



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

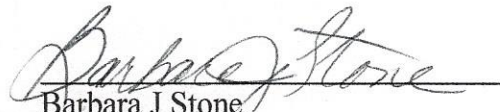
OF BOARD OF APPEALS

RE: Case No. V-22-21 Megan and Timo Gerlings

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 9/21/21, 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

Petitioners: Megan and Timo Gerlings

Appeal No.: V-22-21

Subject Property: Parcel 39, Map 012, Grid 13, being 4311 Powder Mill Road, Beltsville, Prince George's County, Maryland,

Heard and 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 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 27-442(c)(Table II) which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Section 27-420(a) 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. Petitioners propose to validate an existing condition (net lot coverage) and obtain a building permit for the construction of a 6-foot white vinyl privacy fence. A variance of 7% net lot coverage and a waiver of the fence location and height requirements for a fence/wall over 4 feet in height in the front yard (abutting Powder Mill Road) are requested.

Evidence Presented

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

1. The property was subdivided by deed prior to 1912, contains 24,326 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, covered front porch, driveway and attached garage. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The property is facing the legal side yard. The legal front yard is abutting Powder Mill Road. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
3. Petitioner would like to validate an existing condition (net lot coverage of the existing development) and obtain a building permit for the construction of a 6-foot white vinyl privacy fence. The maximum allowable percentage of lot coverage for this property is 25% but has an overage of 7%. The addition of the proposed 6' fence requires a waiver of the fence location and height requirements for a fence/wall over 4 feet in height in the front yard. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
4. Petitioner Meagan Gerlings testified that they are proposing to construct a 6-foot-high white vinyl fence in the rear yard, a portion of which a portion will run along Powder Mill Road. She opined that because the house is an extremely old, it is not street facing like many of the home's neighborhood on Powder Mill Road.

5. She stated that the master suite which is facing Powder Mill Road and there is a safety concern with the children if they try to exit the master suite door, which exits into the street. Additionally, there is a stop for the Metro bus at the end of the driveway. She states the proposed 6-foot vinyl fence would provide privacy and safety of the residence. The fence will begin on the front right corner of the house and extend 48 feet towards the road. The doors and steps will be enclosed in the fence, to keep the children safe if they exit that door. Exh. 2, 3 (a) thru (b) and 5 (A) thru (F).

6. She stated currently there is road construction going on which stops traffic consistently through the day and motorists often confuse the rather large driveway¹ with Caverly Avenue. Exh. 2, 3 (a) thru (b) and 5 (A) thru (F).

7. The fence will be setback from Powder Mill Road by 28 feet, then turn and run 146 feet behind the house then turn left along the legal rear of the house for 68 feet and turn in towards the garage by 21 feet. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (F).

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 dwelling facing sideways on the lot, the need for safety for the children, the need for privacy and safety from activities on Powder Mill Road, 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 variance of 7% net lot coverage and a waiver of the fence location and height requirements for a fence/wall over 4 feet in height in the front yard (abutting Powder Mill Road) in order to validate an existing condition (net lot coverage) and obtain a building permit for the construction of a 6-foot white vinyl privacy fence on the property located at 4311 Powder Mill Road, Beltsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved site plan, Exhibit 2, and approved elevation plans, Exhibits 3 (a) thru (b).

¹ Ms. Gerlings believed that driveway is rather large because the house was formerly used as an assisted living facility based on mail that has been received and certain aspects of the interior of the house.

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.

