



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

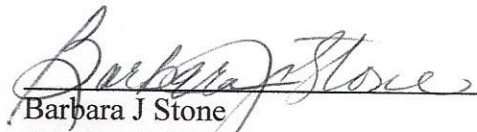
OF BOARD OF APPEALS

RE: Case No. V-150-19 Mynor Rodriguez

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: October 7, 2020

CERTIFICATE OF SERVICE

This is to certify that on December 16, 2020, 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: Mynor Rodriguez

Appeal No.: V-150-19

Subject Property: Lot 9, Block A, Fox Run Estates Subdivision, being 7510 Milligan Lane, Clinton,
Prince George's County, Maryland

Spanish Language Interpreter: Ruben Sotogomez

Witnesses: Diana Jennings Ashton

Marie Price

Joanne Johnson

Elizabeth Brazil

Heard: September 9, 2020; Decided: October 7, 2020

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) which prescribes that fences more than 6 feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings; on a corner lot consisting of one (1) acre or less, fences 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 proposed construction of a 6-foot wooden 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 Spring Acres Road) is requested.

Evidence Presented

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

1. The property was subdivided in 1976, contains 9,502 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, wooden deck and shed. Exhibits (Exhs.) 2, 4, 7 and 9 (A) thru (F).

2. The property is located on a corner lot with the dwelling facing the legal front (Milligan Lane). The rear yard slopes up toward the rear of the property. Exhs. 2, 4 and 9 (A) thru (F).

3. Petitioner proposes to obtain a building permit for the construction of a 6-foot wooden fence. Because the fence is 6-feet is 2 feet over the minimum height requirement and is located along the side street, a waiver of the fence location and height requirements has been requested. Exhs. 2, 3 and 5 (A) thru (E).

4. Petitioner Mynor Rodriguez opined that the fence will not obstruct the view of traffic as the fence will be set back 25 feet back from the stop sign. He explained that the (corner) property is small, and he would like to take full advantage of the yard so his children will have a sufficient area yard in which to safely play. The initial site plan indicates that the fence connects to the house on the left side. Exhs. 2, 3, and 5 (A) thru (E)

5. Ms. Diana Jennings Ashton (7604 Milligan Lane) testified that commercial vehicles are parked on the subject property to the extent that you have to drive past the stop sign to see oncoming traffic. She stated that there is also a large boat in the driveway. She concluded that if Petitioner extends the 6 feet fence to the stop sign, you will not be able to street see.

6. Marie Price (7508 Milligan Lane) stated that she is also concerned with the height of the fence and does not want a privacy fence running between their houses. She is also concerned that because his rear yard is on a hill, the fence will be even higher.

7. Joanne Johnson (7609 Milligan Lane) agreed with the safety of his children and the installation of the fence. She opined, however, that it would be just as safe for the children if the fence is moved back and connected with the rear of the house. She also stated that the commercial vehicles block site views. She stated that the traffic at this intersection is very dangerous when children have to cross the street and with the fence coming down so far, it just adds to the safety concerns.

8. Elizabeth Braziel (7608 Milligan Lane) expressed the same concerns of safety regarding the commercial vehicles blocking the view of oncoming traffic. She believed that the heightened fence would provide safety for the children.

9. Petitioner agreed to move the fence back toward the rear of the house on both sides. Exh. 19.

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.

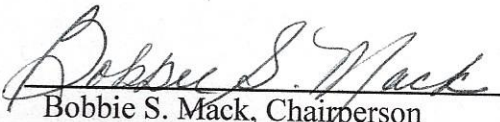
Findings of the Board

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 need for a safe area for his children, the fence being moved further to the rear of the house on both sides, an uphill slope contributing to the height of the fence, 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 Spring Acres Road) in order to obtain a building permit for the proposed construction of a 6-foot wooden fence on the property located at 7510 Milligan Lane, Clinton, 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 19 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.

