



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-20-22 Yvette Kinard

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 20, 2022.

CERTIFICATE OF SERVICE

This is to certify that on May 2, 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: Yvette Kinard

Appeal No.: V-20-22

Subject Property: Lot 8, Block 26, Kettering Subdivision, being 113 Weymouth Street, Upper Marlboro
Prince George's County, Maryland

Heard and Decided: April 20, 2022

Board Members Present and Voting: Albert C. Scott, Vice Chairman

Anastasia T. Johnson, Member

Board Member absent: Bobbie S. Mack, Chairperson

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(s) request(s) that the Board approve variances 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 and walls 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 and walls 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 to construct a 6-foot wooden fence. A waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Watkins Park Drive) are requested.

Evidence Presented

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

1. The property was subdivided in 1969, contains 11,600 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, carport, and existing fence. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The subject lot is a through lot, having two front yards and two side yards. Exhs. 2 and 4.
3. Petitioner proposes to obtain a building permit to construct a new 6-foot wooden fence. Due to the subject property being a through-lot, the back of the home which is normally a rear yard is a legal front yard. A waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Watkins Park Drive). Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
4. Petitioner Yvette Kinard testified that the existing 6-foot side fence (in pink on the site plan) must be replaced because it is deteriorating, leaning, falling, and/or shifting on the ground and the gate cannot be locked. She stated that the fence was initially installed in 2002. She further stated the fence is needed because of her dog. She stated that because of the proximity of Watkins Regional Park where annual gatherings are held, people traverse her backyard to gain access to her community. Exhs. 2, 3, 5 (A) thru (F) and 10 (A) thru (D).

5. Petitioner stated that the replacement fence will be at the same location with the same type of the materials as the existing fence. Exhs. 2, 3, 5 (A) thru (F) and 10 (A) thru (D).

6. Kettering Homeowners Association/Meredith Management approved the request for the fence waiver. Exh. 6.

7. Ms. Kinard further testified that all homes along Watkins Park Drive have 6-foot fences, including a neighbor, who has a swimming pool which requires an enclosed (tall) fencing. She stated that both adjoining neighbors are fully aware that she will be replacing the falling fence with the proposed fence. Exhs. 2, 3, 5 (A) thru (F) and 10 (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

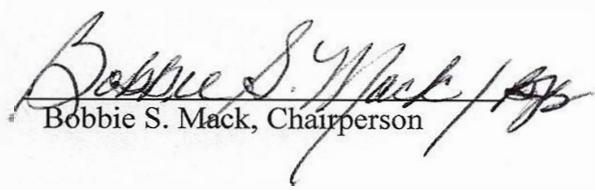
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a through-lot, the existing 6-foot fence being installed in 2002, the fence is deteriorating and shifting, the gate to the fence is unable to close and lock, the need to replace the fence in-kind for security, prevention of trespassers, and containment of her dog, many neighbors have similar tall fences along Watkins Park Drive 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, by majority vote, Ms. Bobbie Mack absent, that a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Watkins Park Drive) in order to obtain a building permit to construct a 6-foot wooden fence on the property located at 113 Weymouth Street, 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 (B) 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.

HOUSE LOCATION

LOT 8 BLOCK 26

PLAT NO. 16

KETTERING

PRINCE GEORGE'S COUNTY, MD.

CASE M44160

00-137

WATKINS PARK DRIVE

120' R/W

N 37°19'40" W 80.00'

Brick yard fence facing WATKIN PARK PF

Not Being Replaced

10' NON-ACCESS EST. STRIP

X X X X X X X X

LOT 8
BLOCK 26
11600 SF

THIS PROPERTY IS SHOWN IN
FIRM ZONE C AS SHOWN
ON COMMUNITY - PANEL NUMBER
245208-45 OF NATIONAL
FLOOD INSURANCE MAP DATED
9/6/96



ORIGINAL

PLAT BOOK WWW 73 PLAT 22

WEYMOUTH STREET *

50' R/W

ATTENTION USER: SURVEY ORDER FORM MUST BE ON FILE WITH BELTWAY SURVEYS BEFORE THIS DOCUMENT CAN BE USED.

I HEREBY CERTIFY THAT THE LOCATION OF THE SIGNIFICANT IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY ARE AS SHOWN. THIS HOUSE LOCATION IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF ANY FENCE, GARAGE, BUILDING, OR OTHER EXISTING OR FUTURE IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS LOCATION IS OF BENEFIT TO A CONSUMER ONLY INSOFAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.

12/13/00 *William L. Clark*
SCALE: 1" = 30' DATE: 12/13/2000

DRAWN DEB

BOARD OF APPEALS

APPROVED APR 20 2022

ADMINISTRATOR

BELTWAY SURVEYS

ENGINEERS PLANNERS SURVEYORS

5627 ALLENTOWN ROAD

CAMP SPRINGS, MARYLAND 20746

SUITE 104 (301)899-3440

NOTES

EXHIBIT
2(B)

ACCURACY OF SURVEY +/- 1'
NO TITLE REPORT WAS FURNISHED.
PROPERTY CORNERS WERE NOT SET
FENCES SHOWN MAY MEANDER
PROPERTY CORNERS NEED TO BE SET TO
DETERMINE EXACT LOCATION OF FENCES

Replacement fence same style flat board top with black top caps pressured treated wood



EXH. # 3
V-20-22

BOARD OF APPEALS

APPROVED APR 20 2022

B. Stone
ADMINISTRATOR