



# 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*

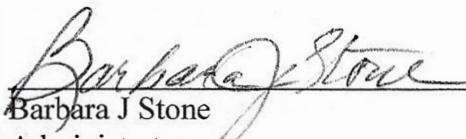
### *OF BOARD OF APPEALS*

RE: Case No. V-36-22 Eric Scoggins

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 August 19, 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: Eric Scoggins

Appeal No.: V-36-22

Subject Property: Lot 27, Block 10, Walter Heights Subdivision, being 6301 Shopton Court, Temple Hills,  
Prince George's County, Maryland

Heard and Decided: June 8, 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 27-3303 of the Zoning Ordinance, Petitioner requests that the Board approve variances from the Zoning Ordinance Section 27-4202(d) which prescribes that each lot shall have a minimum width of 60 feet measured along the front street line. Section 27-6603(a) 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 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 validate an existing condition (front street line width) and obtain a building permit for the construction of a 6-foot wooden fence. Variances of 3.18 feet front street line width and a waiver of the fence location and height requirement for a fence over 4 feet in height in the front yard (abutting Shopton Drive) are requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 13,190 square feet, is zoned RSF-95 (Residential, Single-Family-95) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (H).

2. The subject lot is a corner lot entering a cul-de-sac creating a 50-foot radius at the rear of the lot. The legal front yard is on Shopton Drive and the legal side street is Shopton Court. Exhs. 2, 4, 7, 8 and 9 (A) thru (H).

3. Petitioner proposes to validate an existing condition (front street line width) and obtain a building permit for the construction of a 6-foot wooden fence. Variances of 3.18 feet front street line width and a waiver of the fence location and height requirement for a fence over 4 feet in height in the legal front yard (abutting Shopton Drive) are requested. Because the preexisting condition of the front street line width is measured at 56.82 feet (and the width of 60 feet being necessary), a variance of 3.18 feet is therefore required.

4. Because a portion of the proposed fence will be located in the legal side street yard, a waiver of the fence location and height requirement is necessary for it. Exhs. 2, 4, 7, 8 and 9 (A) thru (H).

5. Petitioner Eric Scoggins testified that he is replacing the existing fence with a privacy fence that will shield traffic from viewing his rear yard when he has family gatherings.
6. He stated that other neighbors in the community have privacy fences, including neighbors behind and beside his property. Exhs. 2, 3 and 5 (A) thru (I).
7. He noted that a portion of the proposed fence will be 4 feet as colored in pink on the site plan and the remaining fence will be 6-feet tall as noted in yellow.
8. He testified that his neighbors have no issues with the proposed fence.

#### 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

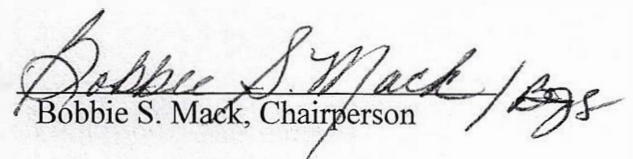
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject lot being a corner lot entering a cul-de-sac, the desire for family privacy and security 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 variances of 3.18 feet front street line width and a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Shopton Drive) in order to validate an existing condition (front street line width) and obtain a building permit for the construction of a 6-foot wooden fence on the property located at 6301 Shopton Court, Temple Hills, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances 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

