

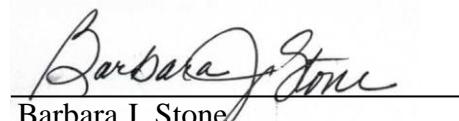
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-209-17 Maria Montalva

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: April 11, 2018.

CERTIFICATE OF SERVICE

This is to certify that on April 24, 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
DPIE/Inspections Division
Leslie Bilchick, Spanish Language Interpreter

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

Petitioner: Maria Montalva

Appeal No.: V-209-17

Subject Property: Lot 51, Block B, Palmer Park Subdivision, being 7757 Muncy Road, Hyattsville,
Prince George's County, Maryland

Witness: Kimberly Alvivurezleon, Petitioner's Daughter

Spanish Language Interpreter Services: Leslie Bilchick

Heard: March 28, 2018; Decided: April 11, 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 27-442(c)(Table II) of the Zoning Ordinance, which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking and Section 27-420(a), which prescribes that on lots consisting of one (1) acre or less, fences and walls in the front yard shall not be more than four (4) feet in height without the approval of a variance. Petitioner proposes to validate existing conditions and obtain a building permit for a new 6-foot wooden privacy fence for a semi-detached dwelling. A variance of an additional 3% net lot coverage for a new shed and waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard are requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 3,994 square feet, is zoned R-35 (One-Family Semi-Detached Residential) and is improved with a semi-detached single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).
2. The property shape is long and narrow. Exhs. 2, 4 and 11 (A) thru (F).
3. Petitioner would like to obtain a building permit for a new 6-foot wooden privacy fence, constructed around the back yard and along the side lot line towards Muncy Road. As a portion of the fence is in the yard between the dwelling and front property line, waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard were requested. Exhs. 2, 3 (a) thru (e) and 14.
4. The Board approved a lot coverage variance in 2015 (Appeal No. V-87-15) for a driveway extension. Exh. 7. The current site plan reveals that the lot coverage associated with the shed increases the net lot coverage of the subject property. Exhs. 2 and 21.
5. The Department Permitting, Inspections and Enforcement, Inspections Division, issued Building Violation Notice No. 22426-2016-0, dated April 21, 2016, requiring Petitioner to "Obtain the required

permit(s) for work done . . . or remove the same. Work includes but not limited to a fence over 4 feet." Exh. 6.

6. Petitioner has submitted a revised plan demonstrating a 6-foot fence surrounding the back yard and reducing the height of the fence to a 4' fence along the front side yard. Exhs. and 3 (a) thru (e) and 21.¹

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 coverage associated with the shed increasing the net lot coverage of the subject property, 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 a variance of an additional 3% net lot coverage for a new shed to validate existing conditions and obtain a building permits for a new 6-foot wooden privacy fence in the rear yard and a 4-foot fence in the front yard for a semi-detached dwelling on the property located at Lot 51, Block B, Palmer Park Subdivision, being 7757 Muncy Road, Hyattsville, 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 21 and approved elevation plans, Exhibits 3 (a) thru (e).

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:

¹ Petitioner has reduced the 6-foot fence in the front yard to 4 feet, therefore, a waiver of the fence location and height requirement are no longer necessary. Exh. 21

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.