



# 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*

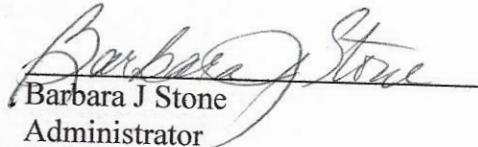
## *OF BOARD OF APPEALS*

RE: Case No. V-75-20 Adriana Romero

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 August 24, 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: Adriana Romero

Appeal No.: V-75-20

Subject Property: Lot 3, Block BB, Calverton Subdivision, being 3122 Chapel View Drive, Beltsville, Prince George's County, Maryland

Witness: Juan Perara, Friend

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 a variance from Section 27-420(a) 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 wooden fence. A waiver of the fence location requirement and height requirements for a fence over 4 feet in height in the front yard (abutting Calverton Boulevard) is requested.

**Evidence Presented**

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

1. The property was subdivided in 1963, contains 12,751 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, carport, patio and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (H).
2. The property is a corner lot with the dwelling facing the legal side street (Chapel View Drive). Exhs. 2, 4, 7, 8 and 9 (A) thru (H).
3. Petitioner would like to obtain a building permit for the construction of a 6-foot wooden fence. Because the fence is located along Calverton Boulevard, which is the legal front property line, a waiver of the fence location and height requirement is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (H).
4. Petitioner Adriana Romero testified that she would like to replace the existing 4-foot chain link fence with a 6-foot wooden fence for containment of her large dog and privacy from busy pedestrian and vehicular traffic along Calverton Boulevard. The proposed fence would start at the front side of the house around the back yard, along Calverton Boulevard and then wrap around the back yard ending at the back corner of the house on the other side. She stated that the new fence would be installed exactly where the existing chain link fence is now located. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (D).

5. She testified that adjoining neighbors on Lot 4 have a fence that runs from their back yard to Chapel View Drive.

6. Juan Perera stated that a revised site plan was submitted that demonstrates in color the location of the new fence. Exh. 12.

7. Calverton Citizen Association has no objections to the request for a waiver. Exh. 13

#### 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

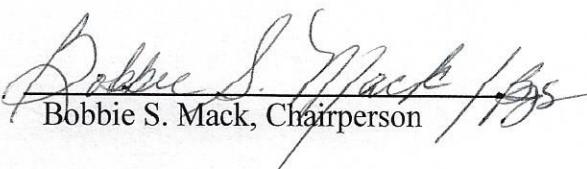
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject property being a corner lot, the dwelling facing the legal side street (Chapel View Drive), the need to replace the existing 4-foot chain link fence which cannot restrain her large dog, the need for family privacy from traffic and pedestrians, plus enjoyment in the 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, unanimously, that a waiver of the fence location requirement and height requirements for a fence over 4 feet in height in the front yard (abutting Calverton Boulevard) in order to obtain a building permit for the construction of a 6-foot wooden fence on the property located at 3122 Chapel View Drive, Beltsville, 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 12 and approved elevation plans, Exhibits 3 (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.

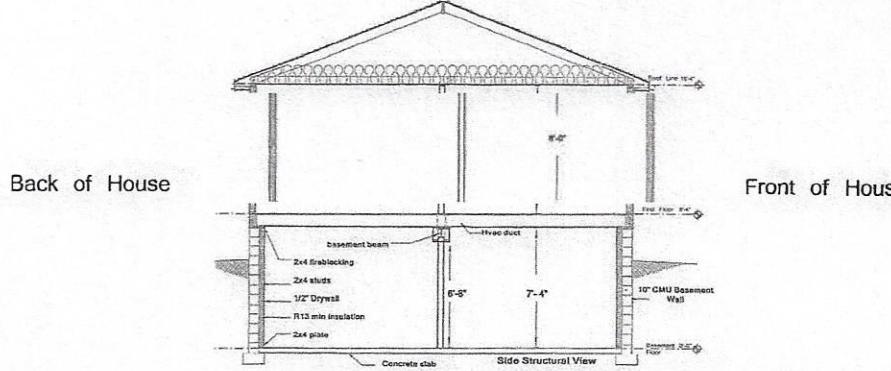
Further, Section 27-233(a) of the Prince George's County Code states:

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 APR 14 2021

*John H. Stiles*  
ADMINISTRATOR

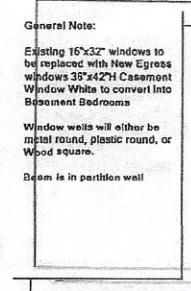


## BASEMENT PLAN

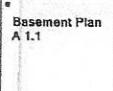
SCALE: 1/4"=1'-0"

### Simplistic Design

By:  
Nnamugwu (A. B.) Nwosu  
Tel: 240-383-6122  
Email: abnamugwu@gmail.com



Project Address  
3122 Chapel View Dr.  
Boltsville MD 20705  
Proposal Date  
12/10/18

