



# 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

## *NOTICE OF FINAL DECISION*

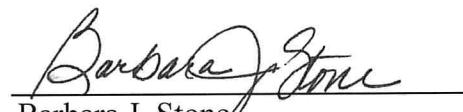
## *OF BOARD OF APPEALS*

RE: Case No. V-83-18 Maria and Yefri Delcid

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: October 24, 2018.

## **CERTIFICATE OF SERVICE**

This is to certify that on November 13, 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  
DPIE/Inspections Division  
Leslie Bilchick, Spanish Language Interpreter

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

Petitioners: Maria and Yefri Delcid

Appeal No.: V-83-18

Subject Property: Lot 14, Block E, Pleasant Springs Subdivision, being 14501 Becker Road, Brandywine,  
Prince George's County, Maryland

Spanish Language Interpreter Services: Leslie Bilchick

Witness: David Gonzales, Grandson

Heard: September 26, 2018; Decided: October 24, 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, 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 validate and obtain a building permit for a 6-foot metal 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 Becker Road) are requested.

**Evidence Presented**

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

1. The property was subdivided in 1953, contains 36,300 square feet, is zoned R-E (Residential-Estate) and is improved with a single-family dwelling, two driveways and four sheds. Exhibits (Exhs.) 2, 4, 9, 10 and 11 (A) thru (F).

2. The property is a corner lot with the dwelling facing the legal side street. Exhs. 2 and 4.

3. Petitioners would like to validate and obtain a building permit for a 6-foot metal fence around the rear yard, being located about 25 feet from the side street line. Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Becker Road) were requested. Exhs. 2, 3, 5 (A) thru (D) and 6 (A) thru (F).

4. The Department of Permitting, Inspections and Enforcement, Inspections Division, issued a Complaint Inspection on May 4, 2018. Exh. 7.

5. Petitioner Maria Delcid testified that she erected the 6-foot open metal fence (mesh wire with wood posts) to secure the safety of her four (4) dogs and prevent their accessing the neighbor's property. The new fence is located in the back yard only and has a setback of 25 feet from Becker Road. Exhs. 2, 3, 5 (A) thru (D) and 6 (A) thru (F).

6. David Gonzales testified that they previously had a 4-foot fence that one of the dogs could easily jump over. He stated that the driveway along Church Road existed when the property was purchased and the wood edging along the sides of the driveway was not replaced.<sup>1</sup> Exhs. 2, 3, 5 (A) thru (D) and 6 (A) thru (F).

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<sup>1</sup> Revised site plan submitted to demonstrate the correct dimensions (20' x 36') of the driveway access off Church Road. Exh. 20.

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 subject property being a corner lot, the need to keep the Petitioners' four (4) dogs safety and restraining access to the neighbors' property 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 Becker Road) in order to validate and obtain a building permit for a 6-foot metal fence in the side yard of a corner lot on the property located at Lot 14, Block E, Pleasant Springs Subdivision, being 14501 Becker Road, Brandywine, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 20 and approved elevation plan, Exhibit 3.

## BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson  
BJSNOTICE

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.