LOT 9, BLOCK "A", SECTION ONE
FOX RUN ESTATES

PLAT BOOK NLP 95 @ PLAT NO. 36
9TH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MD.

Par. # 227

Cathy A. Jenkins L. 11/31/11 F. 217

25' W.S.S.C. Sewer R/W, per L. 3566 F. 873

N 67° 06' 40" E ~ 80.30

I.P.Fd.

I.P.Fd.

Proposed 6' Wooden Fence

ROAD

[50'W]

ACRES

SPRING

LOT 9

9,502 ±

12.0 Wdn. Deck 10.0 16.0

2 STORY FRAME SPLIT LEVEL # 7510

Storm Drain Manhole

MILLIGAN [60'W] LANE

LANE

BOARD OF APPEALS

SURVEYOR'S CERTIFICATES:

I hereby certify that the position of the existing improvements on the above described property has been carefully established by a transit - tape survey and that unless otherwise shown, there are no visible encroachments.

DATE: 7th November 2018 W.L.M.

I hereby certify that I have carefully surveyed the property as shown by this plat and iron pipe are in place as shown.

DATE: 7th November 2018 W.L.M.

NOTE: Location drawing do not include setting Iron Pipes on property corners.

NO TITLE REPORT FURNISHED

PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.

The property shown hereon is not within Zone A-Special Flood Hazard Area per F.E.M.A. Flood Insurance Rate Maps.

