



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

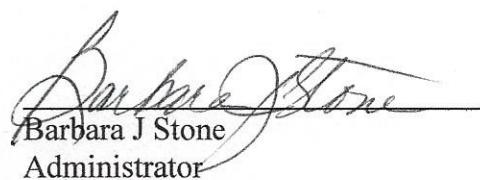
OF BOARD OF APPEALS

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 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

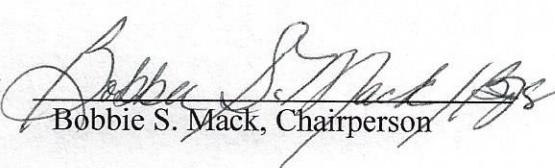
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

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.



LOCATION DRAWING
5017 SIR LUCAS LANE
 LOT 60, BLOCK B
WOODBURN ESTATES
 Surratts (9th) ELECTION DISTRICT
 PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1" = 50'
 MARYLAND STATE PLANE
 DATUM (NAD 83/91)

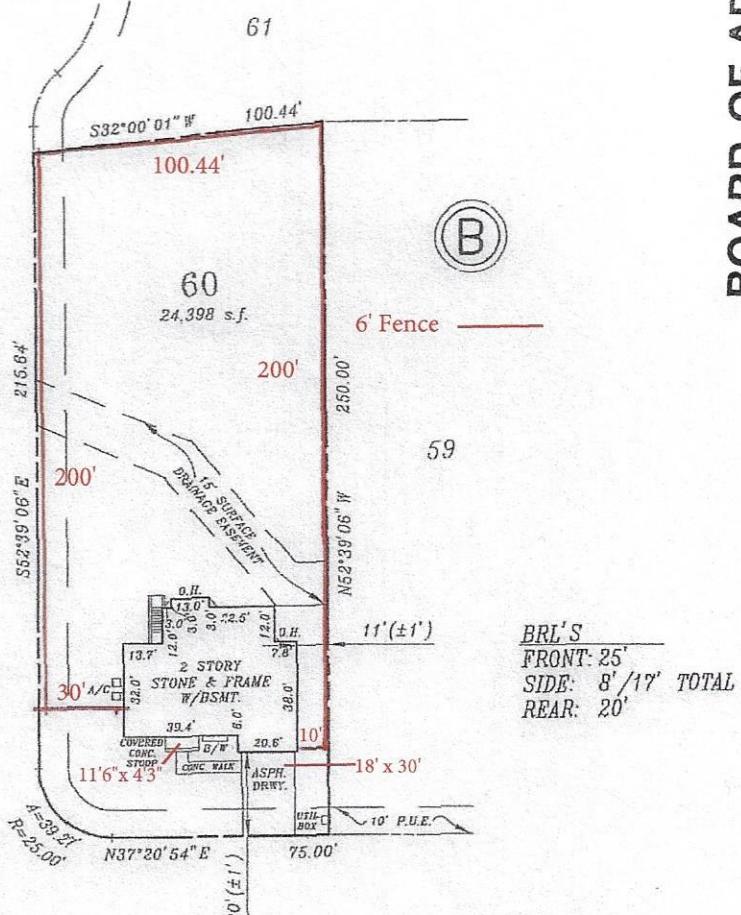
BOARD OF APPEALS

APPROVED JUL 14 2021

[Signature]
 ADMINISTRATOR

SIR BRENDAN AVENUE

(50' R/W)



EXHIBIT

2

V-36-21

FINAL SURVEY: 11/20/2020
 FOUNDATION SURVEY: 08/28/2020
 ZONE: R-R

PERMIT NUMBER: 20421-2020

THE SUBJECT DWELLING DOES NOT LIE
 WITHIN A FLOOD HAZARD ZONE AS SHOWN
 ON HUD FLOOD INSURANCE STUDIES.

SURVEYORS CERTIFICATE
 I hereby certify that the position of the existing improvements shown herein have been carefully established under my responsible charge using accepted land surveying practices. The plan is of benefit to a consumer only as far as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plan is not to be relied upon for the establishment or location of fences, gates, buildings, easements, or other existing or future improvements. The plan 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 drawing was prepared without the benefit of a title report. This drawing and the survey on which it is based are in compliance with COMAR Reg. 9.13.06.06 and 9.13.06.07.

