

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

Petitioners: Patricia and Chester Kopicki, Jr.

Appeal No.: V-133-18

Subject Property: Lot 16, Block B, Echo Farms Subdivision, being 15701 Tasa Place, Laurel,
Prince George's County, Maryland

Witness: Kenneth Harrison, Inspector, Department of Permitting, Inspections and Enforcement (DPIE)

Heard and Decided: February 20, 2019

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, Petitioners request 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 side yard along the side street at least 25 feet in depth and a rear yard at least 20 feet in depth/width, and 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. Petitioners propose to validate existing conditions (dwelling, development) and obtain a building permit for a 5-foot vinyl fence topped with a 1-foot trellis. Variances of 3 feet side street yard depth, 12 feet rear yard depth/width and .3% net lot coverage are requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 9,645 square feet, is zoned R-80 (One Family Detached Residential) and is improved with a single-family dwelling, driveway, covered frame deck, shed and 6-foot fence. The property is a corner lot with the house facing the legal side street yard (Tasa Place). Exhibits (Exhs.) 2, 5, 11, 12 and 13 (A) thru (F).
2. Petitioners would like to validate existing property conditions and obtain a building permit for a 5-foot fence topped with a 1-foot trellis. Variances of 3 feet side street yard depth, 12 feet rear yard depth/width and .3% net lot coverage are requested. Exhs. 2, 3, 4 (a) thru (b), 6 (A) thru (C).
3. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a door tag, dated August 28, 2018, requiring Petitioners to "Obtain the required permit(s) for work." Exh. 7.
4. Petitioner Patricia Kopicki explained that a 30-year old 6-foot wooden fence was replaced with the existing white vinyl fence in 2005. Exhs. 2, 3, 4 (a) thru (b), 6 (A) thru (C).
5. Kenneth Harrison, DPIE Inspector, stated that a complaint was lodged about the vinyl fence and the problem is that the old fence was not replaced "in kind". He further stated that because the wooden fence was replaced with a vinyl fence, a building permit is required. He observed that the vinyl fence is not blocking site views and that because the rear yard is two tiers (sloped), with a retaining wall, he opined that

the complainant believed that the current fence was illegally 8-feet tall, which it is not. Exhs. 2, 3, 4 (a) thru (b), and 6 (A) thru (C).

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 house facing the legal side street which causes the rear yard to be very shallow, the "back yard" (legal side yard) being two-tier sloped with retaining walls, the old fence needed replacement 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, unanimously, that variances of 3 feet side street yard depth, 12 feet rear yard depth/width and .3% net lot coverage in order to validate existing conditions (dwelling, development) and obtain a building permit for a 5-foot vinyl fence topped with a 1-foot trellis on the property located at Lot 16, Block B, Echo Farms Subdivision, being 15701 Tasa Place, Laurel, 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 elevation plan(s), Exhibit(s) 4 (a) thru (b).

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.