



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

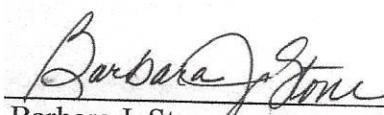
OF BOARD OF APPEALS

RE: Case No. V-164-19 Raymond Karpal

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: February 19, 2020.

CERTIFICATE OF SERVICE

This is to certify that on August 31, 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
Park and Planning Commission
DPIE/Building Code Official, Permitting

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

Petitioner: Raymond Karpal
Appeal No.: V-164-19

Subject Property: Lot 12, Block 19, Chestnut Hills Subdivision, being 10912 Montgomery Road, Beltsville, Prince George's County, Maryland

Witness: Cynthia King, Resident

Heard: February 5, 2020; Decided: February 19, 2020

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 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 variances from Section 27-442(c)(Table II) which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 100 feet measured along the front building line. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Section 27-420(a) which prescribes that fences more than 6 feet high shall not be 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. Petitioner proposes obtain a building permit for the construction of a 6-foot wooden fence. Variances of 11% net lot coverage, 1-foot front building line width, 2 feet side lot line setback for an accessory building (shed) and a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Montgomery Road) are requested.

Evidence Presented

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

1. The property was subdivided in 1947 contains 11,816 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway with attached garage, decks, two sheds, fence and in-ground pool. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. Petitioner Raymond Karpal proposes to obtain a building permit for the construction of a 6-foot wooden fence located in the front yard of the property. Because the proposed 6-foot fence is located in the front yard, a waiver of the fence location and height requirement is requested. Exhs. 2, 3 and 5 (A) thru (F).

3. Petitioner explained that he would like to add a section of fence along the main road behind a line of existing cypress trees. With the existing trees, the proposed section of the fence will not be seen from the road. Currently, there is an existing 6-foot fence along the side of the property which he would like to extend 36.5 feet into the front yard. The existing fence has been in place for 27 years. Exhs. 2, 3, 5 (A) thru (F) and 18 (A) thru (R).

5. Mr. Karpal further testified that Montgomery Road is an extremely busy high-speed road and slopes. He believes that although there is a 30-mph speed limit, the consistent vehicular speed is 50 mph and the fence will provide an additional barrier of safety. He stated that due to the close proximity of Route 1, drivers tend to pick up their speed on his street, causing multiple car accidents in his front yard. Exhs. 2, 3, 5 (A) thru (F) and 18 (A) thru (R).

4. Cynthia King, who resides at 10912 Montgomery Road, Beltsville, opined that the proposed fence will also provide support for the cypress trees in keeping them upright. Exhs. 2, 3 and 5 (A) thru (F).

5. Petitioner submitted photographs of several homes in the immediate vicinity with 6-foot fences in the front yard. Exhs. 17 (A) thru (C).

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

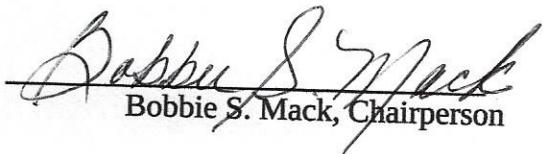
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the need for an additional safety barrier from ongoing traffic accidents in the front yard, privacy from the main road 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 11% net lot coverage, 1-foot front building line width, 2 feet side lot line setback for an accessory building (shed) and a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Montgomery Road) in order to validate existing conditions (lot coverage, front building line width, accessory building shed) and obtain a building permit for the construction of a 6-foot wooden fence on the property located at 10912 Montgomery Road, Beltsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 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:

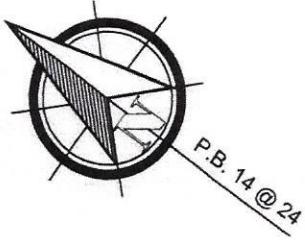
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

