



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

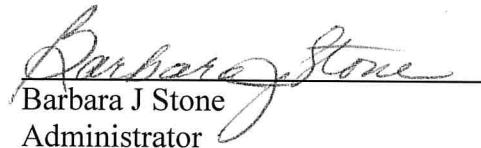
OF BOARD OF APPEALS

RE: Case No. V-59-22 Andrea Ferrell

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: October 5, 2022

CERTIFICATE OF SERVICE

This is to certify that on November 18, 2022, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
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: Andrea Ferrell

Appeal No.: V-59-22

Subject Property: Lot 22, Block A, Simmons Acres-Plat 1, being 18003 Rob Roy Lane, Accokeek, Prince George's County, Maryland

Heard and Decided: October 5, 2022

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

Anastasia T. Johnson, Member

Board Member Absent: Vacant, 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 27-4202(c)(3) prescribes that each lot shall have a minimum width of 70 feet measured along the front street line. Section 27-6600, Table 27-6603(a) fences and walls height in the front yard shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to validate an existing condition (lot width at front street line) and obtain a building permit for the construction of a 6-foot white-vinyl fence. A variance of 12.43 feet front street line width and waivers of the fence location and height requirements for a fence over 4 feet in height in the front and side yard (abutting Beech Lane) are requested.

Evidence Presented

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

1. The property was subdivided in 1986, contains 37,950 square feet, is Zoned R-R, (Rural-Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 3, 5, 7, 8, 9 (A) thru (B).
2. The subject lot is irregular in shape. The property is a through-lot, fronting on Rob Roy Lane and abutting at the "rear" of the property on Beech Lane. The subject property is also located within a cul-de-sac. The property slopes along the sides of the house and a hill near Beech Lane. Exhs. 3, 5, 7, 8, and 9 (A) thru (B).
3. Petitioner proposes to validate an existing condition (lot width at front street line on Rob Roy Lane) and obtain a building permit for the construction of a 6-foot white-vinyl fence. A variance of 12.43 feet front street line width¹ and waivers of the fence location and height requirements for a fence over 4 feet in height in the front and side yard (abutting Beech Lane). Exhs. 3, 5, 7, 8, and 9 (A) thru (B).
4. Petitioner Andrea Ferrell testified that neighboring properties abutting Beech Lane have 6-foot fences. She also stated that within Simmons Acres there are many 6-foot fences. Exhs. 2, 3 (a) thru (B), 6 (A) thru (G) and 10 (A) thru (C).

¹ The front-line width is only 57.57 feet on Rob Roy Lane. Ext. 2.

5. The proposed fence is needed to contain her dogs and provide safety for her grandchildren who play in the back yard where there is now access to Beech Lane. Exhs. 2, 3 (a) thru (B), 6 (A) thru (G) and 10 (A) thru (C).

6. The proposed fence will not be located in the front of the house. The proposed fence will start at the front right side of the house, run parallel to the property lines and then around to the left side of the house. Exhs. 2, 3 (a) thru (B), 6 (A) thru (G) and 10 (A) thru (C).

7. On August 29, 2022, the Simmons Acres Homeowners Association submitted a letter of approval to install the proposed white vinyl fencing. Exh. 11.

8. There are four pine trees located along the rear property line. The fence will be located in front of the trees. Exh. 6 (E).

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 property being a through lot in a cul-da-sac, the sloping topography of the lot, the irregular shape of the lot, the need for a 6-foot fence to contain dogs and provide the safety of family (including grandchildren playing in the back yard), 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, Vice Chair seat vacant, that variances of 12.43 feet front street line width and waivers of the fence location and height requirements for a fence over 4 feet in height in the front and side yard (abutting Beech Lane) in order to obtain a building permit for the construction of a 6-foot white-vinyl fence on the property located at 18003 Rob Roy Lane, Accokeek, 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 3 and approved elevation plans, Exhibits 7 (A) thru (B).

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 : OCT 05 2022

21

OCT 05 2022

B. S. Miller
ADMINISTRATOR

353.53' to p.f.©
Catherine Fern Dr.

ROBERT
LANE (50'R/W)

