



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-49-22 Jose Luis and Martha Elizabeth Galo

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.

A handwritten signature in black ink, appearing to read "Barbara J. Stone", is positioned above the printed name and title. The signature is fluid and cursive.

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: Jose Luis and Martha Elizabeth Galo

Appeal No.: V-49-22

Subject Property: Lot 14, Block F, Indian Queen Estates Subdivision, being 1001 Montezuma Drive, Fort Washington, Prince George's County, Maryland

Heard: July 6, 2022, and Decided: July 20, 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 27-229 of the Zoning Ordinance, Petitioners request that the Board approve variances from 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 obtain a building permit to replace an existing 4-foot chain link fence with a 6-foot wooden privacy fence. Waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Kisconko Road) are requested.

Evidence Presented

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

1. The property was subdivided in 1964, contains 12,661 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, carport, two (2) driveways, brick patio, rear patio awning and two (2) sheds. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject property is a corner lot with the dwelling fronting on Montezuma Drive, which is the legal front yard. Kisconko Road being the legal side street. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioners propose to obtain a building permit to replace the existing 4-foot chain link fence with a 6-foot wooden privacy fence. Because a portion will be abutting Kisconko Road, a waiver of the fence location and height requirements for a fence over 4 feet in height is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

4. Ms. Martha Elizabeth Galo testified that they wish to replace the 4-foot existing chain link fence along Kisconko Road (being their legal side street property line) with a 6-foot wooden fence. The opposite side yard fence has an existing wooden fence that will remain.

5. The fence along Kisconko Road will be replaced primarily for privacy and security, as there are continuously cars parked along that portion of the road socializing. This area has a direct view into their backyard. Exhs. 2, 3 and 5(A) thru (H).

6. She further testified that the proposed 6-foot-tall fence will setback from the Kisconko Road curb line by 13 feet. Exhs. 2 and 5 (B) and (H).

7. The property (Lot 13) that abuts their legal rear yard is also corner lot and has a fence with which the proposed fence will be attached to. Exhs. 10 (A) thru (C).

8. Ms. Galo clarified that there are currently two sheds in the backyard, one is wood, and the other is actually a fabric shelter. Exhs. 2, 3 and 5(A) thru (H).

9. The Board requested a revised site plan to demonstrate the fabric shelter on the second shed.

10. Petitioners have submitted a revised site plan. Exh. 16.

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

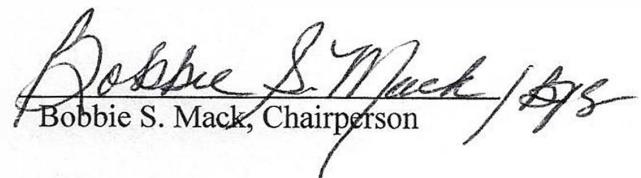
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the need for security and privacy from curb side parking activities 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, Mr. Albert Scott absent, Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Kisconko Road) in order to obtain a building permit to replace an existing 4-foot chain link fence with a 6-foot wooden privacy fence on the property located at 1001 Montezuma Drive, Fort Washington, 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 16 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:



Bobbie S. Mack /SJS
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

APPROV

JUL 20 2022

ADMINISTRATOR



LOCATION DRAWING
LOT 14, BLOCK F

INDIAN QUEEN ESTATES

SECTION SIX

PRINCE GEORGE'S COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE

"THE INFORMATION SHOWN HEREON HAS BEEN
BASED UPON THE RESULTS OF A FIELD INSPECTION
PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING
STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED
UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND
OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587
Expires: 04-02-2019

Expires: 04-02-2019

CONSUMER INFORMATION NOTES:

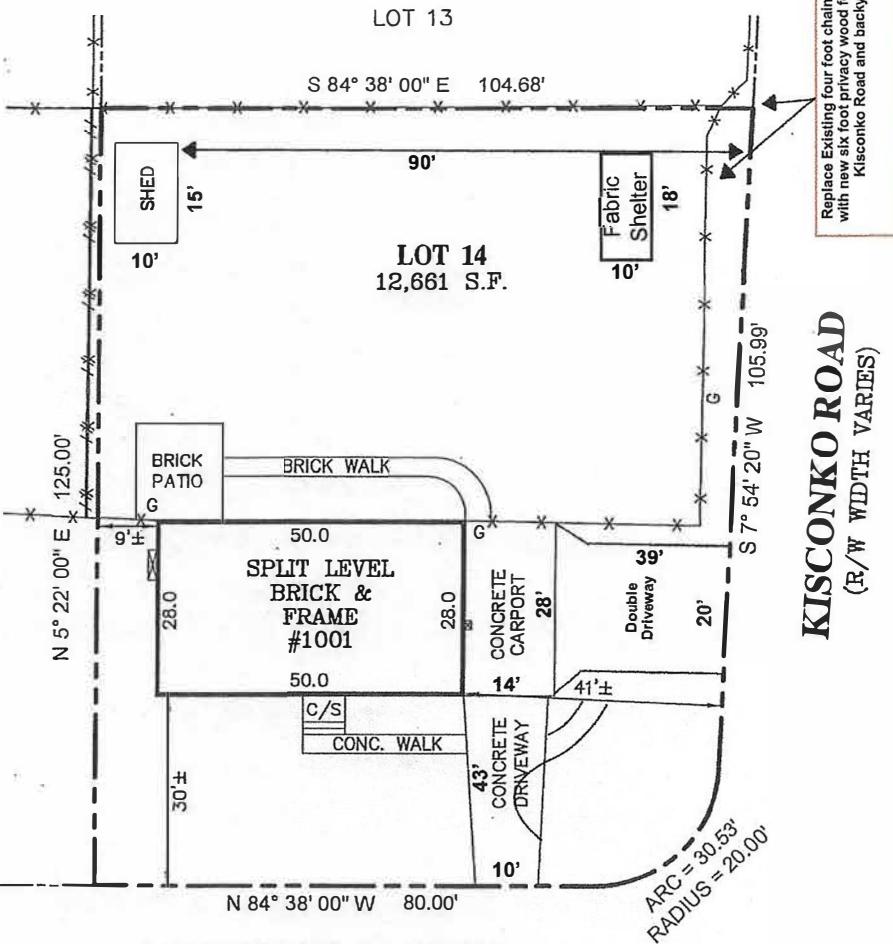
- DISCLAIMER/CAUTION/NOTE:**

 1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
 2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
 3. This plan 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 re-financing.
 4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
 5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1 foot.
 2. Fences have been located by approximate methods. LOT

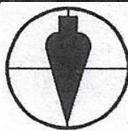
LOT 12



MONTEZUMA DRIVE

(50' R/W)

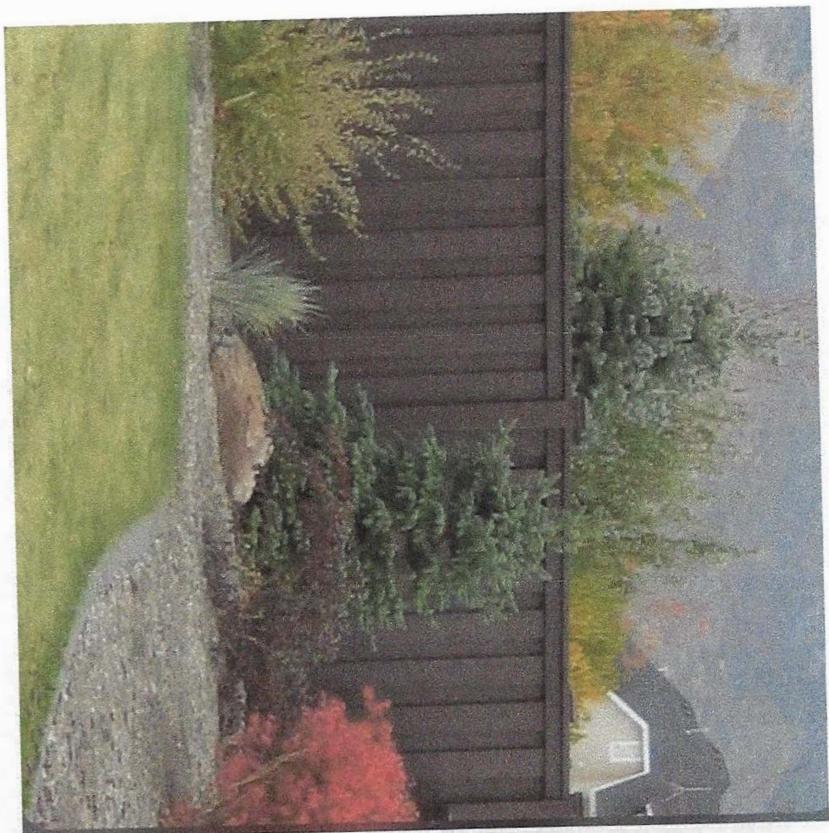
EXH. # 16
V-49-22



**SNIDER & ASSOCIATES
LAND SURVEYORS**
20270 Goldenrod Lane, Suite 110
Germantown, Maryland 20876
301/948-5100, Fax 301/948-1286

REFERENCES			SNIDER & ASSOCIATES LAND SURVEYORS 20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20876 301/948-5100, Fax 301/948-1286		
PLAT BK.	52		DATE OF LOCATIONS	SCALE:	1" = 30'
PLAT NO.	98	WALL CHECK:	DRAWN BY:	K.W.L.	
LIBER		HSE. LOC.:	4-04-18	JOB NO.:	18-01055
FOLIO					

Proposed Fence



EXH. # 3
V-49-22

BOARD OF APPEALS

APPROVED JUL 20 2022

[Signature]
ADMINISTRATOR