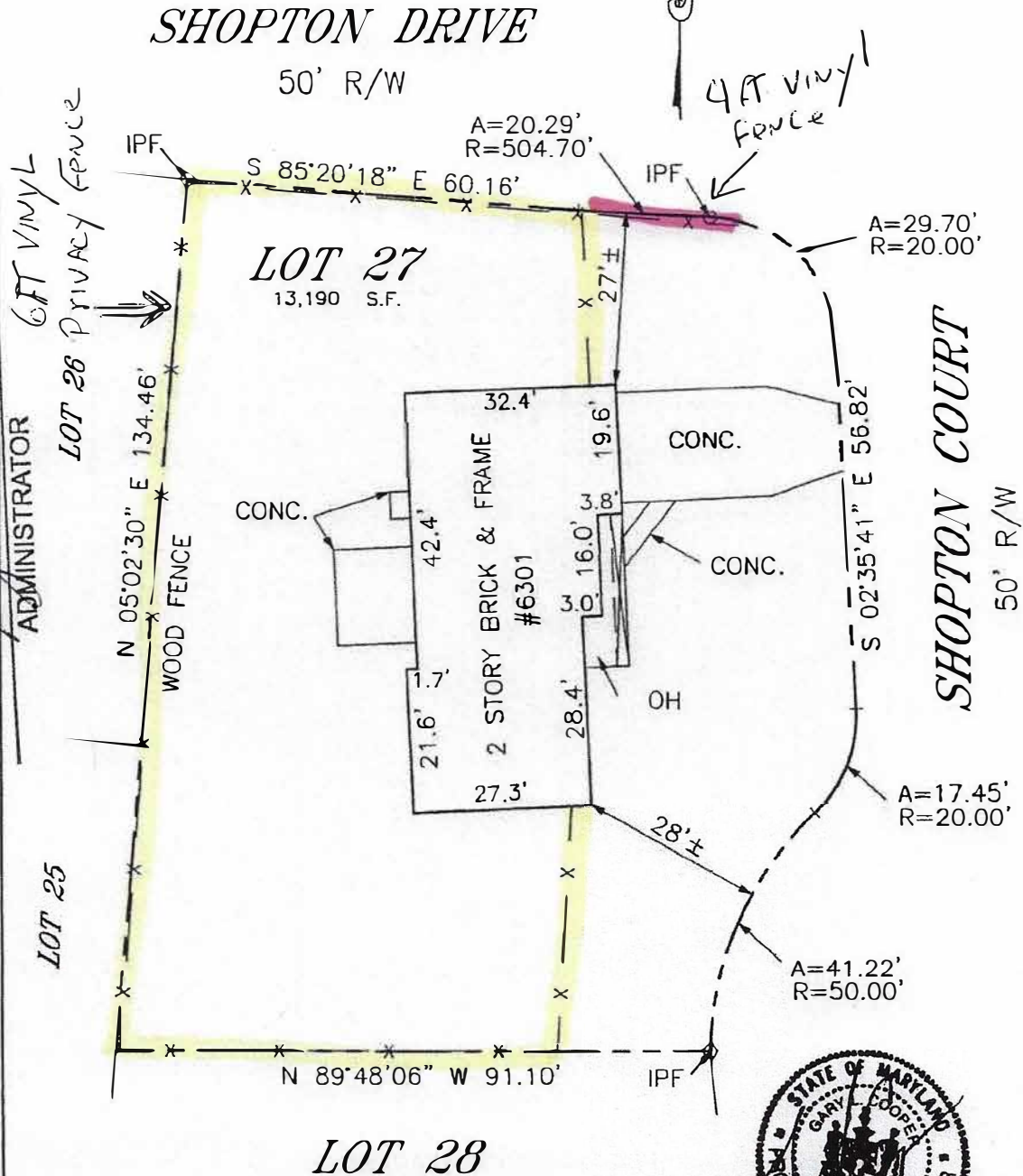
APPROVED JUN 08 2022

ADMINISTRATOR  
*By Stone*

I HEREBY CERTIFY THAT THE POSITION OF ALL EXISTING IMPROVEMENTS SHOWN HEREON HAVE BEEN ESTABLISHED WITH ON-SITE MEASUREMENTS AND THAT UNLESS OTHERWISE SHOWN THERE ARE NO APPARENT ENCROACHMENTS AND THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION. PROPERTY MARKERS HAVE NOT BEEN SET WITH THIS SURVEY, UNLESS OTHERWISE SHOWN. THIS PLAN IS NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION. SUBJECT TO ALL EASEMENTS OF RECORD.

THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

I HEREBY CERTIFY THAT NO PORTION OF THIS LOT LIES WITHIN THE LIMITS OF THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE HUD FLOOD HAZARD MAPS.



EXH. # 2  
V-36-22



THIS PLAN IS BENEFIT TO A CONSUMER ONLY AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF LOCATION OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR FUTURE IMPROVEMENTS, AND IT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF THE PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR IMPROVEMENTS SHOWN HEREON IS 0.5\"

**Phoenix Land Design**  
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS  
14412 OLD MILL ROAD, SUITE 109 UPPER MARLBOROUGH, MD 20772  
Phone (301) 927-5501 Fax (301) 927-5503

LOT 27, BLOCK 10  
WALTER HEIGHTS  
6th Election District  
Prince George's County, Maryland

DATE: 4-26-10  
F.B. No. 227  
PLAT: 65051  
DEED: L 4495 P 771  
SCALE: 1\"=20'  
JOB NO. 92045-2063

## BOARD OF APPEALS

APPROVED JUN 08 2022

*[Signature]*  
ADMINISTRATOR

EXH. # 3  
V-36-22

