

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

Petitioner: Regina Mack

Appeal No.: V-161-19

Subject Property: Lot 1, Block Q, Westchester Estates Subdivision, being 6700 Berkshire Drive, Temple Hills, Prince George's County, Maryland

Witnesses: Muhammad Mack, Son  
Jabari Palmer, Son

Heard and Decided: February 5, 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 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 variances from Section 27-120.01(c) which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. 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; 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 validate an existing condition (driveway partially located in front of the house) and obtain a building permit for the construction of a 6-foot wooden fence. Waivers of the parking area location requirement and the fence location and height requirements for a fence over 4 feet in height in the side street yard (abutting Allentown Road) are requested.

**Evidence Presented**

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

1. The property was subdivided in 1960, contains 13,057 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, 3 sheds and a 4-foot fence. Exhibits (Exhs.) 2, 4, 7,8 and 9 (A) thru (F).
2. The property is located on a corner lot parallel with Allentown Road, which is a 4 lane, busy road. Exhs. 2 and 3.
3. Petitioner would like to validate an existing driveway in front of the dwelling and replace an older fence with the proposed 6-foot fence. Because the driveway is situated in front of the dwelling, a waiver of the parking area location is requested and because the 6-foot fence is running along a portion of Allentown Road a waiver of the fence location and height requirements is requested. Exhs. 2 and 5 (A) thru (F).
4. Muhammad Mack (6700 Berkshire Drive) explained that the fence will be located along Allentown Road then turning and connecting with the side of the house. The fence will connect to an

existing fence in the rear of the property. The fence is requested for privacy and safety for family members in the yard. Exhs. 2 and 5 (A) thru (F).

5. Ms. Regina Mack believed that the 6-foot fence will not impede any corner traffic site views. She explained that the existing wire 4-foot fence is old and will be replaced by the 6-foot wooden fence. Exhs. 2 and 5 (A) thru (F).

6. Petitioner added that there is shrubbery on her property at the intersection of Allentown Road and Berkshire Drive. Exhs. 2 and 5 (A) thru (F).

#### 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 to provide safety and privacy for her family (including children) along Allentown Road which is a busy four (4) lane road, the need to replace an old fence with a new 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 waivers of the parking area location requirement and the fence location and height requirements for a fence over 4 feet in height in the side street yard (abutting Allentown Road) in order to validate an existing condition (driveway) and obtain a building permit for the construction of a 6-foot wooden fence on the property located at 6700 Berkshire Drive, Temple Hills, 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.

#### BOARD OF ZONING APPEALS

By: \_\_\_\_\_

ORIGINAL SIGNED)

Bobbie S. Mack, Chairperson

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**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.