



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

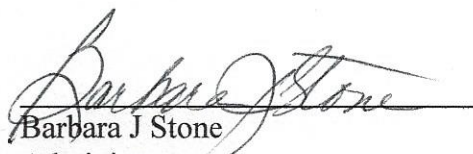
OF BOARD OF APPEALS

RE: Case No. V-36-21 Henry Milam and Mary Isaac

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 14, 2021.

CERTIFICATE OF SERVICE

This is to certify that on December 1, 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

Petitioners: Henry Milam and Mary Isaac

Appeal No.: V-36-21

Subject Property: Lot 60, Block B, Woodburn Estates Subdivision, being 5017 Sir Lucas Lane, Clinton,
Prince George's County, Maryland

Heard: June 9, 2021; Decided: July 14, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Present
Albert C. Scott, Vice Chairman - Present
Anastasia T. Johnson, Member - Absent

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 a variance from 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth.¹ Section 27-447(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 requirement for main buildings.² Petitioners propose to validate an existing condition (front yard depth) and obtain a building permit for the construction of a 6-foot vinyl fence on a corner lot. Variances of 12 feet front yard depth and a waiver of the location requirement for a 6-foot fence in the triangle area of the corner portion of a corner lot area requested.

Evidence Presented

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

1. The property was subdivided in 2006, contains 24,398 square feet, is zoned R-R (Rural Residential), and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 6, 7 and 8 (A) thru (E).
2. The subject lot is a corner lot with the dwelling facing the legal front. Exhs. 2 and 4.
3. Petitioners propose to validate an existing condition (front yard depth) and obtain a building permit for the construction of a 6-foot vinyl fence on a corner lot. Section 27-447(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 requirement for main buildings. Because the fence is located on or close to the property line, a waiver of the fence height and location requirement is necessary. Exhs. 2, 4, 6, 7 and 8 (A) thru (E).
4. Petitioner Henry Milam testified that they are requesting to build a 6-foot vinyl fence around the perimeter of their back yard commencing at the at the right side of the garage and then around the backyard to the opposite side of the house, approximately one foot from the sidewalk. He stated that the existing trees will remain within the enclosed area. Exh. 2, 4, 6, 7 and 8 (A) thru (E).

¹ It has been determined the variance for front yard setback is not necessary as the front yard clearly meets the 25-foot setback at 30 feet prescribed under the Zoning Ordinance.

² The Board notes that Section 27-421 was cited in the Hearing Notice as the legal basis for determining whether a variance is necessary. At the hearing, the Board determined that the applicable law to address the issue in this appeal is Section 27-447(a) of the Zoning Ordinance.

5. Hr. stated that the proposed privacy fence is necessary for security and to contain their two large dogs that could easily jump a 4-foot fence.
6. He testified that neighbors have not expressed any opposition regarding the proposed fence.
7. A letter from their homeowners association (FirstService Residential/Woodburn Estates) was submitted in approval of the variance request. 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.

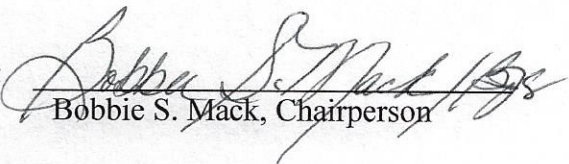
Findings of the Board

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 property being a corner lot, the demonstrated need for family and pet security and privacy in the back yard 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 owners of the property.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Anastasia Johnson absent, that a waiver of the height and location requirement for a 6-foot fence in order to obtain a building permit for the construction of a 6-foot vinyl fence on a corner lot on the property located at 5017 Sir Lucas Lane, Clinton, 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, 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:

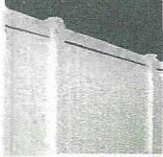
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision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