EXH. # 19 V-150-19



APPROVED

OCT 7 2020

ADMINISTRATOR

W. L. MEEKINS, INC.

3101 RITCHIE ROAD
FORESTVILLE, MD 20747
TEL: 301-736-7115
email: info@meekins.net
web: www.meekins.net

REGISTRATIONS

MD # 10833
DCLS # 900860

BOARD OF APPEALS

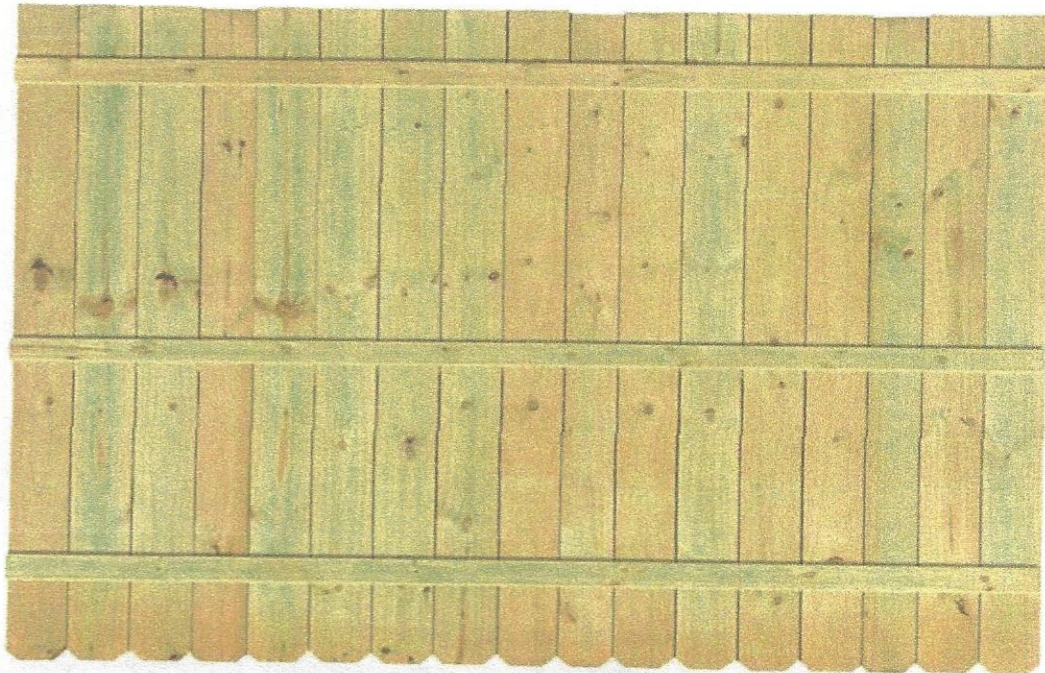
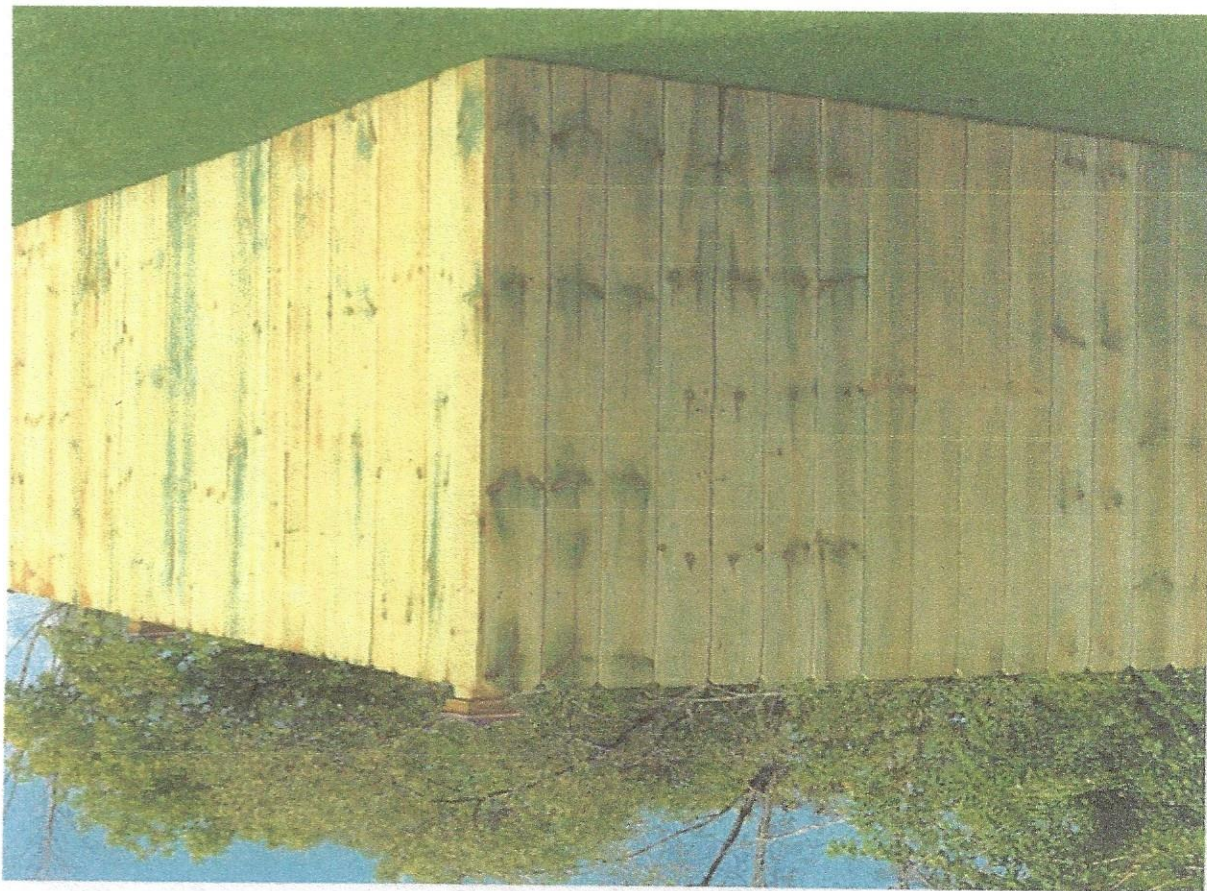
APPROVED / OCT 7 2020

V-150-19


ADMINISTRATOR

7510 Milligan Lane
Clinton, MD

Maynor Rodriguez



EXH. 3
V-150-19