

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

Petitioner: Faye Telford

Appeal No.: V-54-18

Subject Property: Lots 22 & 23, Block 39, District Heights Subdivision, being 6101 Cabot Street, District Heights, Prince George's County, Maryland

Municipality: City of District Heights

Witness: Franklin Foster, Petitioner's Husband

Heard and Decided: July 11, 2018

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 variances from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a front yard at least 25 feet in depth and a side yard along the side street at least 15 feet in depth, and Section 27-420(a), which prescribes that 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 existing conditions (dwelling) and construct a 6-foot stockade fence in the side yard of a corner lot. Variances of 4 feet front yard depth and .2 foot side street yard depth for the dwelling and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Scott Key Drive) are requested.

Evidence Presented

1. The property was subdivided in 1929, contains 8,470 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. The property is a corner lot, with the dwelling facing the legal front street and an alley to the rear. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).

2. Petitioner would like to construct a 6-foot stockade fence around the back yard. As part of the fence is located in the yard between the dwelling and the side street, waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Scott Key Drive) were requested. Exhs. 2, 3, 5 (A) thru (R) and 12.

3. The existing covered front porch is located 21 feet from the front street line and the dwelling is located 14.8 feet from the side street line. Variances of 4 feet front yard depth and .2-foot side street yard depth were requested, respectively. Exhs. 2, 3, 5 (A) thru (R) and 12.

4. The City of District Heights supports the proposed variances. Exhs. 6 and 17.

5. Mr. Foster testified that there is currently a 4-foot fence around the entire yard. The proposed 6 foot fence will be located in the back yard from the extended end of the house to the back and around the back edge of the opposite side of the yard. Exhs. 2, 3, 5 (A) thru (R) and 20.

6. Petitioner Fay Telford explained that the fence will provide a safe play area for her children. Exhs. 2, 3, 5 (A) thru (R) and 20.

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 property being located on a corner lot with the house facing the legal front, the need for a safe area in which young children can 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 4 feet front yard depth and .2 foot side street yard depth for the dwelling and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Scott Key Drive) in order to validate existing conditions (dwelling) and construct a 6-foot stockade fence in the side yard of a corner lot on the property located at Lots 22 & 23, Block 39, District Heights Subdivision, being 6101 Cabot Street, District Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved revised elevation plan, Exhibit 20.

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

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.