



# 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*

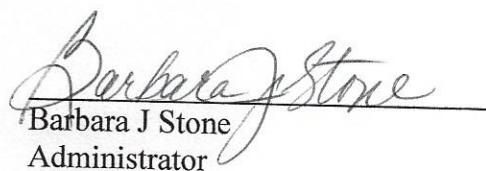
## *OF BOARD OF APPEALS*

RE: Case No. V-57-20 Michael and Julia Figueroa

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: January 13, 2021

## **CERTIFICATE OF SERVICE**

This is to certify that on March 19, 2021, 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".

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: Michael and Julia Figueroa

Appeal No.: V-57-20

Subject Property: Lot 2, Acco Park Subdivision, being 15709 Maple Drive, Accokeek, Prince George's County, Maryland

Witness: David Calderon, Contractor

Heard and Decided: January 13, 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 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(e)(Table IV) which prescribes that each corner lot shall have a side yard setback along the side street of at least 25 feet in depth. Section 27-420(a) which prescribes that 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 (side street yard depth) and obtain a building permit for the construction of a 6-foot wooden fence. Variances of 2 feet side street yard depth and a waiver of the fence location and height requirements over 4 feet in height in the front yard (abutting State Road) are requested.

**Evidence Presented**

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

1. The property was subdivided in 1952, contains 23,801 square feet, is zoned R-R (Rural-Residential) and is improved with a single-family dwelling, and fence. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).
2. The subject property is a corner lot in the shape of a rhomboid. The house faces the legal side yard, being Maple Drive. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).
3. Petitioners propose to validate existing conditions (side street yard depth) and obtain a building permit for the construction of a 6-foot wooden fence. The side street yard depth (Maple Drive) requires a depth of 25 feet. The current depth is 23 feet, requiring a variance of 2 feet. The proposed 6' fence along State Road (legal front yard) will require a waiver of the height over 4 feet. Exhs. 2, 3 and 5 (A) thru (G).
4. Petitioner Julia Figueroa stated that they would like to install a 6-foot fence from the rear of the property along adjoining Lot 1 (which is a park area), continuing along State Road (Livingston Road) and connecting to approximately the center of the side of the dwelling. The fence is requested for privacy and to block noise and lights from Livingston Road which is an extremely busy road. She further explained that adjoining property, Lot 55, has animals that wander into their yard. Exhs. 2, 3 and 5 (A) thru (G).

5. Ms. Figueroa further stated that there are a lot of pedestrians who walk along Livingston Road and the fence would provide safety for her family, including her children, from pedestrians and the animals that predictably wander into their yard.

6. She believed that the fence would not be out of character because the house directly across the street has a 6-foot stone wall and iron fence along Livingston Road and many properties in the neighborhood have 6-foot fences. Exhs. 5 (A) thru (G).

#### 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

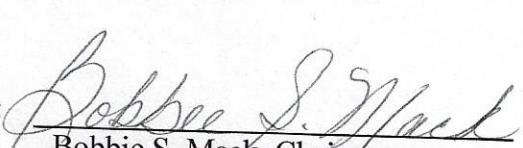
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the house facing the legal side yard, the property abutting an extremely busy road, the property abutting a park area, the need for safety for the Petitioners' children playing in the "back yard" next to the park area, the need to keep animals and pedestrians from entering the property 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, unanimously, that a variances of 2 feet side street yard depth, and a waiver of the fence location and height requirements over 4 feet in height in the front yard (abutting State Road) in order to validate existing conditions (side street yard depth) and obtain a building permit for the construction of a 6-foot wooden fence on the property located at 15709 Maple Drive, Accokeek, Prince George's County, Maryland, be and is 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