BOARD OF APPEALS

APPROVED

FEB 19 2020

B. Storer
ADMINISTRATOR



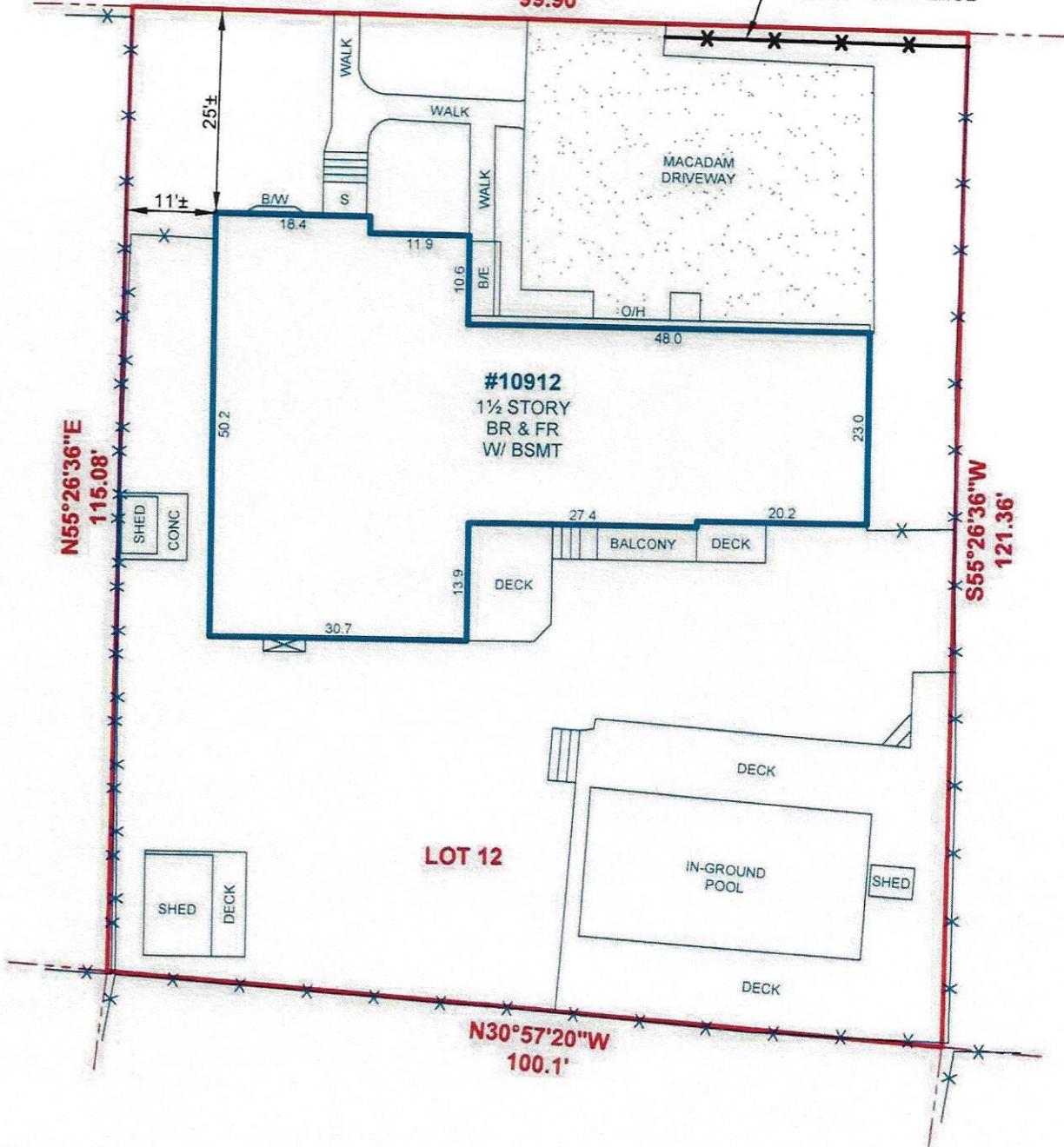
MONTGOMERY ROAD

S34°33'24"E

99.90'

6 FT

PROPOSED FENCE



THE LEVEL OF ACCURACY OF
DISTANCES TO APPARENT
PROPERTY LINES IS:

1±

PROPOSED FENCE FOR:

#10912 MONTGOMERY ROAD
LOT 12
BLOCK 19

CHESTNUT HILLS

PLAT BOOK 14, PLAT 24

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 12-11-2019

DRAWN BY: AP FILE #: 1910324-200

LEGEND:

- * - FENCE
- B/E - BASEMENT ENTRANCE
- B/W - BAY WINDOW
- BR - BRICK
- BRL - BLDG. RESTRICTION LINE
- BSMT - BASEMENT
- C/S - CONCRETE STOOP
- CONC - CONCRETE
- D/W - DRIVEWAY
- Ex. - EXISTING
- FR - FRAME
- MAC - MACADAM
- G - GATE
- O/H - OVERHANG
- PUE - PUBLIC UTILITY ESMT.
- PIE - PUBLIC IMPROVEMENT ESMT.

