



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

### *OF BOARD OF APPEALS*

RE: Case No. V-12-22 Dwayne Sharps

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 6, 2022.

### **CERTIFICATE OF SERVICE**

This is to certify that on August 11, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "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: Dwayne Sharps

Appeal No.: V-12-22

Subject Property: Lot 6, Block B, Rosary Wood Subdivision, being 9700 Varus Place, Upper Marlboro, Prince George's County, Maryland

Heard and Decided: April 6, 2022

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 a variance from Section 27-420(a) which prescribes that fences more than 6 feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings; on lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high without the approval of a variance; on a corner lot 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. Petitioner proposes to obtain a building permit for the construction of a 6-foot white vinyl fence. A waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Parnu Court) is requested.

**Evidence Presented**

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

1. The property was subdivided in 1992, contains 10,125 square feet, is zoned R-R (Rural-Residential) and is improved with a single-family dwelling, driveway, shed and existing 6-foot wood fence. Exhibits (Exhs.) 2, 4, 7, 8, and 9 (A) thru (G).
2. The property is a corner lot with the dwelling facing the intersection of Varus Place and Parnu Court. The legal front yard being Varus Place. Exhs. 2, 4, 7, 8, and 9 (A) thru (G).
3. Petitioner proposes to obtain a building permit for the construction of a 6-foot white vinyl fence. A waiver of the fence location and height requirement for a fence over 4 feet in height in the front yard (abutting Varus Place) is needed. Because the fence partially runs along Parnu Court, which is the side street yard, a waiver of the location and height requirement is needed. Exhs. 2, 4, 7, 8, and 9 (A) thru (G).
4. Petitioner Dwayne Sharps testified that the existing 6-foot wood fence is in total disrepair. He explained that storms have blown down portions of the fence and warped boards, and because the fence is wood, it is in constant need of repair. He stated that the gate to the fence also is in disrepair as it will not stay shut without lock and key. Exhs. 5 (A) thru (D).
5. He stated that stray animals are able to enter the yard and a safe area in which his children may play is desired.

6. The new fence will be located in the exact location and has the same height as the existing fence, although it will be vinyl instead of wood. 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

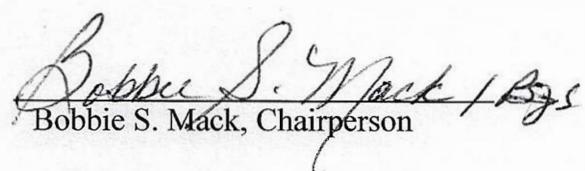
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject property being a corner lot, the dwelling fronting the intersection, the existing 6-foot wooden fence is in total disrepair, the proposed replacement 6-foot vinyl fence will be built in the same location and at the same height as the wooden fence, a tall fence is needed for family 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 a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Parnu Court) in order to obtain a building permit for the construction of a 6-foot white vinyl fence on the property located at 9700 Varus Place, Upper Marlboro, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson

**NOTICE**

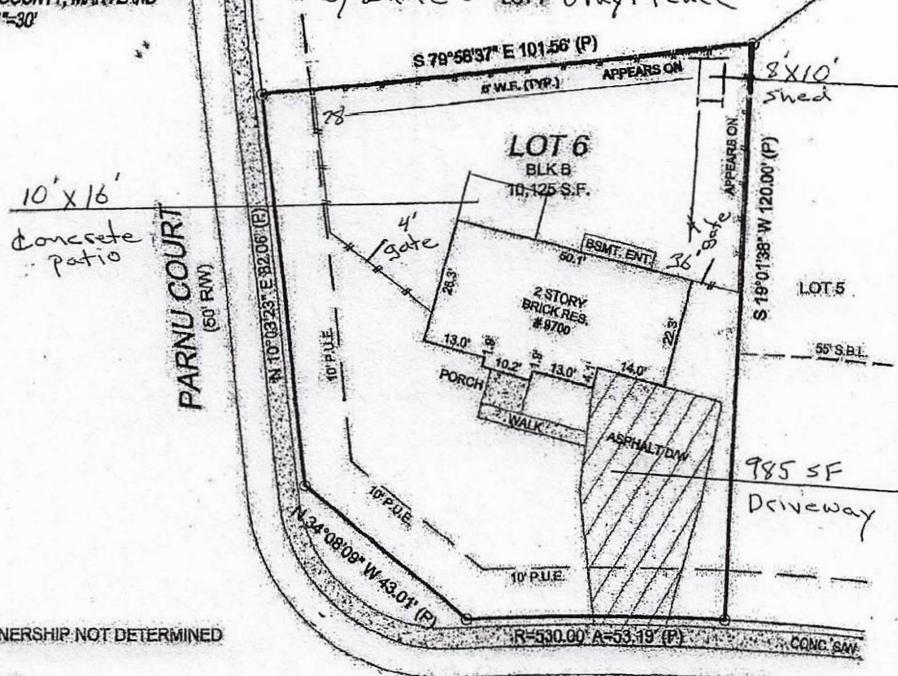
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

