

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

Petitioner: Mary Ann Bolds

Appeal No.: V-132-18

Subject Property: Lots 1 & 2, Block F, Cheverly Manor Subdivision, being 6414 Kilmer Street, Cheverly,
Prince George's County, Maryland

Witness: Jacquelyn Councill, Daughter

Heard and Decided: December 5, 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 27-420(a), which prescribes that on a corner lot fences 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 construct a 6-foot chain link fence in the side yard of a corner lot. Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Sullivan Drive) are requested.

Evidence Presented

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

1. The property was subdivided in 1947, contains 12,452 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, 8, 9 and 10 (A) thru (G)

2. The property is an odd-shaped corner lot, with the dwelling facing the legal front street at the corner. Exhs. 2, 3, 5 (A) thru (E) and 7.

3. Petitioner would like to construct a 6-foot chain link fence along the rear lot line, extending to the property line towards the side street (Sullivan drive). Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Sullivan Drive) were requested. Exhs. 2, 3, 5 (A) thru (E), 7 and 19 (A) thru (B).

4. Petitioner Mary Bolds explained that she is requesting permission to replace the existing 4-foot fence with a 6-foot chain link fence for safety purposes. She testified that she lives by an apartment building and persons cut through her yard, jumping over the 4-foot fence. She noted that she lives on a corner lot and her side yard is "V" shaped and that the proposed fence will be located along a portion of the back yard and along the front street line (Sullivan Drive). Currently along the rear yard, there is a storm drain, retaining wall, trees and bushes. The proposed fence will begin at the end of the storm drain and retaining wall area. Exhs. 2, 3, 5 (A) thru (E), 7 and 19 (A) thru (B).

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 lot being an odd shape corner lot, the ineffectiveness of the existing 4-foot fence, the need for security to deter people from entering Petitioner's 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 side yard (abutting Sullivan Drive) in order to construct a 6-foot chain link fence in the side yard of a corner lot on the property located at Lots 1 & 2, Block F, Cheverly Manor Subdivision, being 6414 Kilmer Street, Cheverly, 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.