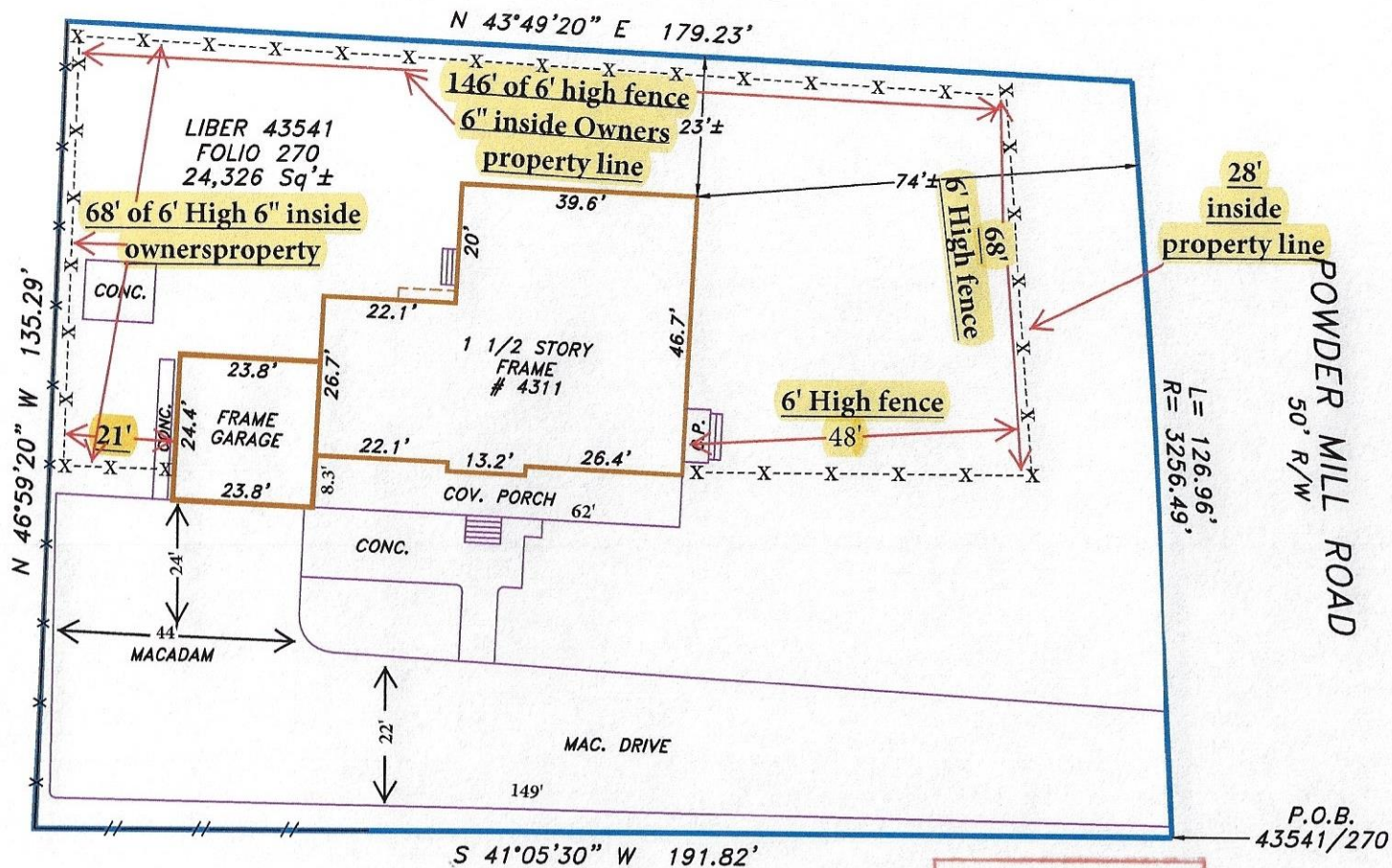
Further, Section 27-233(a) of the Prince George's County Code states:

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



EXH. # 2
V-22-21

The purpose of this drawing is to locate, describe, and represent the positions of buildings and substantial improvements affecting the property shown hereon, being known as:

4311 POWDER MILL ROAD
as described in a deed

recorded among the land records of Prince George's County, Maryland in
Liber 43541, folio 270

PREPARED FOR:



This is page one of a two page document. The advice found on the affixed page is an integral part of this drawing, and is not valid without all pages.



James Carl Hudgins
Property Line Surveyor #96
Expiration Date: 3/11/2022

LOCATION DRAWING
4311 POWDER MILL ROAD
1st ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

NTT Associates, Inc.
16205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410) 442-2031
Fax: (410) 442-1315
www.nttsurveyors.com

Scale: 1" = 30'
Date: 12/15/2020
Field By: STP
Drawn By: STP
File No.: LMD60296
Page No.: 1 of 2

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ADMINISTRATOR

EXH. # 3(a-b)
V-22-21

(a)

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[Signature]
ADMINISTRATOR

(b)