

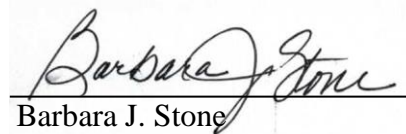
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-213-17 Aakash Moni and Ashish Laxman

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: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Town of University Park

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

Petitioners: Aakash Moni and Ashish Laxman

Appeal No.: V-213-17

Subject Property: Lots 67 & 68, Block E, College Heights Subdivision, being 6934 Pineway, University Park, Prince George's County, Maryland

Municipality: Town of University Park

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, 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 6-foot wooden 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 Route 1) are requested.

Evidence Presented

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

1. The property was subdivided in 1920, contains 10,524 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).
2. The property is an odd-shaped corner lot with the dwelling facing the legal side street. Exhs. 2, 3 (a) thru (b) and 5.
3. Petitioners would like to construct a 6-foot wooden privacy fence along the side lot line, extending towards Route 1. As a portion of the fence would be in the yard between the dwelling and the property line abutting a street, waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Route 1) are requested. Exhs. 2, 3 (a) thru (b), 5 and 12.
4. The Town of University Park supported the variance requests. Exh. 18.
5. Petitioner Ashish Laxman testified that he would like to construct a 6-foot wooden privacy fence on the north property line for security and screening against commercial property. He stated that when the subject property was purchased two years ago there was an existing fence which was in disrepair. Mr. Laxman has received a Town Permit and a letter of approval from the Town of University Park. Exhs. 2, 3 (a) thru (b), 5 and 18.

6. A letter was submitted by a neighbor requesting that the fence be approved. Exhs. 2, 3 (a) thru (b), 5, 17 and 18.

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 property being an odd-shaped corner lot with the dwelling facing the legal side street, the security need to screen the residential yards from commercial 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 waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Route 1) to construct a 6-foot wooden privacy fence in the front yard of a corner lot on the property located at Lots 67 & 68, Block E, College Heights Subdivision, being 6934 Pineway, University Park, 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.