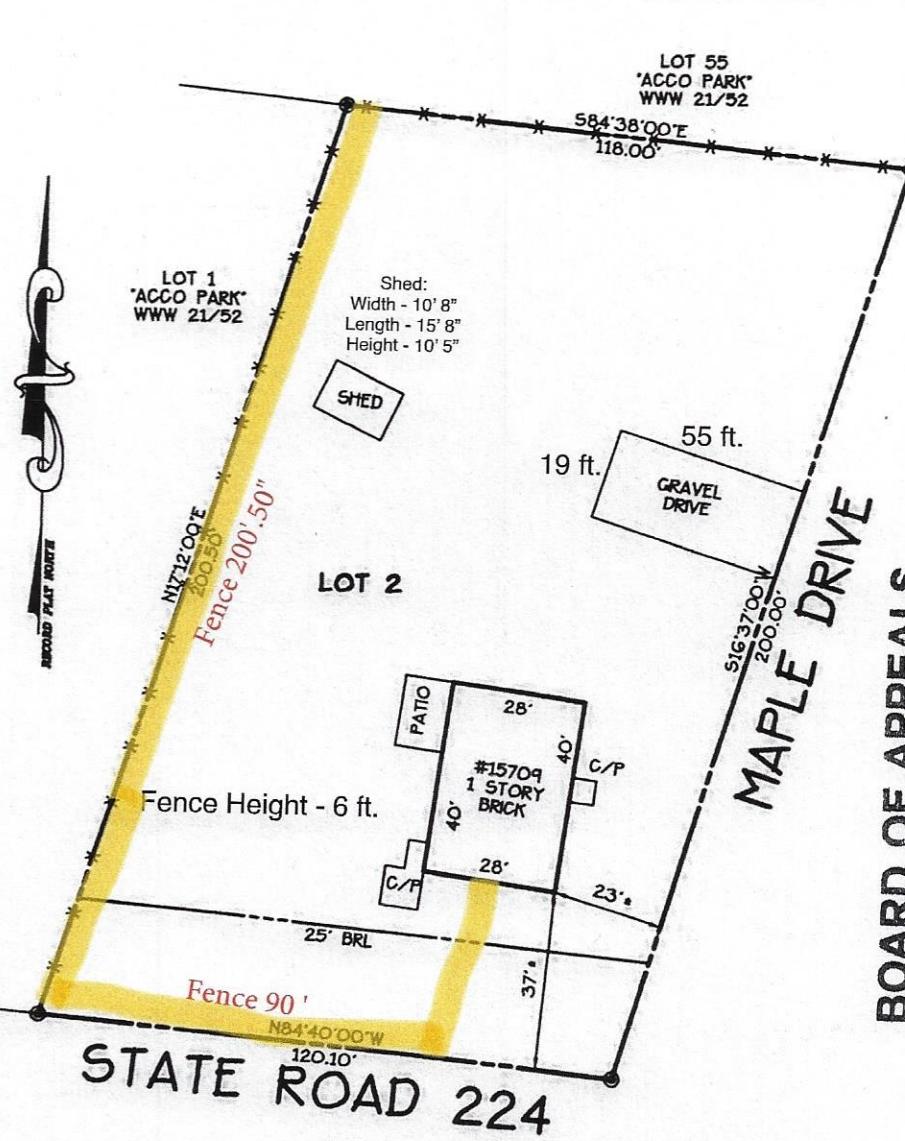
NOTICE

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.

This is a two page document and is not valid without both pages. See page two (or reverse) for Survey Notes.



## BOARD OF APPEALS

APPROVED JAN 13 2020

ADMINISTRATOR

I hereby certify that the improvements shown hereon, to the best of my professional knowledge and ability, have been located by a transit, tape or total-station survey.

GEORGE A. PARRISH IV PROP.LS#577 06/12/20  
LICENSE EXPIRATION DATE 03/24/21



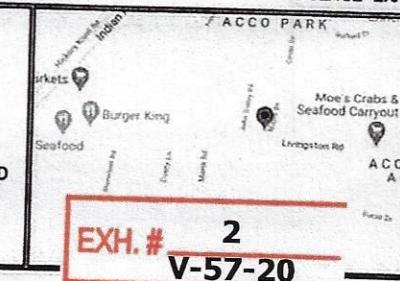
15709 MAPLE DRIVE WWW 21/52

LOCATION DRAWING  
LOT 2

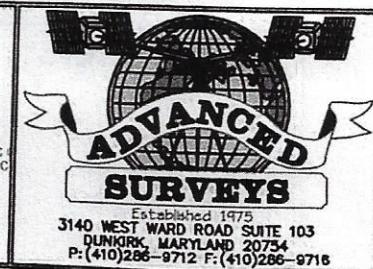
## ACCO PARK

FIFTH DISTRICT  
PRINCE GEORGE'S COUNTY, MARYLAND  
SCALE: 1" = 30' JUNE 2020

PROJECT#59658  
F/N: ACCOPARK-L2  
DRAWN BY: STG



EXH. # 2  
V-57-20



## Notes

1. This plat is of benefit to a consumer insofar as it is required by a lender or title insurance company or its agent in connection with contemplated transfer, financing or refinancing.
2. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for transfer of title or securing financing or refinancing.
4. The level of accuracy setback distances is within 3 feet ±.
5. No title research furnished to or done by this office.
6. The subject property falls in flood zone "X" as shown on the flood hazard map 24033C0320E dated 9/16/16.
7. This plat shows the principal structure and significant structures (close to the apparent property lines) as required by Maryland law. However, additional internal structures may not be shown.
8. The licensee either personally prepared this drawing or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in Regulation .12 of Chapter 06 Minimum Standards of Practice.
9. The source of data, bearings, and/or coordinates used on this drawing are based on the record plat or deed referenced : WWW 21/52.

LEGEND

— X — X — X —	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
RS	IRON ROD SET
□	MONUMENT
C/P	CONCRETE PAD
B/E	BASEMENT ENTRANCE
STP	STOOP
PCH	PORCH
O/H	OVERHANG
W	WELL
S	SEPTIC

Advanced Surveys Services Include:

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- Boundary Surveys
- ALTA Surveys
- Fence Stakeouts
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Client Notes:  
Client Case#

ATTENTION USER: SURVEY APPROVAL FORM  
MUST BE ON FILE WITH ADVANCED SURVEYS  
BEFORE THIS DOCUMENT CAN BE USED.

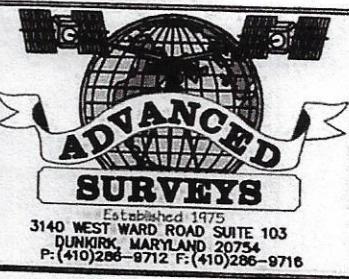
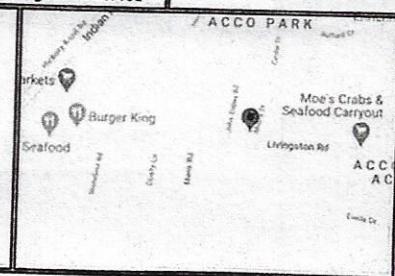
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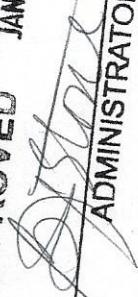
Discount Coupon

This coupon is good for  
\$100.00 OFF a boundary  
survey for this property.  
EXPIRES 6 MONTHS FROM THE DATE OF SURVEY

LOCATION DRAWING  
LOT 2

**ACCO PARK**  
FIFTH DISTRICT  
PRINCE GEORGE'S COUNTY, MARYLAND  
SCALE: 1" = 30' JUNE 2020  
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APPROVED   
JAN 13 2020

ADMINISTRATOR

