



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

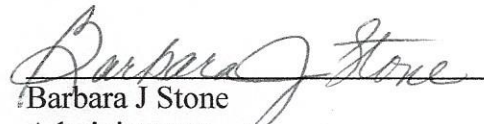
OF BOARD OF APPEALS

RE: Case No. V-5-21 Patricia Nila Ogoola

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: March 24, 2021

CERTIFICATE OF SERVICE

This is to certify that on May 2, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.


Barbara J Stone
Administrator

cc: Petitioner
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

Petitioner: Patricia Nila Ogoola

Appeal No.: V-5-21

Subject Property: Lot 9, Block H, Fort Washington Forest Subdivision, being 1401 Jefferson Road, Fort Washington, Prince George's County, Maryland

Heard and Decided: March 24, 2021

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 fences and walls more than 6 feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings; 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; on a corner lot 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 high without the approval of a variance. Petitioner proposes to obtain a building permit for the construction of a 6-foot wooden fence on a corner lot. A waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Madison Place) is requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 28,841 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, two driveways, and two sheds. Exhibits (Exhs) 2, 4, 10, 11 and 12 (A) thru (G).

2. The property is a corner lot with the rear yard slanted and a curve on the property line abutting Madison Place. Exhs. 2, 4, 10, 11 and 12 (A) thru (G).

3. Petitioner would like to install a 6-foot wood fence around her rear yard abutting Madison Place. Because the fence will abut a street, a main building setback would be required for the fence. Petitioner is requesting a waiver of the fence location and height requirement along Madison Place. Exhs. 2, 4, 10, 11 and 12 (A) thru (G).

4. Petitioner Patricia Ogoola testified that she must obtain a building permit to repair a 6-foot wooden fence that is in need of repairs caused by a natural disaster in November 2020. She would like to repair panels that were destroyed. Petitioner stated that she will not be replacing the entire fence, but simply repairing the portion of it that was destroyed when a very large tree fell on it. She stated that the fence was in existence when she purchased the property in 2008.

5. She testified that there have been no complaints about the fence.

6. She stated that there are other corner lot properties with six-foot fence, so her fence is not out of character (in the neighborhood). She added that the corner property has a slight hill and there is no site view blockage from the street. Exhs. 3 (a) thru (e) and 5 (A) thru (I).

7. Forest Knolls/Fort Washington Forest Neighborhood Association submitted a written letter in support of the proposed repair of the 6-foot wooden fence. Exh. 17.

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

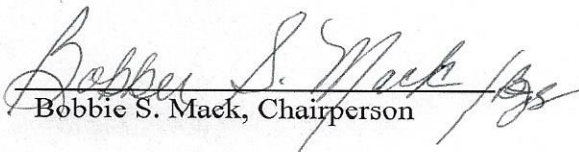
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the preexistence of the six-foot fence, a very large tree falling on the fence, the need to repair only certain damaged panels of the fence 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 a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Madison Place) in order to obtain a building permit for the construction of a 6-foot wooden fence on a corner lot on the property located at 1401 Jefferson Road, Fort Washington, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (e).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

