



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

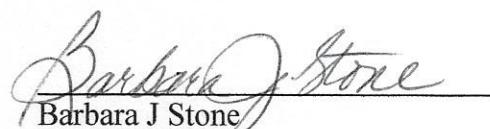
## *OF BOARD OF APPEALS*

RE: Case No. V-44-20 Joel Parker

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: April 14, 2021

## **CERTIFICATE OF SERVICE**

This is to certify that on May 20, 2021, 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: Joel Parker

Appeal No.: V-44-20

Subject Property: Lot 37, Block B, Collingbrook Subdivision, being 3614 Bonhoeffer Drive, Bowie,  
Prince George's County, Maryland

Heard and Decided: April 14, 2021

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, Petitioner requests 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. Petitioner proposes to obtain a building permit for the construction of a 6-foot Canterbury-Black-Metal Fence. A waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Dawn Whistle Way) is requested.

**Evidence Presented**

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

1. The property was subdivided in 2013, contains 31,658 square feet, is zoned R-E (Residential-Estate) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 10, 11 and 12 (A) thru (D).
2. The property is an oblong corner lot with the legal front being Dawn Whistle Way. The house fronts the legal side yard of Bonhoeffer Drive. Exhs. 2 and 4.
3. Petitioner would like to install a 6-foot metal fence. Because the fence will be located in the legal front yard and abuts the legal front street (Dawn Whistle Way), a waiver of the fence location and height requirement for a fence over 4 feet is required. Exhs. 2, 4 and 12 (A) thru (D).
4. Petitioner Joel Parker testified that she is having a swimming pool installed for which by code<sup>1</sup> a 6-foot fence must be installed for safety. Because the property is a corner lot, a portion of the proposed fence will abut Dawn Whistle Way for which a waiver of the fence location and height requirement is needed. Exhs. 2, 3, 5 and 6 (A) thru (E).

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<sup>1</sup> Section 27-424(a) of the Zoning Ordinance prescribes that all outdoor swimming pools shall be enclosed by a fence at least six (6) feet high.

5. On July 22, 2020, the Collingbrooke Estates Homeowners Association approved the construction of the fence. Exh. 8.

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

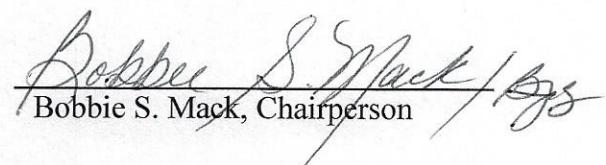
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject property being a corner lot, Dawn Whistle Way being the legal front side of the corner property, the proposed 6-foot fence will abut Dawn Whistle, Section 27-424 requires a fence at least 6 foot in height around an outdoor swimming pool, 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 a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Dawn Whistle Way) in order to obtain a building permit for the construction of a 6-foot metal fence on the property located at 3614 Bonhoeffer Drive, Bowie, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exh. 2 and approved elevation plan, Exh. 3.

BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson

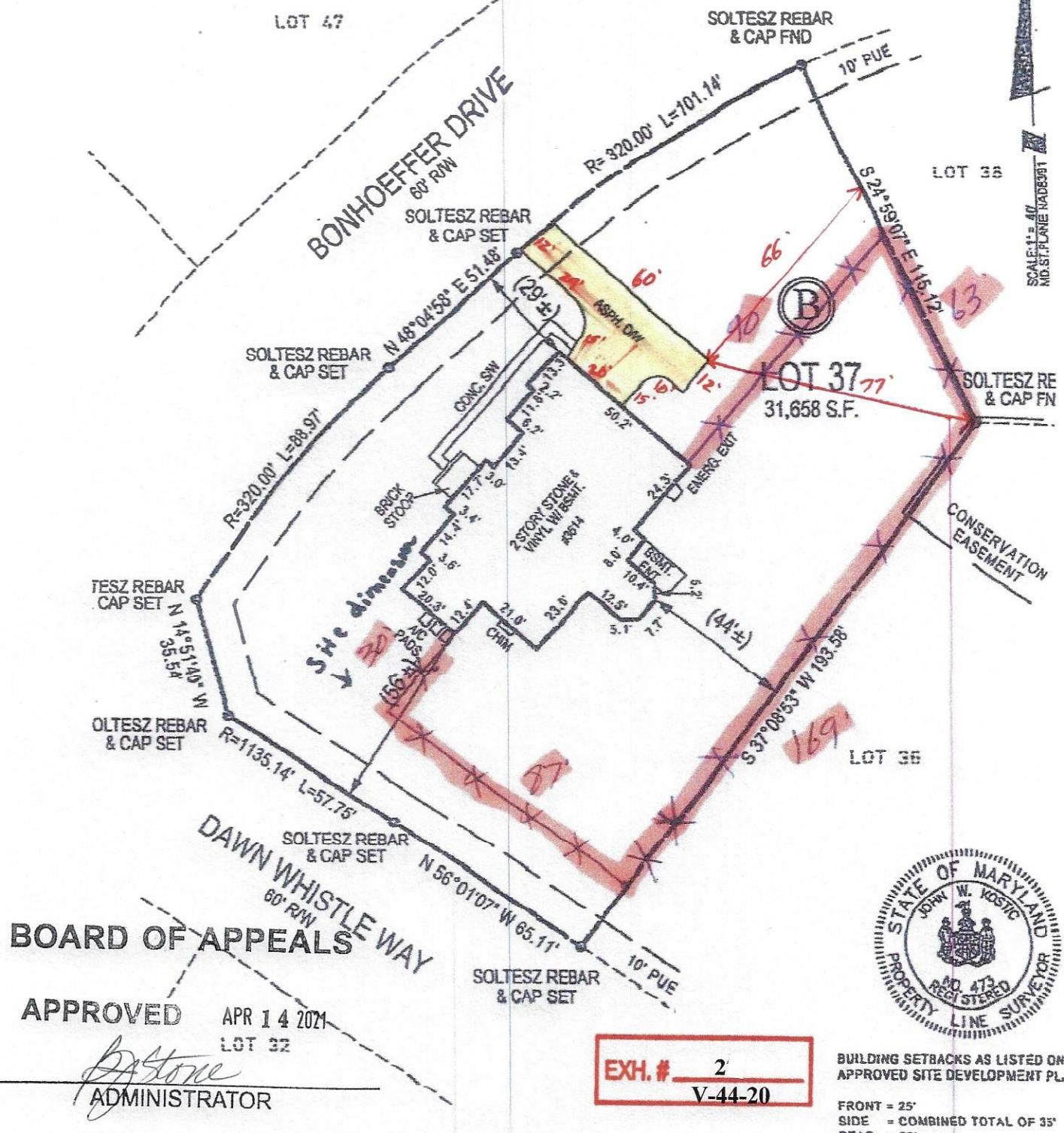
**NOTICE**

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.

THE PROPERTY SHOWN HEREON IS LOCATED  
IN ZONE C (AREA OF MINIMAL FLOODING)  
ACCORDING TO NATIONAL FLOOD INSURANCE  
PROGRAM F.I.R.M. MAP COMMUNITY PANEL  
J. 245208 0035 C AS REVISED 06/18/87.



**ASCE NOTE:**

ENSIONS SHOWN WITHIN "( )" ARE COMPUTED TO AN ACCURACY OF PLUS OR MINUS ONE FOOT.  
TITLE REPORT WAS FURNISHED. THIS PROPERTY IS SUBJECT TO ALL APPLICABLE EASEMENTS, RIGHTS-OF-WAY,  
INTERESTS AND THOSE DOCUMENTS WHICH THE UNDERSIGNED HAS NOT BEEN PROVIDED.  
A PLAT IS A BENEFIT TO A CONSUMER ONLY INSO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE  
COMPANY OR ITS AGENTS IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.  
A PLAT IS NOT TO BE RELIED UPON FOR THE CONSTRUCTION OF FENCES, GARAGES, BUILDINGS OR FUTURE IMPROVEMENTS.  
A 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.

**BUILDING SETBACKS AS LISTED ON APPROVED SITE DEVELOPMENT PLANS**

FRONT = 25'  
SIDE = COMBINED TOTAL OF 35'  
REAR = 25'

JOB NO.: 0522-10-SD

SCALE: 1" = 40"

**WALL CHECK DRAWING**

DATE: 05/02/17

DRAWN: PJD



71.375" PANEL CANTERBURY	
3 CH 72" RESIDENTIAL	FLUSH BTM
ALUMI-GUARD®	DATE: 09/16/2020
PO/JOB NAME:	ITEM: PANFI
QUOTE NO.:	HINGE TYPE: —
COLOR: BLACK	DAYLIGHT OPENING: —
APPROVAL SIGNATURE (REQUIRED):	

1.00" x 1.125" CHANNEL

71 3/8"

1"

5 7/8"

2" x 2" x .062" POST

.625" x .625" PICKET

72"

72"

GRADE

EXH. # 3  
 V-44-20

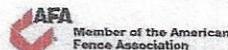
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## BOARD OF APPEALS



APPROVED APR 14 2021


  
ADMINISTRATOR


### Resource Center

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Installation Instructions

Warranty