

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-26-14 Rahjan Murray

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: June 18, 2014.

CERTIFICATE OF SERVICE

This is to certify that on July 31, 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: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
City of Glenarden

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

Petitioner: Rahjan Murray
Appeal No.: V-26-14
Subject Property: Lot 24, Block E, Tyrol Estates Subdivision, being 3508 Tyrol Drive, Glenarden,
Prince George's County, Maryland
Municipality: City of Glenarden
Heard: May 7, 2014; Decided: June 18, 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), which prescribes that on corner lots consisting of one (1) acre or less, 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 wooden privacy fence. Waivers of the fence location and height requirements for a fence in the side yard on a corner lot are requested.

Evidence Presented

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

1. The property was subdivided in 1964, contains 13,030 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a two-story single-family dwelling and driveway. Exhibits ("Exhs.") 3, 4, 9 and 10. The existing single-family dwelling was built in 1965. Exhs. 9 and 10.
2. The property is an almost rectangular shaped corner lot with the dwelling facing the corner. Exh.
3. The size of the property is not unique relative to other lots in the vicinity. Exh. 5. Driveway access to the property is off of the legal front street (Tyrol Drive). Exhs. 3 and 11(A).
3. Petitioner would like to construct a 6-foot wooden privacy fence which would enclose the rear yard and a portion of both side yards, but a variance is needed to obtain a building permit. Since the fence is more than 4 feet in height and a portion of the fence would extend into the side yards, waivers of the fence location and height requirements for a fence in the side yard on a corner lot were requested. Exh. 13.
4. The proposed fence would extend along the rear lot line to within approximately 5 feet from the side street line, extend forward to a point even with the front building line of the house and connect with the front left corner of the house. The fence would extend forward on the right side of the lot to a point even with the rear building line of the attached carport and connect with the right rear corner of the carport. Exh. 3.
5. Petitioner testified that he purchased the property in November 2013 and proposed the fence because of concerns that someone could cross his property without his knowledge and he did not feel comfortable leaving patio furniture or other items unprotected. He explained that a neighbor informed him about a theft related to the previous owner of his property.

6. The City of Glenarden opposed the request. 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 variances do not comply with the applicable standards set forth in Section 27-230, more specifically:

1. The Board finds that Petitioners' lot has no exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition.
2. Because the conditions of the property are ordinary, the Board does not deem it necessary to consider the other requirements of Section 27-230.

BE IT THEREFORE RESOLVED, unanimously, that waivers of the fence location and height requirements for a fence in the side yard on a corner lot in order to construct a 6-foot wooden privacy fence on the property located at Lot 24, Block E, Tyrol Estates Subdivision, being 3508 Tyrol Drive, Glenarden, Prince George's County, Maryland, be and are hereby DENIED.

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 27-234 of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.