

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

Petitioner: La'Creshea Makonnen

Appeal No.: V-129-18

Subject Property: Lot 15, Block D, Kenmoor Subdivision, being 8201 Manson Street, Landover,
Prince George's County, Maryland

Witness: Reese Ray, Husband of Petitioner

Heard and Decided: November 28, 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 request that the Board approve variances from Section 27-420(a) which prescribes that fences and walls more than 6 feet high shall not be located in any required yard, and shall meet the setback requirement for main buildings; on lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high; Section 27-420(d) prescribes that walls and fences more than four (4) feet high (above the finished grade, measured from the top of the fence to grade on the side of the fence where the grade is the lowest) shall be considered structures requiring building permits. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 60 feet from the front street line, shall not exceed 15 feet in height and generally be located only in the rear yard, or in the yard opposite the designated front of the main building on lots having no rear yard (through lots). Petitioner proposes to construct an 8-foot fence located in a front yard (rear of dwelling) of a through lot (abutting Landover Road). Waivers of the fence location and height requirements for a fence over 4 feet in height in a front yard of a through lot and a variance of 27 feet setback from the front property line for an accessory building located in a side yard are requested.

Evidence Presented

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

1. The property was subdivided in 1961, contains 11,975 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).
2. The property is a through lot fronting on Manson Street and Landover Road which include a 20' strip reserved for non-access screen planting per Record Plat WWW 40-43. Exhs. 2 and 4.
3. Petitioner would like to construct an 8-foot wood fence along Landover Road as the property faces multiple properties with commercial uses. Exhs. 2, 3, 5 (A) thru (J) and 19 (A) thru (N).
4. Mr. Reese Ray testified that they would like to erect an 8-foot sight-tight wood fence on the rear of the property along Landover Road. He stated that children from Kenmoor Middle School, which is located in front of his house on Manson Street will cut through the subject property to get to Landover Road, jumping the existing 3-feet fence. He added that the property slopes down towards Landover Road and the

children can easily step right on the top of the fence. Petitioner further testified that he has rather large dogs which also concerns him with the children running through his yard. Exhs. 2, 3, 5 (A) thru (J) and 19 (A) thru (N).

5. Mr. Reese opined that the proposed 8-foot sight tight wood fence will certainly be more difficult (for the children) to jump. Exhs. 2, 3, 5 (A) thru (J) and 19 (A) thru (N).

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 topography of the rear yard, the ineffectiveness of the existing 3-feet fence, the need to curtail persons cutting through the 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Landover Road) and a variance of 27 feet setback from the front street line for an accessory building located in a side yard, in order to construct an 8-foot fence on the property located at Lot 15, Block D, Kenmoor Subdivision, being 8201 Manson Street, Landover, 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: (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.