

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Jerome Sr. and Chasity Jones

Appeal No.: V-42-19

Subject Property: Lot 5, Block A, Brock Hal Gardens Subdivision, 1913 Rose Place, Upper Marlboro
Prince George's County, Maryland

Witness: Jerome Jones, Jr.

Heard and Decided: June 12, 2019

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, 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 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 a variance from Section 27-420(a) which prescribes that on lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high without the approval of a variance. Petitioners propose to validate an existing condition (property) and obtain a building permit for a new 6-foot iron fence with gate. A waiver of the fence height and location requirements for a fence over 4 feet in height in the front yard (abutting Rose Place) are requested.

Evidence Presented

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

1. The property was subdivided in 1968, contains 36,690 square feet, is zoned R-E (Residential-Estate) and is improved with a single-family dwelling. Exhibits (Exhs.) 2, 4, 6, 7 and 8 (A) thru (A) thru (D).
2. Petitioners would like to install a 6-foot wrought iron fence and gate in the front yard. Due to the fence being over 4-feet in height, a variance is being requested. Exhs. 2, 3, 5 (A) thru (I).
3. Petitioner Jerome Jones Sr. stated that because he has very large dogs and elderly neighbors have very small dogs, for safety purposes and assure some comfort to the neighbors, he would like to install the proposed fence. He further stated that the fence will also provide safety for his 6 children.¹ He stated that the rear yard is heavily wooded with bamboo. Exhs. 2, 3, and 5 (A) thru (I).
4. Petitioner Chasity Jones believed that the fence will provide a beneficial barrier to avoid any incidents with the neighbor's small dogs (who run freely during the day). Exhs. 2, 3, 5 (A) thru (I).

¹ Mr. Jones explained that the iron fence will be located in the front yard and a vinyl, 6-foot fence (which will be installed at a later date in the rear yard).

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 need to secure very large dogs and provide security for their children 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, Ms. Anastasia Johnson absent, that a waiver of the fence height and location requirements for a fence over 4 feet in height in the front yard (abutting Rose Place) in order to validate an existing condition (property) and obtain a building permit for a new 6-foot iron fence with gate on the property located at Lot 5, Block A, Brock Hal Gardens Subdivision, 1913 Rose Place, Upper Marlboro, 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, Exhibit 2 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

Bobbie S. Mack, ChairpersonNOTICE

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.