

NOTICE OF FINAL DECISION

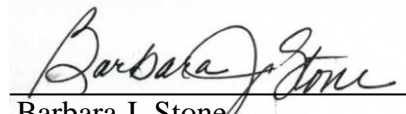
OF BOARD OF APPEALS

RE: Case No. V-15-18 Glenis and Tomasina Valdez

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: May 9, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on May 22, 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

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

Petitioners: Glenis and Tomasina Valdez

Appeal No.: V-15-18

Subject Property: Lot 5, Block A, Sheriff Knolls Subdivision, being 6708 Asset Dive, Landover,
Prince George's County, Maryland

Witness: Darlena Pujols, Sister-in-law

Heard and Decided: May 9, 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), which prescribes that on lots consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Petitioners propose to construct a 6-foot wooden privacy fence in the front yard (Highland Avenue) of a through lot. A waiver of the fence height and location requirements for a fence over 4 feet in height in the front yard (abutting Highland Avenue) requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1990 contains 6,500 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. The property is a through lot, with the dwelling facing Asset Drive. Exhibits (Exhs.) 3, 5, 9, 10 and 11 (a) thru (F).
2. Petitioners would like to construct a 6-foot privacy fence around the back yard. The property has two front yards, two side yards and no rear yard. As such, a portion of the fence would be in the front yard between the dwelling and a property line abutting a street. A waiver of the fence height and location requirements for a fence over 4 feet in height in the front yard (abutting Highland Avenue) is requested. Exhs. 3, 4, 6 (A) thru (G) and 7 (A) thru (F).
3. Petitioners explained that the property fronts on Asset Drive and Highland Avenue which dead-ends into the rear of the subject property, causing the subject property to be a through lot. Exhs. 3, 4, 6 (A) thru (G) and 7 (A) thru (F).

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 variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the unusual condition of a through lot with two front yards, two side yards, but no rear 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a waiver of the fence height and location requirements for a fence over 4 feet in height in the front yard (abutting Highland Avenue) requirement in order to construct a 6-foot wooden privacy fence in the front yard (Highland Avenue) of a through lot on the property located at Lot 5, Block A, Sheriff Knolls Subdivision, being 6708 Asset Dive, Landover, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3 and approved elevation plan, Exhibit 4.

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.