

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

Petitioner: Nelson Ferman

Appeal No.: V-48-19

Subject Property: Lot 65, Block D, Tyrol Estates Subdivision, being 3520 Jeff Road, Glenarden,
Prince George's County, Maryland

City of Glenarden

Counsel for Petitioner(s):

Witness(es):

Heard and Decided:

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, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) which prescribes that each lot shall have a side yard at least 8 feet in width. 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. Petitioner proposes to construct a 6-foot wood fence, ramp with stairs, and retaining wall with metallic ward rail. A variance of 2.6 feet side yard width and waiver of a wall over 4 feet in height are requested.

Evidence Presented

1. The property was subdivided in 1964, contains 8,645 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, a 6-foot wood fence, ramp with stairs, and retaining wall with metallic ward rail
2. _____.
2. Petitioner(s) would like to
3. The City/Town of
4. _____ Association

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 does/does not comply with the applicable standards set forth in Section 27-230, more specifically:

Due to _____ 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(s) of the property.

OR

1. [Findings for denial]
- 2.
- 3.

BE IT THEREFORE RESOLVED, unanimously, that a variance of _____ feet side yard width in order to _____ on the property located at _____, Prince George's County, Maryland, be and is hereby _____. [Approval of the variance(s) is contingent upon development in compliance with the approved site plan, Exhibit _____ and approved elevation plan(s), Exhibit(s) _____.]

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.]

OR

[Further, Section 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.]

NOTICE OF HEARING

Date: June 18, 2019

Petitioner: Nelson Ferman

Appeal No.: V-48-19

Hearing Date: WEDNESDAY, JULY 3, 2019, AT 6:00 P.M. **EVENING**

Place: Zoning Hearing Room #L205
County Administration Building, Upper Marlboro, Md.

Appeal has been made to this Board for permission to construct a 6-foot wood fence, ramp with stairs, and retaining wall with metallic ward rail on R-55 Zoned (One-Family Detached Residential) property known as Lot 65, Block D, Tyrol Estates Subdivision, being 3520 Jeff Road, Glenarden, Prince George's County, Maryland, contrary to the requirements of the Zoning Ordinance.

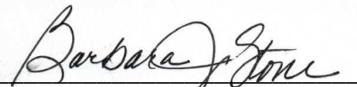
The specific violation resides in the fact that Zoning Ordinance Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-420(a), prescribes that fences and walls more than 6 feet high shall not be located in any required yard and shall meet the setback requirements for main buildings. A variance of 2.6 feet side yard width and waiver of a wall over 4 feet in height are requested.

Public hearing on this Appeal is set for the time and place above stated. **Petitioner, or counsel representing Petitioner, should be present at the hearing. A Petitioner which is a corporation, limited liability company, or other business entity MUST be represented by counsel, licensed to practice in the State of Maryland, at any hearing before the Board. Any non-attorney representative present at the hearing on behalf of the Petitioner (or any other person or entity) shall not be permitted to advocate.**

Adjoining property owners, who are owners of premises either contiguous to or opposite the property involved, are notified of this hearing in order that they may express their views if they so desire. However, their presence is not required unless they have testimony to offer the Board.

If inclement weather exists on hearing date, please contact the office to ascertain if hearing is still scheduled.

BOARD OF ZONING APPEALS

By: 
Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
City of Glenarden