



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-25-22 Angela Bowman

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: June 8, 2022

CERTIFICATE OF SERVICE

This is to certify that on July 25, 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 that reads "Barbara J. Stone".

Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPCC, 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: Angela D. Gillum Bowman

Appeal No.: V-25-22

Subject Property: Lot 81, Block A, Summerwood Subdivision (Cluster Development), being 1006 Horse
Collar Road, Accokeek, Prince George's County, Maryland

Heard: May 25, 2022; Decided: June 8, 2022

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Anastasia T. Johnson, Member

Board Member Absent: Albert C. Scott, Vice Chairman

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 27-420(a) prescribes that 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 corner 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. A waiver of the fence height and location requirements for a fence over 4 feet in height in the front yard (abutting Madrillion Way) is requested.

Evidence Presented

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

1. The property was subdivided in 2004, contains 15, 766 square feet, is zoned R-R (Rural Residential) and is improved with a Single-Family Dwelling and driveway. Exhibits (Exhs.) 2, 5, 10, 11, and 12 (A) thru (F).

2. The property is an irregular shaped corner lot with the legal front being on Horse Collar Road being 44.52 feet wide and the rear property line being 126.33 feet wide. The side front street line being on Madrillion Way. Exhs. 2, 5, 10, 11, and 12 (A) thru (F).

3. Petitioner would like to obtain a building permit to construct a 6-foot vinyl fence abutting Madrillion Way. As the proposed fence is abutting the legal side street yard, a waiver of the fence height and location requirements for a fence over 4 feet in height required. Exhs. 2, 5, 10, 11, and 12 (A) thru (F).

4. Petitioner Angela Bowman, testified that she is requesting a 6-foot fence in the rear yard on a corner lot for privacy and family social enjoyment. She further testified that the fence would run from the rear corner of her home to Madrillion Way meeting the rear property line, then running down the left side of the property line and then cutting into the rear left side yard of the house. Exhs. 2, 4, 6 (A) thru (G).

5. She further testified that she purchased the property in 2015.

6. She stated that there are other 6-foot fences that have been built within the neighborhood on corner lots. Exhs. 2, 4, 6 (A) thru (G).

7. The Board requested that the fence be moved outside the recorded 10-foot Public Utility Easement (PUE) and a revised site plan was submitted by Petitioner accordingly. Exh. 19.

8. Ms. Bowman explained that an existing area of woodland area is taking up a substantial portion of the backyard at the rear where she would ordinarily utilize her entire back yard. She stated that her property has a tree line that will need to be removed so that the fence may be built. She presented that M-NCPPC Environmental Planning Section has provided a letter of compliance stating that these trees were preserved but are not credited as part of the site's overall woodland conservation requirements (TCPPI-126-03-01, Summerwood Subdivision, under the 1993 Woodland Conservation Ordinance). As such, her request for removal of the affected woodlands (trees) on Lot 81, Block A was granted by M-NCPPC, provided the tree removal does not conflict with any of the associated HOA and by-laws. Exh. 7.

9. Summerwood Community Homeowner Association, through Metropolis Management, has submitted an approval for the requested variance. Exh. 20.

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

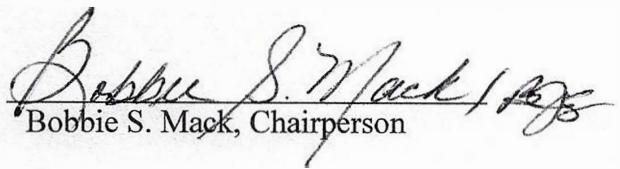
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the dwelling is situated on the odd-shaped lot such that the "backyard" abuts the legal side street yard, an existing area of woodland area taking up a large portion of the backyard, the need for a safe area for privacy enjoyment in the backyard 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, Mr. Al Scott absent, that a waiver of the fence height and location requirements for a fence over 4 feet in height in the front yard (abutting Madrillion Way) in order to obtain a building permit to construct a 6-foot vinyl fence on a corner lot on the property located at 1006 Horse Collar Road, Accokeek, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 19 and approved elevation plan, Exhibits 4.

