



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

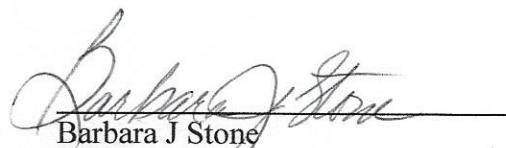
OF BOARD OF APPEALS

RE: Case No. V-165-19 Jose Alvarado, Indolfo Jimenez and Ramon Jimenez Soto

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: November 18, 2020

CERTIFICATE OF SERVICE

This is to certify that on June 30, 2021, 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

Petitioners: Jose Alvarado, Indolfo Jimenez and Ramon Jimenez Soto
Appeal No.: V-165-19

Subject Property: Lot 15, Block C, Hillmeade Manor Subdivision, being 6800 Glenwood Court, Glenn Dale, Prince George's County, Maryland

Spanish Language Interpreter: Ruben Sotogomez

Heard: October 28, 2020; Decided: November 18, 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, Petitioners request that the Board approve variances from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 70 feet measured along the front street line. Section 27-442(e)(Table IV) which prescribes that each lot shall have a side yard at least 8 feet in width and a rear yard at least 20 feet in depth/width. Section 27-442(i)(Table VIII), which prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard or on corner lots where the designated front of the main building faces the side street. Section 27-421 which prescribes that on a corner lot, no visual obstruction more than three (3) feet high (above the curb level) shall be located within the triangle formed by the intersection of the street lines and points on the street lines twenty-five (25) feet from the intersection. Petitioners propose to validate existing conditions (front building line width, side yard, rear yard and accessory building) and obtain a building permit for the construction of a 6-foot vinyl fence on a corner lot. Variances of 3.47 feet front street line width, 4 feet side yard width, 4 feet rear yard depth/width, a waiver of the rear yard location requirement for an accessory building, and a waiver of the location requirement for a fence in the triangle area of the corner portion of a corner lot are requested.

Evidence Presented

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

1. The property was subdivided in 1961, contains 10,684 square feet, is zoned R-R (Rural Residential), and is improved with a single-family dwelling, driveway, two decks and 6-foot vinyl fence. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (H).

2. The property is a corner lot with the dwelling facing the legal side yard on Glenwood Court. Northbrook Drive is a dead-end street that ends at the woods. Exhs. 2, 4, 8, 9 and 10 (A) thru (H).

3. The Petitioner proposes to obtain a building permit for the construction of a 6-foot vinyl fence facing the legal front yard Northbrook Drive. However, because the property is a corner lot, a variance is required in order to place a 6-foot fence along the legal front of the property.

4. Necessary validations of the following lot conditions are: the front street line width which is 3.47 feet fewer in length of the required 70 feet; the side yard setback which is 4-feet short of the required 8-foot

side yard setback requirement; and the rear yard which is 4 feet short of the required 20 feet rear yard setback. All conditions require approval of variances before a building permit for the proposed fence will be approved. Exhs. 2, 3, and 5 (A) thru (N).

5. A waiver of the rear yard location for an accessory building is needed as one of the two sheds must be setback 60 feet from Northbrook Drive, the legal front street. Exhs. 2, 3, 5 (A) thru (N).

6. Petitioner Indolfo Jimenez testified that the property abuts woods in which there are wild animals such as foxes and deer. He stated there is an existing fence, but it only reaches where the road ends, and he would like to extend it, so his daughter will have a safe place to play. Exhs. 2, 3, and 5 (A) thru (N).

7. Mr. Jimenez further stated that he would like to move the fence to the front corner of the house and run it to and along the property line. He agreed, however, to move the fence so that it will be setback 24 feet from Northbrook Drive.¹ Exh. 16.

8. He will extend the fence on the property line along the back yard to the other side of the house, as demonstrated in the revised site plan. Exh. 16.

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:

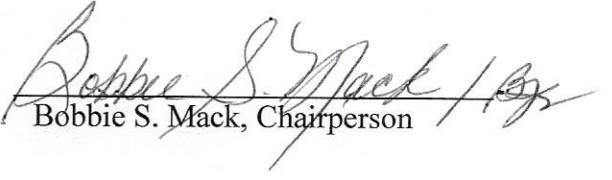
Due to the property being a corner lot with the dwelling facing the legal side yard on Glenwood Court, validations for existing construction on the corner lot are necessary to meet current zoning requirements, the property abutting woods containing wild animals, the desire to provide a protected area in which children may play 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, unanimously, that variances of 3.47 feet front street line width, 4 feet side yard width, 4 feet rear yard depth/width, a waiver of the rear yard location requirement for an accessory building, a in order to validate existing conditions (front building line width, side yard, rear yard and accessory building) and obtain a building permit for the construction of a 6-foot vinyl fence on property located at 6800 Glenwood Court, Glenn Dale, 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 16 and approved elevation plan, Exhibit 3.

¹ Due to Petitioner moving the fence back 24' from , the waiver of the location requirement for a fence in the triangle area of the corner portion of a corner lot has been negated.

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.