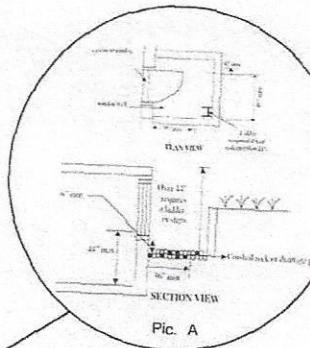
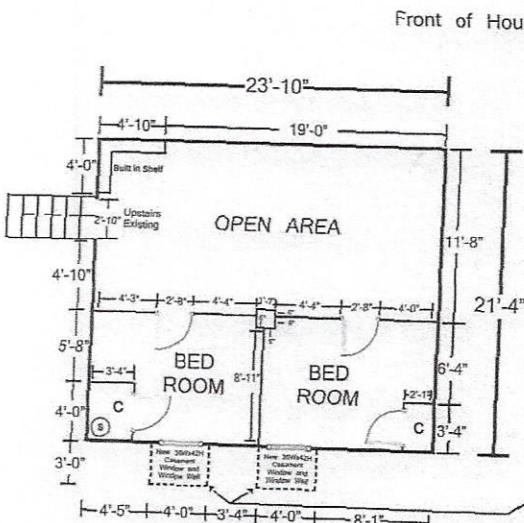


EXH. # 3(a-b)  
V-75-20

# BOARD OF APPEALS

APPROVED APR 14 2021

*B. Stoye*  
ADMINISTRATOR



General Note:  
 - Existing Walls  
 - New Work  
 C = Closet  
 S = Sump Pump  
 Doors are existing  
 Existing 16'x32' windows to be replaced with New Egress windows 36'w x 42'h Casing Window White (Pic. A) to convert into Basement Bedrooms.  
 Window wells will either be metal round, plastic round, or Pre-treated Wood square.

**Simplistic Design**  
 by:  
 Nobuyuki (A.B.) Noguchi  
 Tel: 240-383-6122  
 Email:  
 Teknomodel@gmail.com

Project Address  
 3122 Chapel View Dr.  
 Beltsville MD 20705  
 Proposal Date  
 12/10/18

Basement Plan  
 A 1.1

## BASEMENT PLAN

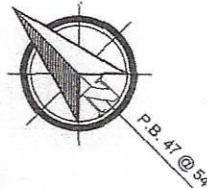
SCALE: 1/4"=1'-0"

THIS DOCUMENT IS CERTIFIED TO:



**Erick Velasquez**  
Realty Concept Group  
4900 Leesburg Pike #209  
Alexandria, VA 22302  
Office: 703-998-0070  
Direct: 703-622-0006

CASE #: 18-12274



P.B. 47 @ 54

## CALVERTON BOULEVARD

A=83.00'  
R=1162.90'



CHAPEL VIEW DRIVE

Building Setback

Proposed Fence  
300 sq ft

EXHIBIT  
12  
V-75-20

LOCATION DRAWING OF:

### #3122 CHAPEL VIEW DRIVE LOT 3 BLOCK B-B

SECTION FOUR

CALVERTON

PLAT BOOK 47, PAGE 54

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=30' DATE: 08-17-2018

DRAWN BY: CPI/AP FILE #: 186869-688

#### LEGEND:

- FENCE
- BASEMENT ENTRANCE
- B/W - BAY WINDOW
- BR - BRICK
- BRL - BLDG. RESTRICTION LINE
- BSMT - BASEMENT
- CDS - CEMENTED STOOP
- CONC - CONCRETE
- DW - DRIVEWAY
- EX - EXTERIOR
- FR - FRAME
- MAC - MACADAM
- G - GATE
- OH - OVERHANG
- PUE - PUBLIC UTILITY ESMT.
- PIE - PUBLIC IMPROVEMENT ESMT.
- REC - RECORD INFORMATION
- IMP - IMPROVEMENTS
- ESM - ESMTS & RESTRICTION LINES

#### COLOR KEY:

- (RED) GREEN

A Land Surveying Company

**DULEY**  
and  
Associates, Inc.



Serving D.C. and MD.

14604 Elm Street, Upper Marlboro, MD 20772

Phone: 301-888-1111 Fax: 301-888-1114  
Email: orders@duley.biz On the web: www.duley.biz



#### SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY OR SURVEYED THEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN THE REGULATION OR CODES OF THE STATE OR THE DISTRICT OF COLUMBIA. THIS DRAWING IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BOUNDARIES, 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. THIS PLAT IS NOT A SURVEY AND IS NOT TO BE USED AS A SURVEY. THE SURVEY IS THE RESPONSIBILITY OF THIS COMPANY. BAD 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. & BALTIMORE CITY)

APPROVED APR 14 2021

ADMINISTRATOR