11-25-20

[Signature]
 RAYMOND D. BURKE
 REG. PROPERTY LINE SURVEYOR MD.
 NO. 476 EXP. 1/09/2021

ACAD DWG: N:\34191\dwg\880-60B.dwg

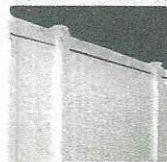
CPJ Charles P. Johnson & Associates, Inc.
 Civil and Environmental Engineers - Planners - Landscape Architects - Surveyors
 1721 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9294
 www.cpjla.com Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Gaithersburg, MD • Frederick, MD • Elkhart, MI

REFERENCE	Drawn by CAM	MSB	Checked by
Plat Book Plat No.	PM216	Date 09/04/2020	Record No.
	87	Scale 1" = 50'	34-192-68.60 (B)

FENCING DIRECT
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

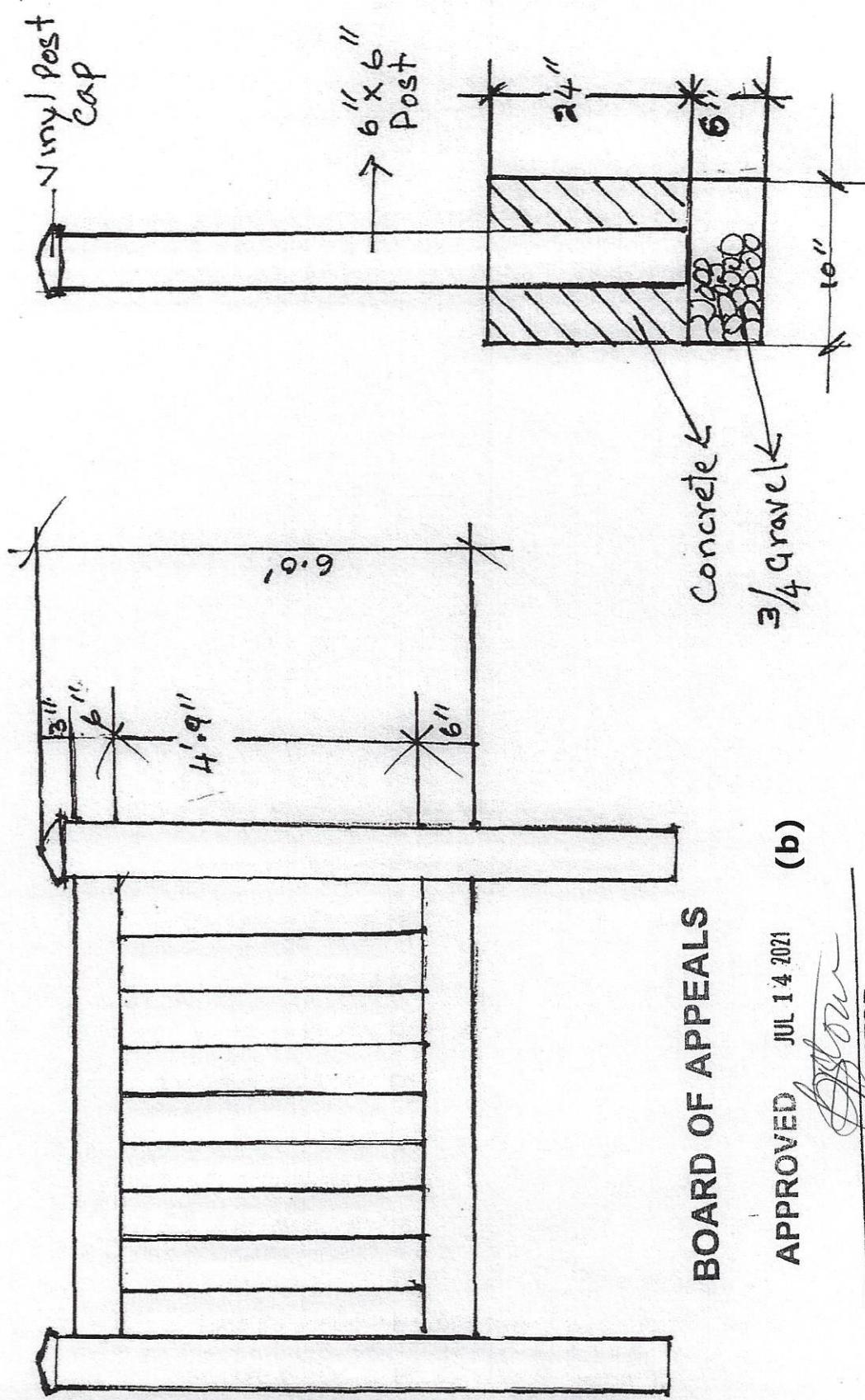
PRODUCT NAME	SKU	QTY
6' H x 8' W Norfolk Privacy Fence Panel White	BV73014727	71
5"x5"x108" Norfolk End/Gate Post White	BV73024021	9
5"x5"x108" Norfolk Corner Post White	BV73024022	4
5"x5"x108" Norfolk Line Post White.	BV73024020	65
5"x5" Pyramid Post Top White	BV73003093	78
GardDogTM Locking Latch One Sided - Black	BV73024417	3
Heavy Duty Drop Rod 24"- Black	BV73014305	2

BOARD OF APPEALS

APPROVED JUL 14 2021

John Doe
ADMINISTRATOR

(a)



BOARD OF APPEALS

APPROVED JUL 14 2021 (b)

[Signature]
ADMINISTRATOR

FENCE 5017 SIR LUCAS LN CLINTON MD 20735