



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

CORRECTION

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-56-18 Roswell and Ivy Hatcher

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: July 25, 2018.

CERTIFICATE OF SERVICE

This is to certify that on August 20, 2018, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


Barbara J. Stone
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
White Hall Forest Homeowners Association

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

Petitioners: Roswell and Ivy Hatcher

Appeal No.: V-56-18

Subject Property: Lot 100, Block F, White Hall Forest Subdivision, being 15801 Young Court, Accokeek,
Prince George's County, Maryland

Heard and Decided: July 25, 2018

Board Members Present and Voting: 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 27-420(a) of the Zoning Ordinance, which prescribes that on corner lots 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 in height without the approval of a variance. Petitioners propose to construct a 6-foot black aluminum fence in the front yard of a corner lot. Waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Chatsworth Drive) are requested.

Evidence Presented

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

1. The property was subdivided in 1987, contains 10,050 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway and shed. The property is a corner lot, located within a cluster subdivision, with the dwelling facing the legal side street. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. Petitioners would like to construct a 6-foot black aluminum fence around the back yard. As a portion of the fence will be located in the yard between the dwelling and the front street line, waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Chatsworth Drive) were requested. Exhs. 2, 3, 5 (A) thru (J) and 12.
3. White Hall Forest Homeowners Association submitted a written response in favor of the variance. Exh. 6.
4. Ms. Hatcher, an avid gardener, explained that the proposed fence will replace an older 4-foot fence. She stated that the subject property is near woods inhabited by wild animals, including deer and racoons. The proposed fence will help deter the animals and enhance her use and enjoyment of the rear yard. Exhs. 2, 3, 5 (A) thru (J).
5. She further explained that the fence will be a wrought iron fence which will not block the view of drivers as they turn the corner at Young Court and Chatsworth Drive. Exh. 3.

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 front of the house facing the side yard, the close proximity to the woods, in addition to plantings, attracting wild animals into the rear yard 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, **by majority vote, Ms. Bobbie Mack absent**, that waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Chatsworth Drive) in order to construct a 6-foot black aluminum fence in the front yard of a corner lot on the property located at Lot 100, Block F, White Hall Forest Subdivision, being 15801 Young Court, Accokeek, 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: 
Albert C. Scott, Chairman 

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.