



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

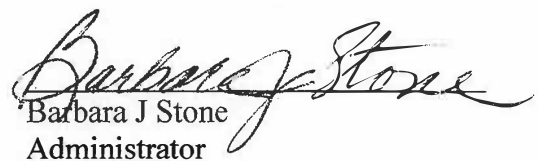
OF BOARD OF APPEALS

RE: Case No. V-45-22 Jeremy and Valerie Bluteau

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: July 20, 2022

CERTIFICATE OF SERVICE

This is to certify that on October 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

Petitioners: Jeremy and Valerie Bluteau

Appeal No.: V-45-22

Subject Property: Part of Lot 13, Northeast Marlboro Subdivision, being 14615 Crescent Drive,
Upper Marlboro, Prince George's County, Maryland

Heard: July 6, 2022; Decided: July 20, 2022

Board Members Present and Voting: Bobbie S. Mack, Chair

Board Member Absent: Vacant, Vice Chair
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 a variance 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, Petitioners request that the Board approve variances from Section 27-442(b)(Table I) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 20,000 square feet, Section 27-442(d)(Table III), which prescribes that each lot shall have a minimum width of 70 feet measured along the front street line, and Section 27-420(a), which prescribes that fences and walls 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. Petitioners propose to validate existing conditions (net lot area and front street line width) and obtain a building permit to construct a 6-foot vinyl fence. Variances of 10,876 square feet net lot area, 3 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 side street yard (abutting Largo Road) are requested.

Evidence Presented

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

1. The property was subdivided in 1941, contains 9,124 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 5, 8, 9 and 10 (A) thru (G).
2. The subject property is a corner lot with the dwelling facing the legal front yard (Crescent Drive). Abutting the side street yard, is a major arterial road being Route 202 (Largo Road). Exhs. 2, 5, 8, 9 and 10 (A) thru (G).
3. Petitioners propose to validate two existing property conditions (net lot area and front street line width) and obtain a building permit to construct a 6-foot vinyl fence. Variances of 10,876 square feet net lot area and 3 feet front street line width are therefore necessary because of the current zoning requirements. Due to the property being subdivided in 1941 and the house being built in 1952, the net lot area, front street line width requires the requested variances in order to validate the existing conditions. In addition, a waiver

of the fence location and height requirement for a fence over 4 feet in height in the side street yard (abutting Largo Road) is required. Exhs. 2, 5, 8, 9 and 10 (A) thru (G).

4. Jeremy Bluteau testified that the reason for the proposed 6-foot fence is for privacy, noise abatement (cars and trucks) and backyard family security. He explained that Route 202 is a very busy road and often cars will pull over to the shoulder when they are in their back yard. In addition, there is a construction company (Total Civil Construction & Engineering LLC) directly across Largo Road where trucks enter and exit from the construction company. He stated that everyday there are big rigs and dump trucks traveling on Largo Road. Exhs. 2, 3 and 4 (A) thru (M).

5. Valarie Bluteau added that when the big rigs reduce their speed near the subject property, they use their "Jake Brake" which is excessively loud.

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.

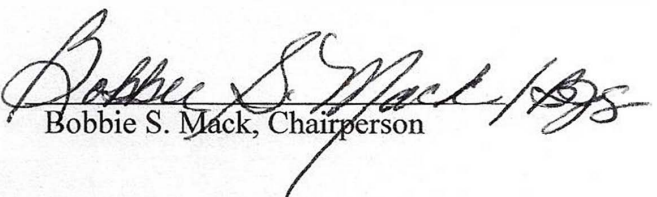
Findings of the Board

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 two preexisting property conditions (net lot area and front street line width), the property abutting a highly traveled road, MD Route 202 (Largo Road) causing excessive noise, the need for privacy and backyard family security on the corner lot, the proximity of a construction company across the road and the concomitant truck noises 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Vice Chair seat vacant, that variances of 10,876 square feet net lot area, 3 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 Largo Road) are in order to validate existing conditions (net lot area and front street line width) and obtain a building permit to construct a 6-foot vinyl fence on the property located at 14615 Crescent Drive, Upper Marlboro, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 16 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: 
Bobbie S. Mack, Chairperson

