



# 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.

  
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: 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 (TCPII-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

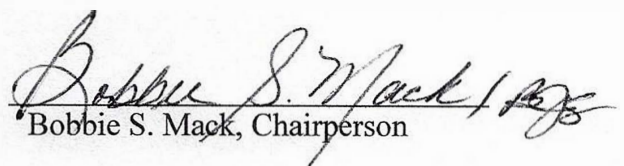
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

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:

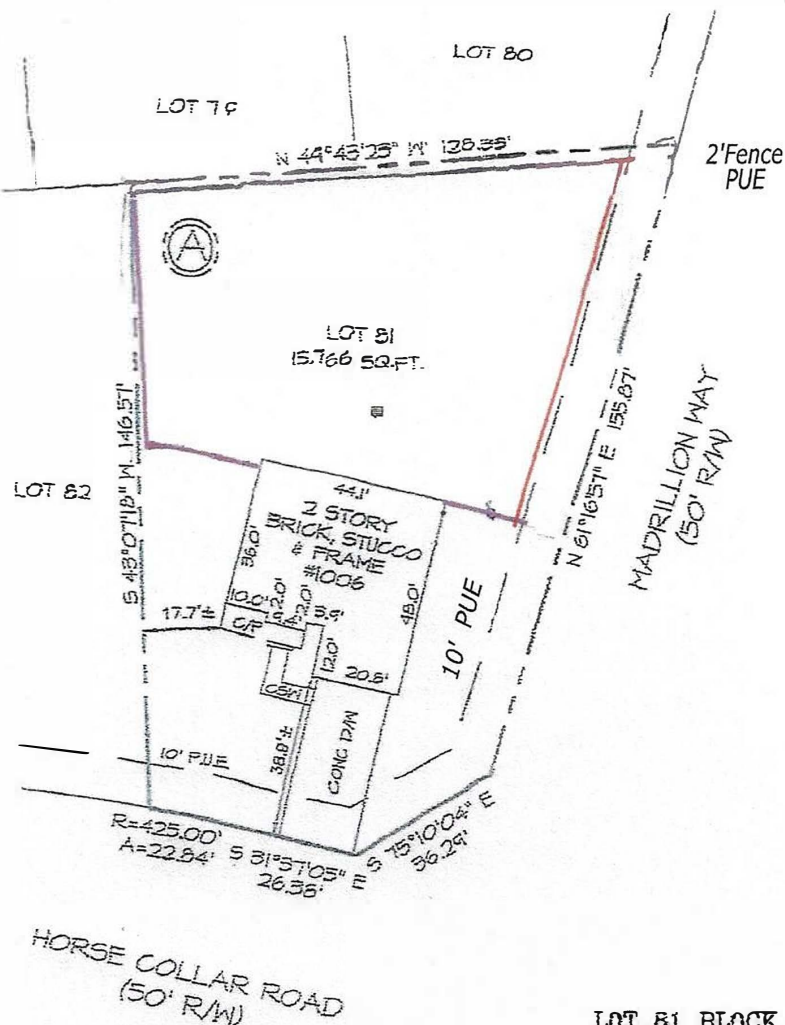
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision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



# BOARD OF APPEALS

**APPROVED**  
JUN 08 2022

ADMINISTRATOR



LOT 81 BLOCK 'A'  
PLAT SEVEN  
SUMMERWOOD

PISCATAWAY (ST) ELECTION DISTRICT  
PRINCE GEORGE'S COUNTY, MD.

FINISHED FLOOR ELEV.=173.1'  
ACCURACY TOLERANCE  $\pm 0.3$

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

EXH. # **19**  
**V-25-22**

## CONSUMER ADVICE

- 1) THIS PLAT IS OF ~~NO~~ NO ~~USE~~ USE 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.
- 2) THIS PLAT IS NOT TO BE RELIED UPON FOR THE  
ESTABLISHMENT OR LOCATION OF FENCES, GARAGES,  
BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS.
- 3) THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE  
IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH  
IDENTIFICATION MAY NOT BE NECESSARY FOR THE TRANSFER  
OF TITLE OR SECURING FINANCING OR REFINANCING.

SURVEYORS VERIFICATION

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND INFORMATION THAT THIS LOCATION DRAWING HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE LAW, REGULATION, MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS. (02-12-01-05)

Janet B. Schuessler Prop. Line Slingers, Inc. No. 669 Exp: 3-17-2015

15

PLAT BOOK

附錄

FLAT NO.

"

1957

**FULL**

100

ADDENDUM

100

 Dewberry

Dewberry  
Consultants LLC  
Formerly known as  
Dewberry & Davis LLC

10003 DEERWOOD LANE  
SUITE 204  
LANHAM, MD 20705  
301.731.5551  
301.731.0189 (FAX)  
[www.clewberry.com](http://www.clewberry.com)

	DATE	DRAWN BY	CHK. BY
WALL CHECK	3/25/14	ADJ	JES
FINAL	5/13/14	ADJ	JES
RECAP			
SCALE 1" = 30'	F.S.		PAGE 113

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