upper Marlboro, Prince George's County, Maryland

Heard and 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 vinyl privacy fence in the side yard of a corner lot of a quadruple-attached dwelling. Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Chester Grove Terrace) are requested.

Evidence Presented

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

1. The property was subdivided in 1985, contains 5,307 square feet, is zoned R-18 (Multifamily Medium Density Residential) and is improved with a quadruple-attached single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).
2. The property is a corner lot with the dwelling facing the legal side street. The rear yard being a triangle shape. Exhs. 2, 4, 5 (A) thru (D) and 11 (A) thru (F).
3. Petitioner would like to construct a 6-foot vinyl privacy fence around the legal side yard, with a portion of the fence located between the dwelling and the property line abutting the side street ("Chester Grove Terrace"). Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Chester Grove Terrace) were requested. Exhs. 2, 4, 5 (A) thru (D), 11 (A) thru (F) and 12.
4. Quality 1 Property Management (Chester Grove Home Owners Association) approved the requested variance. Exhs 6 and 19.
5. Petitioner Michelle Murphy proposed a fence in the legal side and rear yards of her property. She explained that the subject property is corner lot, the quadruple attached dwelling is an end unit facing the legal side yard. She noted that because of the location of a utility box on the property the proposed fence

will be set back behind the utility box, approximately 12 feet from the side street line. Exhs. 2, 3, and 5 (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 house being a quadruple attached dwelling on a corner lot with the legal front facing Chester Grove Road, the rear yard being very small with more usable area in the legal side yard 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 Chester Grove Terrace) to construct a 6-foot vinyl privacy fence in the side yard of a corner lot on the property located at Lot 4, Block C, Chester Grove Community Subdivision, being 3050 Chester Grove Road, 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 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.