- COLOR KEY:
- (RED) - RECORD INFORMATION
- (BLUE) - IMPROVEMENTS
- (GREEN) - ESMTS & RESTRICTION LINES

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SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12 CHAPTER 09 13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, 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. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID 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.

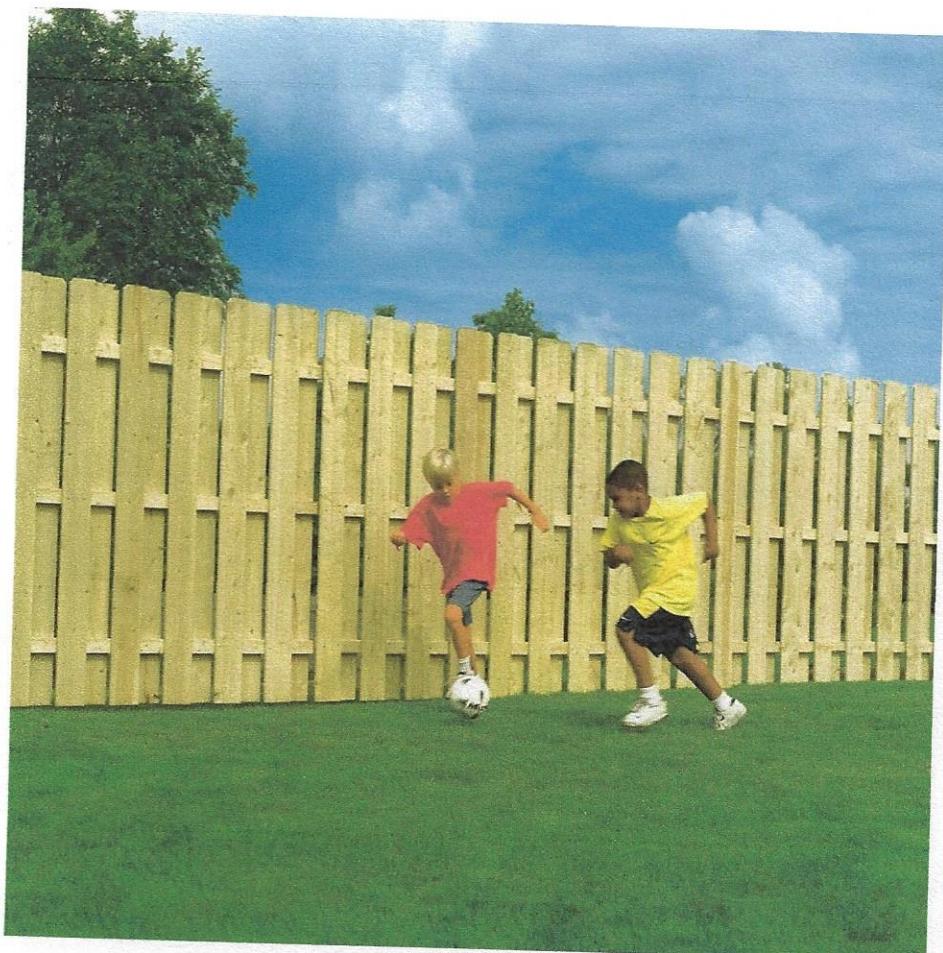
WILL GIVE YOU A 100%
FULL CREDIT TOWARDS
UPGRADING THIS
SURVEY TO A
"BOUNDARY/STAKE"
SURVEY FOR ONE
YEAR FROM THE DATE
OF THIS SURVEY.

(EXCLUDING D.C. & BALT. CITY)

EXH. # 2
V-164-19



Back



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or



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Schedule delivery to your home or jobsite
on the day of your convenience

Get it as soon as tomorrow

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EXH. # 3
V-164-19

BOARD OF APPEALS

APPROVED

FEB 19 2019

John Doe
Administrator