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:

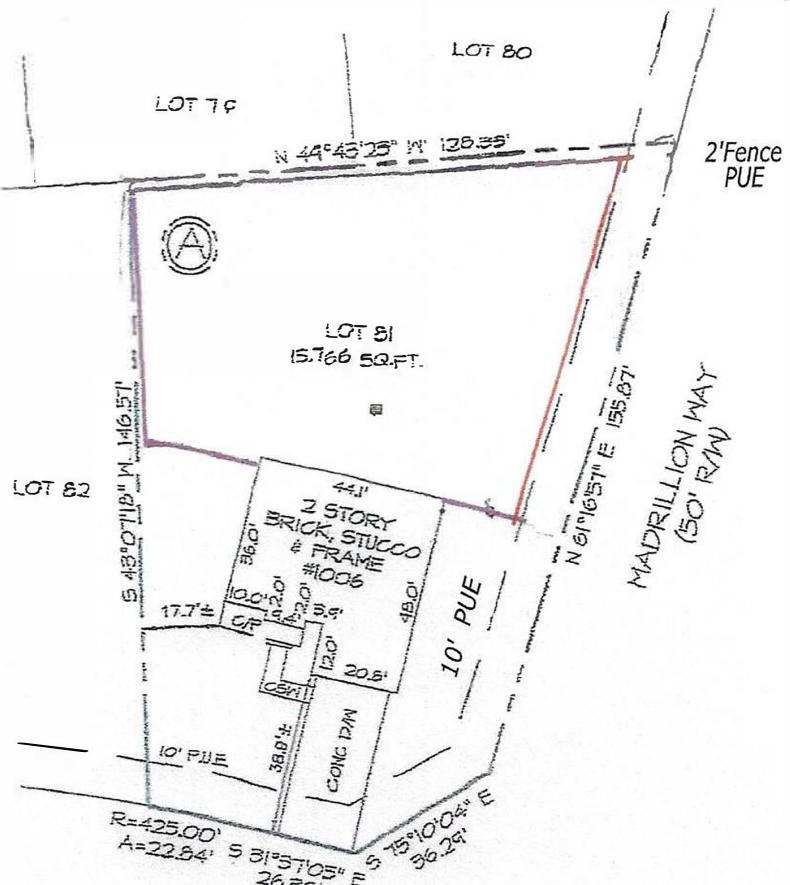
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

BOARD OF APPEALS

APPROVED JUN 08 2022

John
ADMINISTRATOR

LOCATION DRAWING



LOT 81 BLOCK 'A'

PLAT SEVEN

SUMMERWOOD

PASCOEATY (STE) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MD.

EXH. # 19
V-25-22

FINISHED FLOOR ELEV. = 173.1'
ACCURACY TOLERANCE +/- 0.3'

THE ABOVE SEAL MUST BE IN RED TO BE ORIGINAL IF IT IS NOT UNAUTHORIZED CHANGES MAY HAVE BEEN MADE.

CONSUMER ADVICE	REFERENCE
1) THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING, OR REFINANCING.	PLAT BOOK REF#6
2) THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS.	PLAT NO. 77
3) 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 CHARGES OR FINANCING.	USER
SURVEYOR'S CERTIFICATE	FOUD
I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND INFORMATION THAT THIS "LOCATION DRAWING" HAS BEEN DRAWN IN ACCORDANCE WITH MARYLAND STATE LAW REGARDING MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS (1982).	WALL CHECK FINAL RECEAT
<i>John B. Schuessler Prop. Line Surveyor, LID No. 569 Exp: 3-17-2015</i>	DATE 5/25/22 DRAWN BY ACB S5
	RECD BY ADM ES
	SCALE 1" = 30'
	RS. PAGE 113

 Dewberry

Dewberry
Consultants LLC
Formerly known as
Dewberry & Davis LLC

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5/26/22

Revised Site Plan Moved Fence from PUE

V-25-22 COLOR AND TYPE OF VINYL FENCE THAT WILL BE INSTALLED



EXH. # **4**
V-25-22

BOARD OF APPEALS

APPROVED JUN 08 2022


Administrator