EXH. # 3
V-59-22

Resertified: 2-24-94

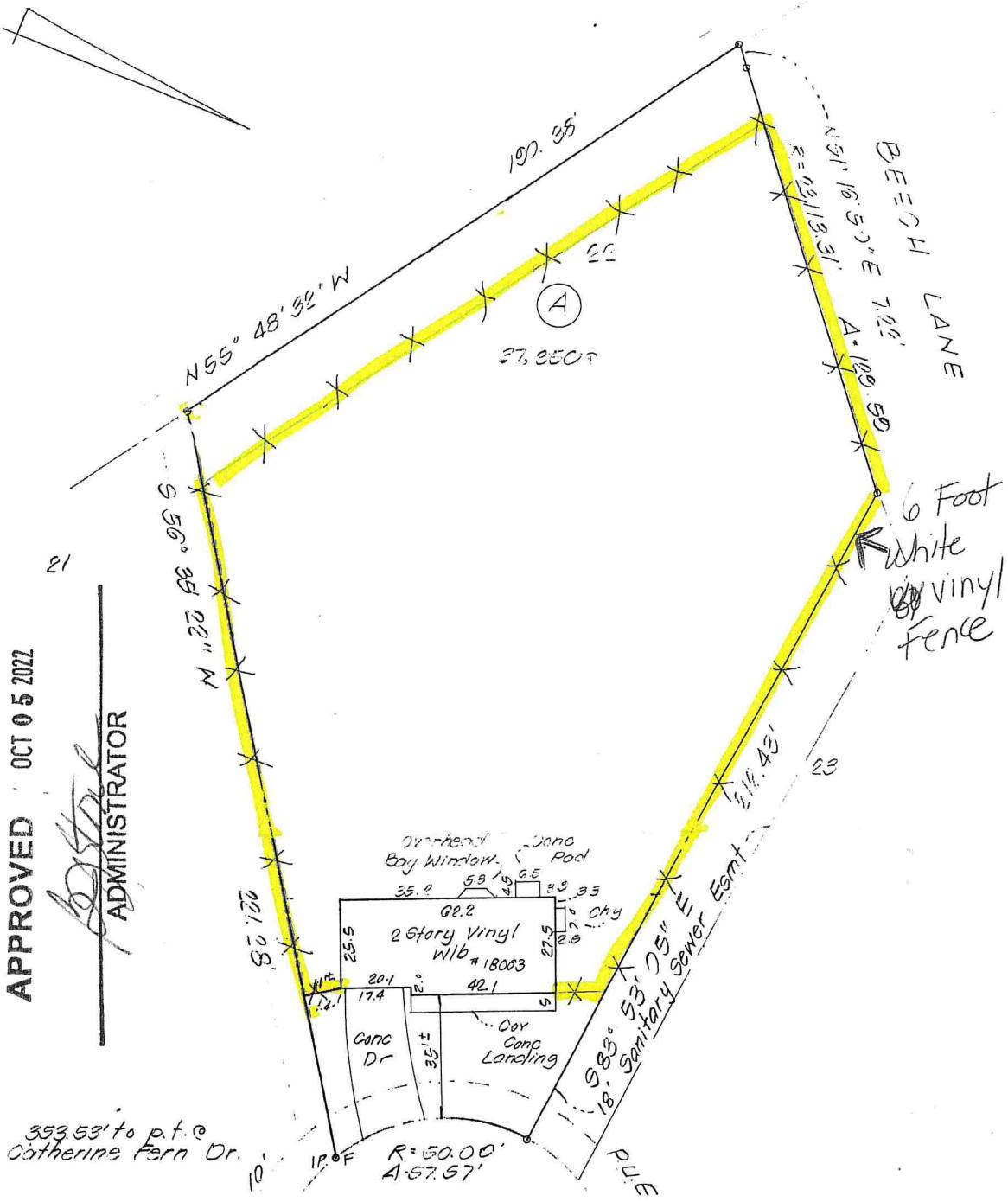
Covenants L. 25.31 pF. 410

NOTES:

Prepared without the benefit of a title report.
Not in flood plain as per 245208-00905

Information shown hereon should not be relied upon for construction of improvements and / or fences.

Lot corners have not been set by this survey unless otherwise indicated.



<p>I hereby certify that I have surveyed the property shown herein for the purpose of locating the improvements only, and that improvements are located as shown. Exact corners are not herein established or set, unless otherwise noted. We assume no responsibility or liability for any rights-of-ways or easements recorded or unrecorded not appearing on the record plat or mentioned in the title deed referred to herein.</p> <p>8-3-93 <i>Kathy W. Lee</i></p>		<p>HOUSE LOCATION SURVEY 18003 Rob Roy Lane LOT 22 BLOCK A. SECTION ~ PLOT #1 SIMMONS ACRES Piscataway, Prince George's ELECTION DISTRICT COUNTY, MARYLAND</p>	
Date	REITH W. LEU Property Line Surveyor # 592	 <p>• ENGINEERS • PLANNERS • SURVEYORS</p> <p>Light, Elliott & Associates, Inc. 8806 ADELPHI ROAD ADELPHI, MARYLAND 20783 Telephone 422-8880 Fax. 422-6088</p> <p>803 CHANDLER COURT WALDORF, MARYLAND 20703 Telephone 343-3881 Fax. 343-3882</p>	
PLAT BOOK NLP. 133	CHECKED BY <i>BS</i>	SCALE <i>1"=30'</i>	DRAFTSMAN <i>Bodge</i>
PLAT. PAGE <i>17</i>	CASE NUMBER <i>229-00</i> <i>sec. I</i>	DATE <i>8-3-93</i>	JOB NUMBER <i>M18191</i>
			BOOK NUMBER <i>2707-25</i>
			FILE NUMBER <i>MS 6788</i>

BOARD OF APPEALS

APPROVED OCT 05 2022

P. Stone
ADMINISTRATOR



BOARD OF APPEALS

APPROVED OCT 05 2022

By Stone
ADMINISTRATOR



4(A)

EXH. # **4(A-B)**
V-59-22

Type of fence
6 Foot white Vinyl