NOTICE

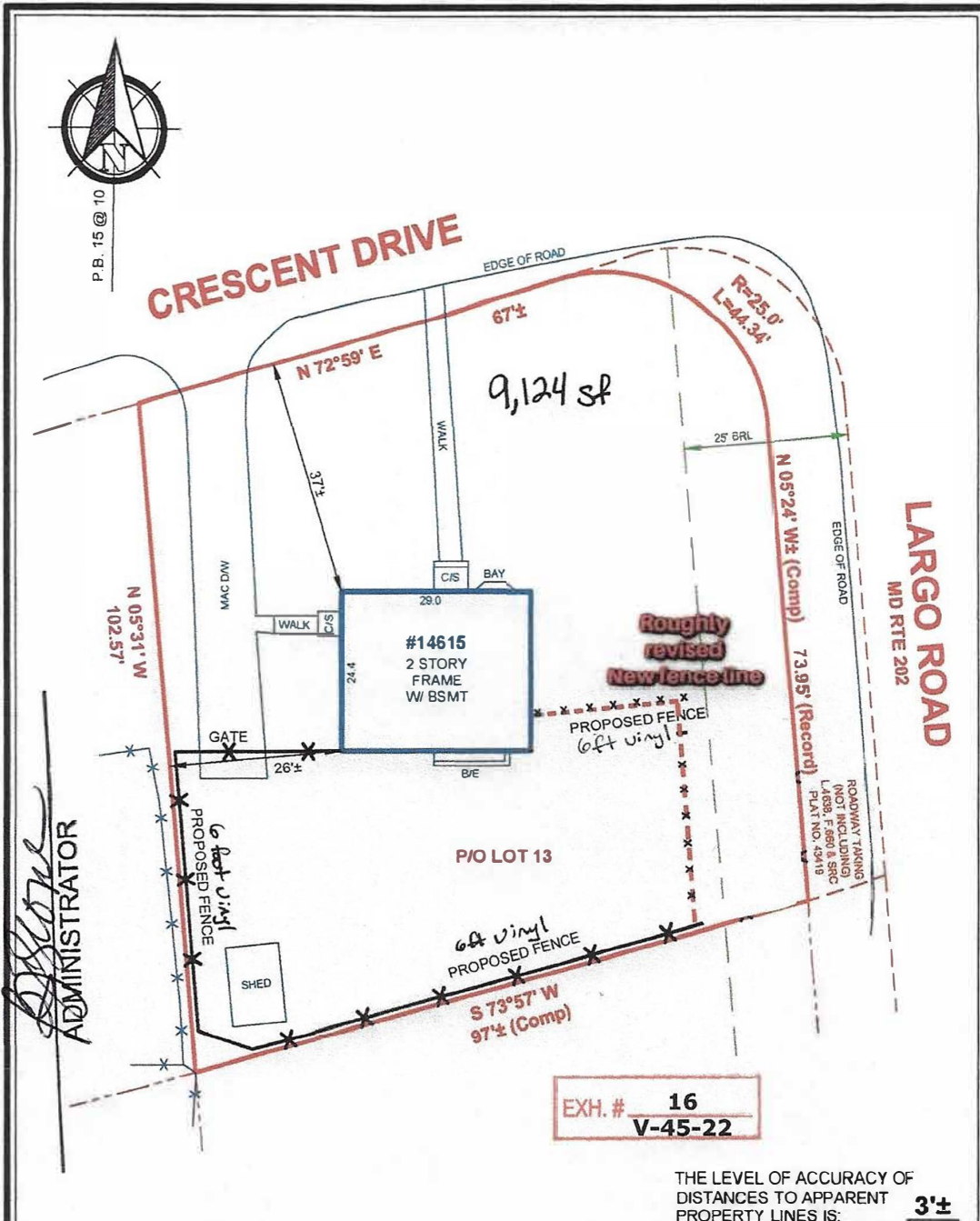
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

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 JUL 20 2022



LOCATION DRAWING OF:

**#14615 CRESCENT DRIVE
PART OF LOT 13**

SECTION ONE

**NORTH EAST MARLBORO
PLAT BOOK 15, PLAT 10**

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 06-01-2022

DRAWN BY: CP/AP FILE #: 225891-200

LEGEND:

- FENCE
- BASEMENT ENTRANCE
- BAY WINDOW
- BRICK
- BLOS. RESTRICTION LINE
- BASEMENT
- CONCRETE STOOP
- CONCRETE
- DRIVEWAY
- EXISTING
- FRAME
- GATE
- OVERHANG
- PUBLIC UTILITY ESMT.
- PUBLIC IMPROVEMENT ESMT.
- RECORD INFORMATION
- IMPROVEMENTS
- ESMTS & RESTRICTION LINES

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SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 06 13 06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER 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 PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING THE LEVEL OF ACCURACY FOR THIS DRAWING IS 3'. NOTITLE REPORT WAS FURNISHED TO OR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

DULEY & ASSOC.

WILL GIVE YOU A 100%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.
(EXCLUDING D.C. & BALT. CITY)

EXHIBIT
EXH. # 3
V-45-22

BOARD OF APPEALS

APPROVED JUL 20 2022

[Signature]
ADMINISTRATOR

