

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-8-14 Marc & Brook Simpson

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: February 26, 2014.

CERTIFICATE OF SERVICE

This is to certify that on March 10, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Anne F. Carter
Administrator

cc: Petitioners
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

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

Petitioners: Marc & Brook Simpson

Appeal No.: V-8-14

Subject Property: Lot 1, West Woods Subdivision, being 13201 Old Fletchertown Road, Bowie,
Prince George's County, Maryland

Heard and Decided: February 26, 2014

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), which prescribes that on lots consisting of one (1) acre or less, fences and walls in the front yard shall not be more than four (4) feet high without the approval of a variance. Petitioners propose to construct a 6-foot vinyl fence with lattice. Waivers of the fence location and height requirements for a 6-foot fence in the front yard are requested.

Evidence Presented

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

1. The property was subdivided in 2006, contains 20,042 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 2, 4, 9 and 10. The existing single-family dwelling was built in 2008. Exhs. 9 and 10.

2. The property is a through lot, with two legal fronts and no rear yard. The front of the dwelling faces Old Fletchertown Road and the back of the dwelling faces Fletchertown Road. Exh. 2.

3. Petitioners would like to construct a 6-foot vinyl fence with lattice along the side property lines and the street line along Fletchertown Road, enclosing both side yards and the yard behind the house. In order to obtain a building permit, waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard were requested by Petitioners. Exhs. 2 and 12.

4. Petitioner Marc Simpson testified that he would like his yard enclosed with a 6-foot fence to protect his children. He explained that Old Fletchertown Road is a cul-de-sac with less traffic than the busier Fletchertown Road. Exhs. 5(2) and (3), 11(A) through (F). He also explained that there will be a gate where the driveway meets the fence line next to the house. Exh. 2.

5. Washington Suburban Sanitary Commission ("WSSC") had no objection to Petitioners' request to construct a fence within a WSSC easement. Exh. 6.

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 comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a through lot, there being two front yards and no rear yard, there being heavy traffic on the street behind the house (Fletchertown Road), the 6-foot fence being proposed to surround the yard behind the house to protect Petitioners' children, 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 waivers of the fence location and height requirements for a 6-foot fence in the front yard in order to construct a 6-foot vinyl fence with lattice around the rear yard on the property located at Lot 1, West Woods Subdivision, being 13201 Old Fletchertown Road, Bowie, 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 19, and the approved elevation plans, Exhibits 3(a) and (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.