



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

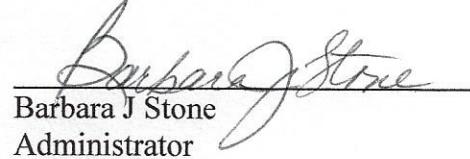
OF BOARD OF APPEALS

RE: Case No. V-19-21 Jessy T. Joseph

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: May 26, 2021

CERTIFICATE OF SERVICE

This is to certify that on July 29, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
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

Petitioners: Jessy T. Joseph

Appeal No.: V-19-21

Subject Property: Parcel 312, Map 0114, Grid 00F2, being 8611 Ridgevale Avenue, Fort Washington,
Prince George's County, Maryland

Heard: May 12, 2021; Decided: May 26, 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 a variance 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 a variance 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. Petitioner proposes to obtain a building permit for the construction of a 6-foot metal fence. A waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Ridgevale Avenue) is requested.

Evidence Presented

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

1. The property was subdivided in 2001, contains 20,117 square feet, is zoned R-R (Rural-Residential) and is improved with a single-family dwelling, driveway and deck. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (D).
2. Petitioner proposes to obtain a building permit for the construction of a 6-foot chain link fence to surround the entire property. Because the fence is located just inside the property line and in front of the dwelling, a waiver of the fence location and height requirement is requested. Exhs. 2, 4, 7, 8 and 9 (A) thru (D).
3. Petitioner Jessy Joseph testified that she would like to put a 6-foot fence around the entire property. The subject property is located next to Ridgevale Park¹ and is isolated at a dead end.
4. She explained that the fence will be wrought iron in the front with an aluminum chain link around the remaining property line. There will be a remote gate in the front. She stated that the fence will be a "see through" so she can monitor who is in her rear yard. Exhs. 2, 6, (A) thru (G) and 9 (A) thru (D).
5. She stated that neighbors have observed people traversing her property for which the police have been called. She further explained that strangers have knocked on her door at 2:30 a.m. and she had to call

¹¹ Ridgevale Park is owned by the Maryland-National Capital Park and Planning Commission.

the police. She stated that she has contacted the Park Service to request a fence to block the passageway from Ridgevale Park to her home. She stated that the proposed 6-feet fence is needed for safety purposes.

6. Petitioner has submitted a revised site plan demonstrating the type and height of fencing around the property. Exh. 14.

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

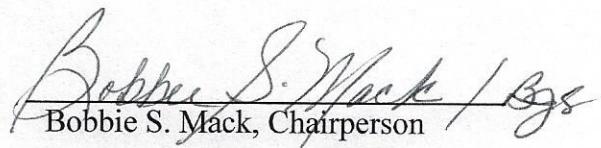
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject property is adjoining the Ridgevale Park in the right side and rear yards, is an isolated lot at a dead end next to the park, trespassers traversing the property from the park, the need for personal safety and protection, 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 Ridgevale Avenue) in order to obtain a building permit for the construction of a 6-foot metal fence on the property located at 8611 Ridgevale Avenue, Fort Washington, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 14 and approved elevation plan, Exhibit 3 (a) thru (b).

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

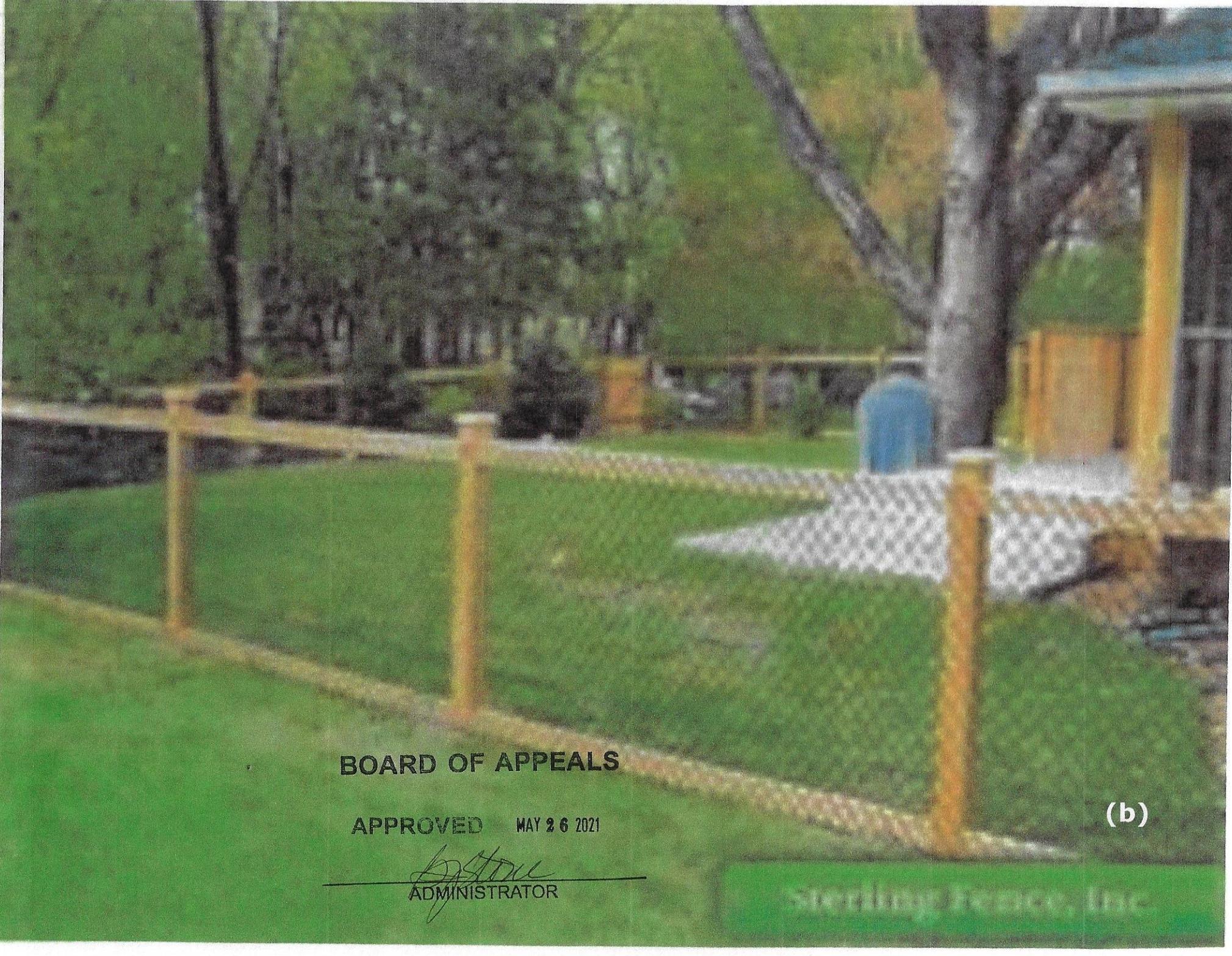
NOTICE

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:

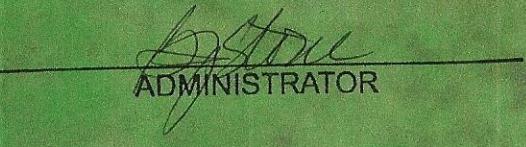
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.





BOARD OF APPEALS

APPROVED MAY 26 2021


Administrator

(b)