THIS DOCUMENT IS CERTIFIED TO:

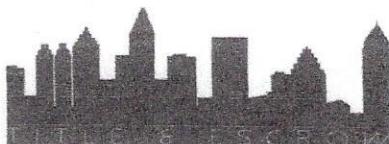
COSMOPOLITAN



CASE #: 19-1400MD



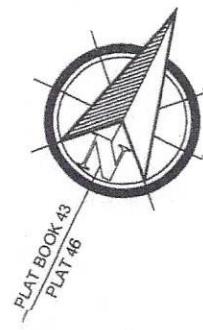
COSMOPOLITAN



BOARD OF APPEALS
APPROVED NOV 18 2020

B. H. Duley
ADMINISTRATOR

PARCEL 123
N/F L.40237 F.151
(NOT INCLUDED)



GLENWOOD COURT

EXH. # 16
V-165-19

LOCATION DRAWING OF:

#6800 GLENWOOD COURT
LOT 15 BLOCK C
SECTION TWO

LEGEND:

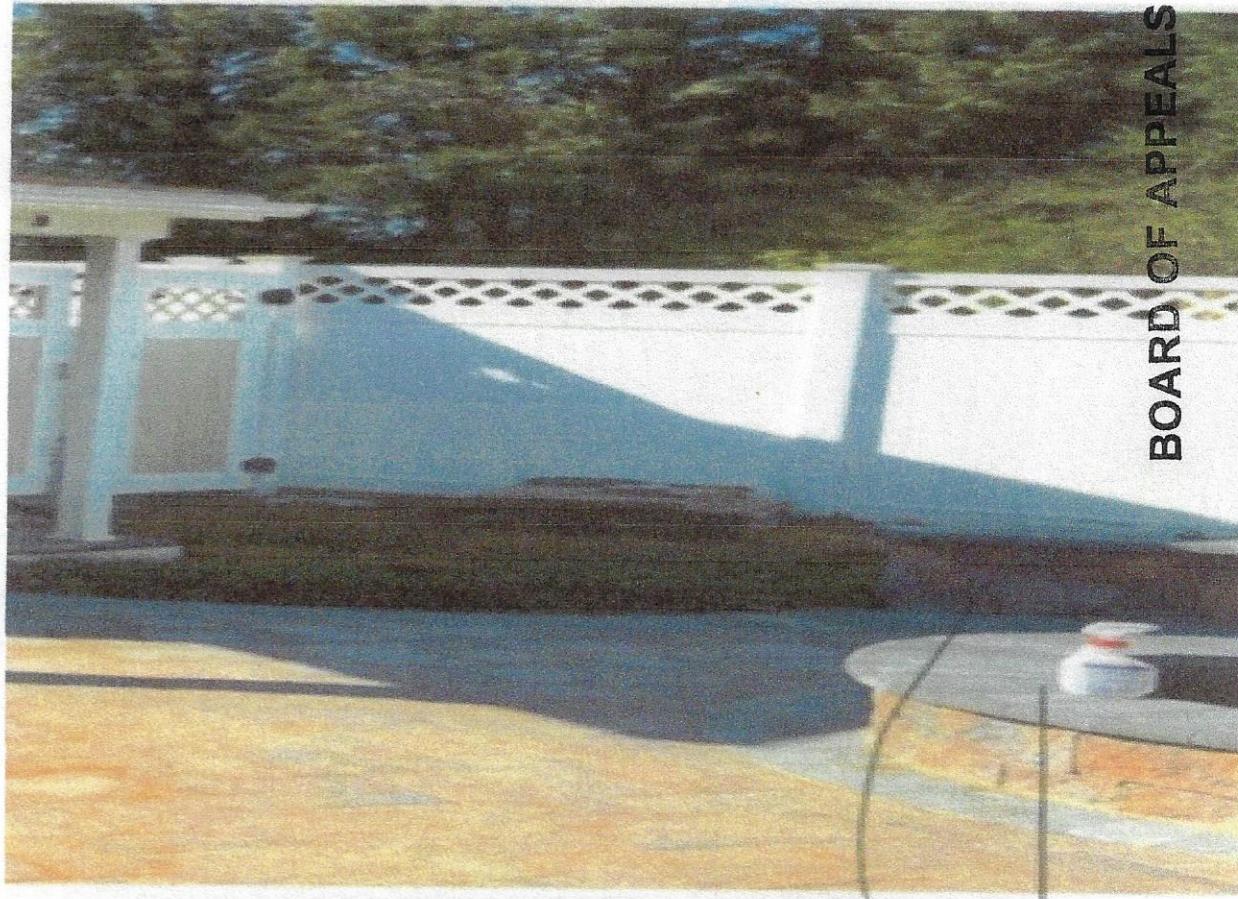
- FENCE
- B/E - BASEMENT ENTRANCE
- B/W - BAY WINDOW
- BR - BRICK
- BRL - BLDG. RESTRICTION LINE
- BSMT - BASEMENT
- C/S - CONCRETE STOOP

A Land Surveying Company



DULEY
and

V-165-19



BOARD OF APPEALS

APPROVED NOV 18 2020

John Doe
John Doe
ADMINISTRATOR

EXH. # 3
V-165-19