

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

Petitioner: Kathleen Bundy

Appeal No.: V-122-18

Subject Property: Lot 1, Block L, Willow Hills Subdivision, being 312 Stevenson Lane, Hyattsville,
Prince George's County, Maryland

Witness: Monya Bundy, Daughter

Heard and Decided: November 14, 2018

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 30% of the net lot area shall be covered by buildings and off-street parking 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 an existing condition (development) and construct a 6-foot white vinyl fence in the side yard of a corner lot. A variance of 2.9% net lot coverage and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Willow Hills Drive) are requested.

Evidence Presented

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

1. The property was subdivided in 1989, contains 9, 508 square feet, is zoned R-80 (One Family Detached Residential) and is improved with a single-family dwelling, driveway, covered porch and shed. Exhibits (Exhs.) 3, 5, 9, 10 and 11 (A) thru (G).
2. The property is a corner lot with the dwelling facing the legal front street (Stevenson Road). Exhs. 2, and 5.
3. Petitioner would like to construct a 6-foot white vinyl fence, part of which is located in the side yard abutting a street. Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Willow Hills Drive) were requested. Exhs. 3, 4 and 6 (A) thru (G).
4. Existing development on the property exceeds the amount of lot coverage allowed. A variance of 2.9% was requested. Exhs. 3, 4 and 6 (A) thru (G).
5. Petitioner Kathleen Bundy testified that she would like to construct a 6-foot fence behind her house and along the side street (Willow Hills Drive) for security purposes. She stated that a church is located directly behind her property. She also stated that similarly situated neighbors (corner lot) have 6 foot fences. Exhs. 3, 4, 6 (A) thru (G) and 7 (A) thru (D).
6. Ms. Bundy explained that the proposed fence will be set back 10 feet from the property line and site views for street traffic will not be blocked. Exhs. 3, 4 and 6 (A) thru (G).

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 property being a corner lot, a church abutting the rear of the subject property, the need to provide security 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 a variance of 2.9% net lot coverage and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Willow Hills Drive) in order to validate an existing condition (development) and construct a 6-foot white vinyl fence in the side yard of a corner lot on the property located at Lot 1, Block L, Willow Hills Subdivision, being 312 Stevenson Lane, Hyattsville, 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 4.

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.