DANIEL SEKARAN
sursdor@yahoo.com
MD

QUOTE CREATED: 1/11/21, 1:14 PM

QUOTE ID: 5042



6' H x 8' W Norfolk Privacy
Fence Panel Whitevinyl

PRODUCTS

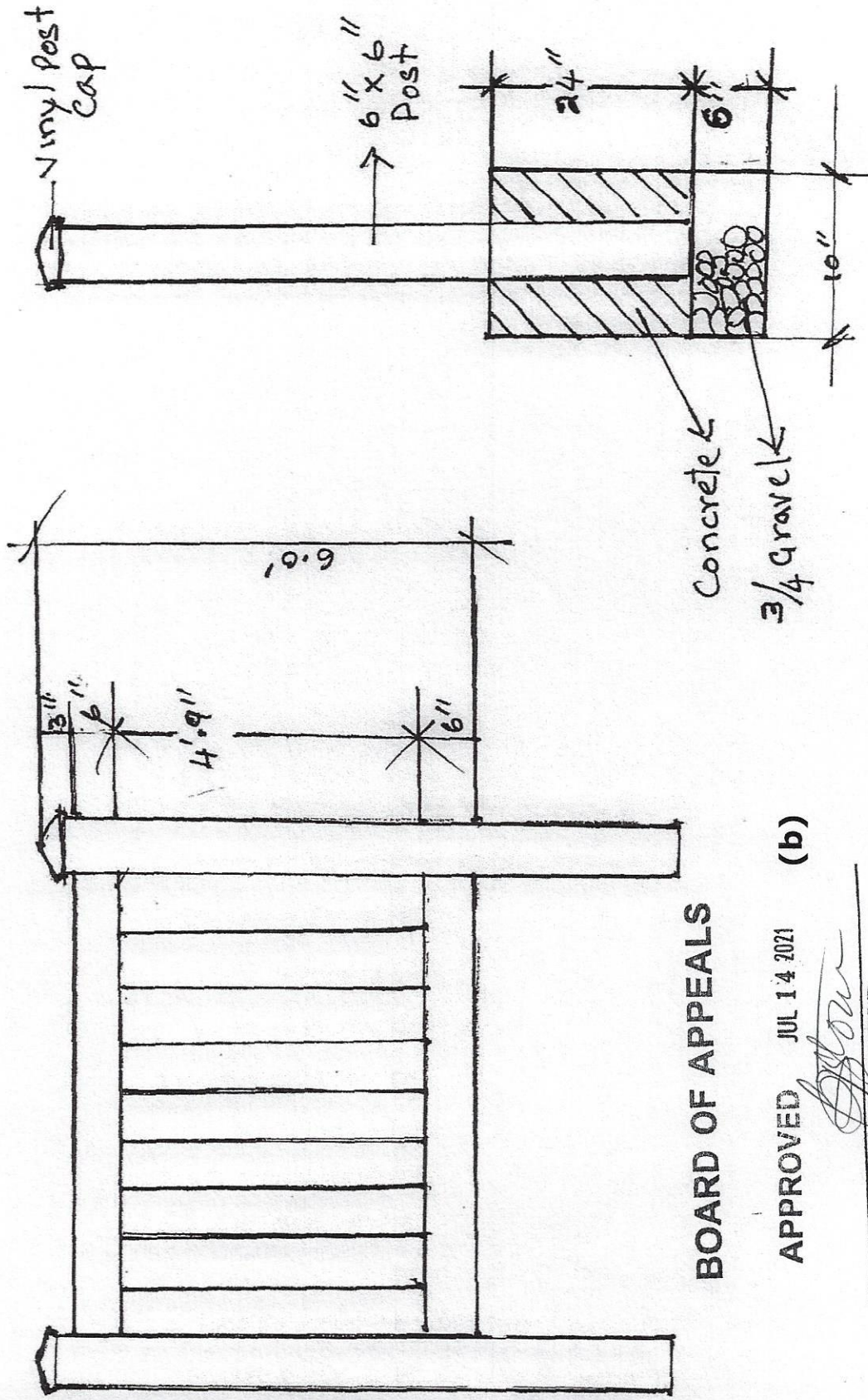
PRODUCT NAME	SKU	QTY
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5"x5"x108" Norfolk End/Gate Post White	BV73024021	9
5"x5"x108" Norfolk Corner Post White	BV73024022	4
5"x5"x108" Norfolk Line Post White.	BV73024020	65
5"x5" Pyramid Post Top White	BV73003093	78
GardDogTM Locking Latch One Sided - Black	BV73024417	3
Heavy Duty Drop Rod 24"- Black	BV73014305	2

BOARD OF APPEALS

APPROVED JUL 14 2021

ADMINISTRATOR

(a)



BOARD OF APPEALS

APPROVED JUL 14 2021 (b)

[Signature]
ADMINISTRATOR

FENCE 5017 SIR LUCAS LN CLINTON MD 20735