


*NOTICE OF FINAL DECISION  
OF BOARD OF APPEALS*

RE: Case No. V-35-14 Lynn Taylor

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: July 16, 2014.

**CERTIFICATE OF SERVICE**

This is to certify that on August 22, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
\_\_\_\_\_  
Anne F. Carter  
Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
Manchester Estates Homeowners Association

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

Petitioner: Lynne Taylor

Appeal No.: V-35-14

Subject Property: Lot 17, Block D, Manchester Estates Subdivision, being 5606 Windsor Court, Suitland,  
Prince George's County, Maryland

Witness: Barrington Taylor

Heard and Decided: June 4, 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, Petitioner requests that the Board approve variances from Section 27-420(a) of the Zoning Ordinance, which prescribes that fences more than 6 feet high shall not be located in any required yard and shall meet the setback requirement for main buildings, and Section 27-442(e)(Table IV), which prescribes that each lot shall have a side yard at least 8 feet in width and a rear yard at least 20 feet in depth/width. Petitioner proposes to construct a 14-foot-high wooden privacy fence. Variances of 6 feet side yard width, 20 feet rear yard depth/width and a waiver of the fence location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1949, contains 60,694.28 square feet (1.3933 acre), is zoned R-R (Rural Residential) and is improved with a single-family dwelling, attached carport, driveway, detached carport, two sheds and a swimming pool. Exhibits ("Exhs.") 2, 4, 7 and 8. The existing dwelling was built in 1955. Exhs. 7 and 8.

2. The property is a diamond-shaped lot located on a cul-de-sac. The property has a curved, concave front street line where one point of the diamond abuts the cul-de-sac. Exh. 2.

3. Petitioner would like to construct a 14-foot-high wooden privacy fence 2 feet inside the property line along one of the property lines at the rear of the property. Exh. 2. Since the fence must not be located in any required yard and must meet main structure setbacks, variances of 6 feet side yard width and 20 feet rear yard depth/width as well as a waiver of the fence location requirement were requested. Exh. 12.

4. Petitioner testified that she has lived at the subject property since 1999 and last year D.H. Horton Development began building a 57-home residential development, Manchester Crossing, that is adjacent to her common property line, removing all the trees in the process. Exhs. 5(C) through (G). She testified that before the development, her property was surrounded by woods an eighth of a mile to the rear, and on the left and right sides of her house. Exhs. 5(A) and (B), 9(C) through (E), 10.

5. She testified that the adjoining property to the rear and her property originally had the same grade, but the adjoining property was elevated (because of the Manchester Crossing development), placing her property now directly in the line of sight of many homes in the new subdivision and resulting in a loss of privacy and creating a sense of a lack of security.

6. Petitioner further testified that she was lead to believe that trees or foliage would be placed between the new homes and her property, but only two little seedlings have been put in place. She stated that because her property is now at a lower grade in comparison to the newly built houses to the rear (see elevation markings on Exh. 18), a 6-foot fence is insufficient to block the view of higher grassy area and would not allow her to enjoy her rear yard.

7. Petitioner stated that her surveyor added elevation numbers to the site plan, which indicates that the developed land to the rear is more than 10 feet above the grade of her lot. Exh. 18. She pointed out that the (elevation) view from the two-story houses in the new subdivision is even higher.

8. She stated that her swimming pool is now directly visible from cars on the street in the new development as she has only a see-through wrought-iron fence around their pool (Exhs. 5(A) and (G), 19).

#### 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 unusual shape of the property, the difference in elevation of the subject property and the developed property to the rear, the wooded area behind the subject property having been removed when construction began on the new subdivision development, the removal of the trees having left Petitioner with a lack of privacy she heretofore enjoyed for many years, a 6-foot fence being insufficient to screen the rear yard due to the newly created heightened elevation difference of the adjoining 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 variances of 6 feet side yard width, 20 feet rear yard depth/width and a waiver of the fence location requirement in order to construct a 14-foot-high wooden privacy fence on the property located at Lot 17, Block D, Manchester Estates Subdivision, being 5606 Windsor Court, Suitland, 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 the 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.