NOTICE

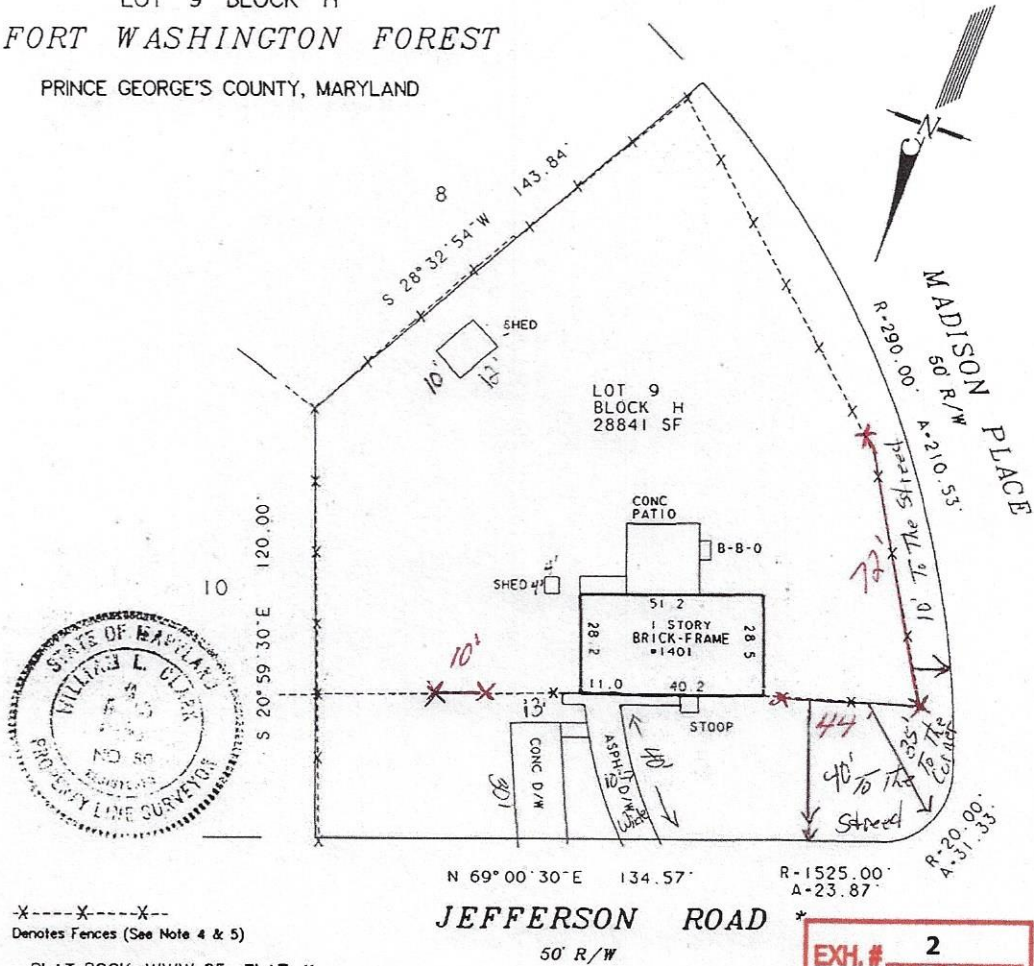
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

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.

LOCATION DRAWING
LOT 9 BLOCK H
FORT WASHINGTON FOREST
PRINCE GEORGE'S COUNTY, MARYLAND

CASE NO.: M60106
2080204



CERTIFICATION
I HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED UNDER MY SUPERVISION AND IS IN COMPLIANCE WITH REGULATION 09.13.06.12; THE APPROXIMATE LOCATION OF IMPROVEMENTS, ON THE ABOVE DESCRIBED PROPERTY, ARE AS SHOWN. THIS LOCATION DRAWING IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OR RESTABLISHMENT OF ANY FENCE, GARAGE, BUILDING, SHED OR OTHER EXISTING OR FUTURE IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS LOCATION IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR IT'S AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.

SCALE: 1" = 40' DATE: 4/10/2008 DRAWN: DEB

NOTES:

- (1) DISTANCE TO APPARENT BOUNDARY LINE IS +/- 2'
- (2) NO TITLE REPORT WAS FURNISHED.
- (3) BOUNDARY CORNERS WERE NOT SET.
- (4) FENCES SHOWN MAY MEANDER.
- (5) BOUNDARY CORNERS NEED TO BE SET TO DETERMINE EXACT LOCATION OF FENCES, WALLS, SHEDS OR DRIVEWAYS, OR OTHER IMPROVEMENTS.
- (6) BEARINGS SHOWN TAKEN FROM PLAT OR DEED.
- (7) THIS LOCATION DRAWING IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING AND/OR RESTRICTING THE OWNERSHIP AND/OR USE OF THIS PROPERTY.
- (8) LOT AREA SHOWN AS PER PLAT - DEED SUBJECT TO A BOUNDARY SURVEY

BELTWAY SURVEYS
ENGINEERS, PLANNERS & SURVEYORS
5627 ALLENTOWN ROAD, SUITE 104
SUITLAND, MARYLAND 20746
TELEPHONE: (301) 899-3440

EXH. # 2
V-5-21

BOARD OF APPEALS

APPROVED MAR 24 2021

ADMINISTRATOR

BOARD & BATTEN



w/ Cap Board

(a)

EXH. # 3(a-e)
V-5-21

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APPROVED MAR 24 2021


ADMINISTRATOR



(b)

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ADMINISTRATOR



(c)

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APPROVED MAR 24 2021

B. Stone
ADMINISTRATOR



(d)

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[Signature]

ADMINISTRATOR



(e)

BOARD OF APPEALS

APPROVED **MAR 24 2021**



ADMINISTRATOR