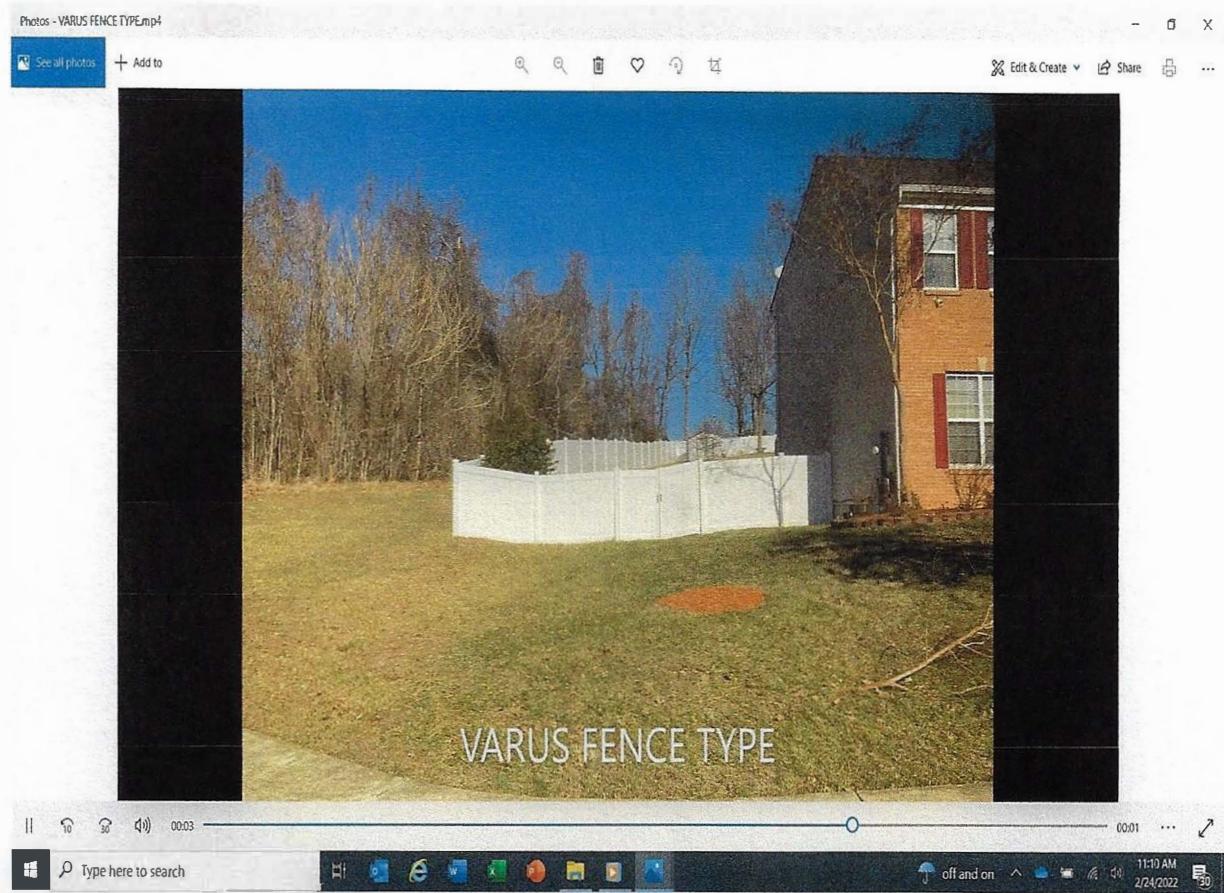
[Further, Section 27-233(a) of the Prince George's County Code states:

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.]

# BOARD OF APPEALS

APPROVED APR 06 2022

Ordered By:	 <p><b>NORTH AMERICAN TITLE COMPANY</b> Like Clockwork®</p>	
PROPERTY ADDRESS: 9700 VARUS PLACE	UPPER MARLBORO, Maryland 20772	SURVEY NUMBER: MD1209.0584
FIELD WORK DATE: 9/11/2012	REVISION HISTORY: (rev. 0 9/14/2012)	
<p>MD1209.0584 LOCATION DRAWING LOT 6, BLOCK B PLAT 1, ROSARY WOODS, LOTS 1-12, BLOCK B PRINCE GEORGE'S COUNTY, MARYLAND 09-13-2012 SCALE 1=30'</p> <p><i>Replace existing 6' wood fence w/ white 6' lot 7 vinyl fence</i></p>  <p>NOTE - FENCE OWNERSHIP NOT DETERMINED</p> <p><b>VARUS PLACE</b> (60' R/W)</p> <p>EXH. # 2 V-12-22</p> <p>EXACTA CONTACT Alycia M Klein Marketing Director alycia@exactaMD.com   www.exactaMD.com M 410.458.5160 O 866.735.1916 F 866.744.2882</p> <p>CLIENT NUMBER: 15685-12-00366   DATE: 9/14/2012</p> <p>BUYER: DEWAYNE SHARPS</p> <p>SELLER: DIVERSIFIED ASSET MGMT LLC</p> <p>CERTIFIED TO: DEWAYNE SHARPS; NORTH AMERICAN TITLE COMPANY; CITIBANK; ITS SUCCESSORS AND/OR ASSIGNS; AS THEIR INTERESTS MAY APPEAR</p> <p>A licensee either personally prepared this drawing or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of Chapter 09.13.06 of the Code of Maryland Annotated Regulations.</p> <p>This is a two page document. The advice found on the affixed page (Page 2 of 2) is an integral part of the plat.</p>		



## Varus Fence Type

BOARD OF APPEALS

APPROVED APR 06 2022

*[Signature]*  
ADMINISTRATOR

EXH. # 3  
V-12-22