



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-54-21 Tyler Sanville and Sean Sharp

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: June 23, 2021.

CERTIFICATE OF SERVICE

This is to certify that on 9/21/2021, 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: Tyler Sanville and Sean Sharp

Appeal No.: V-54-21

Subject Property: Lots 15, 16 & 17, Block 18, Riverdale Heights Subdivision, being 6000 Ravenswood Road, Riverdale Park, Prince George's County, Maryland

Heard and Decided: June 23, 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 request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-420(a) prescribes that fences more than 6 feet high shall not be located in any required yard and shall meet the setback requirements for main buildings; on a corner lot consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Petitioners propose to validate existing conditions (front yard depth and side yard width) and obtain a building permit for the construction of a 6-foot wood privacy fence. Variances of 4.25 feet front yard depth, 1-foot side yard width and a waiver of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting 60th Avenue) is requested.

Evidence Presented

1. The property was subdivided in 1919, contains 6,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, carport, concrete Patio and shed. Exhibits (Exhs.) 3, 5, 7 (A) thru (H), 10 and 11.
2. The property is a corner lot located at 60th Avenue and Ravenswood Road. Exh. 3 and 5.
3. Petitioners propose to validate existing conditions (front yard depth and side yard width) **in order to** obtain a building permit for the construction of a 6-foot wood privacy fence. Due to the existing porch encroaching the front yard setback, a variance of 4.24-foot variance is required. Because the existing dwelling does not meet current zoning standards regarding the right-side yard setback, a variance of 1 foot on the right side of the dwelling is required. Petitioners are also requesting a 6-foot fence running along a portion of 60th Avenue requiring a waiver of the fence location and height requirement. Exhs. 3, 5, 7 (A) thru (H), 10 and 11.
4. Petitioner Sean Sharp testified that they would like to request permission to replace the existing old 4-foot chain link fence with a new 6-foot wooden fence. He stated that the chain link fence is in disrepair. He stated that the new fence will cover the exact same footprint as the chain link fence. He stated that a portion of the 6-foot fence will border the legal side yard front yard on 60th Avenue. Exhs. 2, 3, 4 (a) thru (b), and 6 (A) thru (I).

5. He stated that the streetlights and flood lights from a neighbor currently shine into the yard because the subject property sits lower than the neighbor's and the property is located at the bottom of a hill. He stated that a 4-foot fence is so low that it does not prevent the flood lights from shining into the back yard nor does it provide privacy. Exhs. 2, 3, 4 (a) thru (b), and 6 (A) thru (I).

6. Mr. Sharp continued that he is unaware of any comments from the Town of Riverdale Park.

7. He testified that he has spoken with neighbors who have no concerns regarding the proposed 6-foot wooden fence.

8. He further stated that the fence will be located around the backyard, from the right rear corner of the house along the property line and back to the left rear corner of the house. He opined that because the 6-foot fence will be well away from the intersection, no traffic site views will be blocked. He submitted photographs to show the clear vehicular line of sight. Exhs. 2, 3, 4 (a) thru (b), and 6 (A) thru (I).

9. Petitioner Tyler Sanville testified that the chain link fence is both in disrepair and an eyesore. He described the chain link fence as constituting multiple chain link fences put together and repainted many times. He stated that the new fence would be a noticeable improvement in the neighborhood. Exh. 4 (a) thru (b), and 6 (A) thru (I).

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 being s corner lot, the replacement fence will be on the same footprint as the old fence, a portion of the new 6-foot fence will be in the side street yard, but will not interfere with traffic views, the existing chain link fence is in disrepair and needs replacement, the subject property is located at the bottom of a slope (hill), the need is constant to block street and a neighbor's flood lights, to provide privacy, 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, unanimously, that variances of 4.25 feet front yard depth, 1-foot side yard width and a waiver of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting 60th Avenue) in order to validate existing conditions (front yard depth and side yard width) and obtain a building permit for the construction of a 6-foot wood privacy fence on the property located at 6000 Ravenswood Road, Riverdale Park, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 3 and approved elevation plans, Exhibits 4 (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.

CONSUMER INFORMATION NOTES:

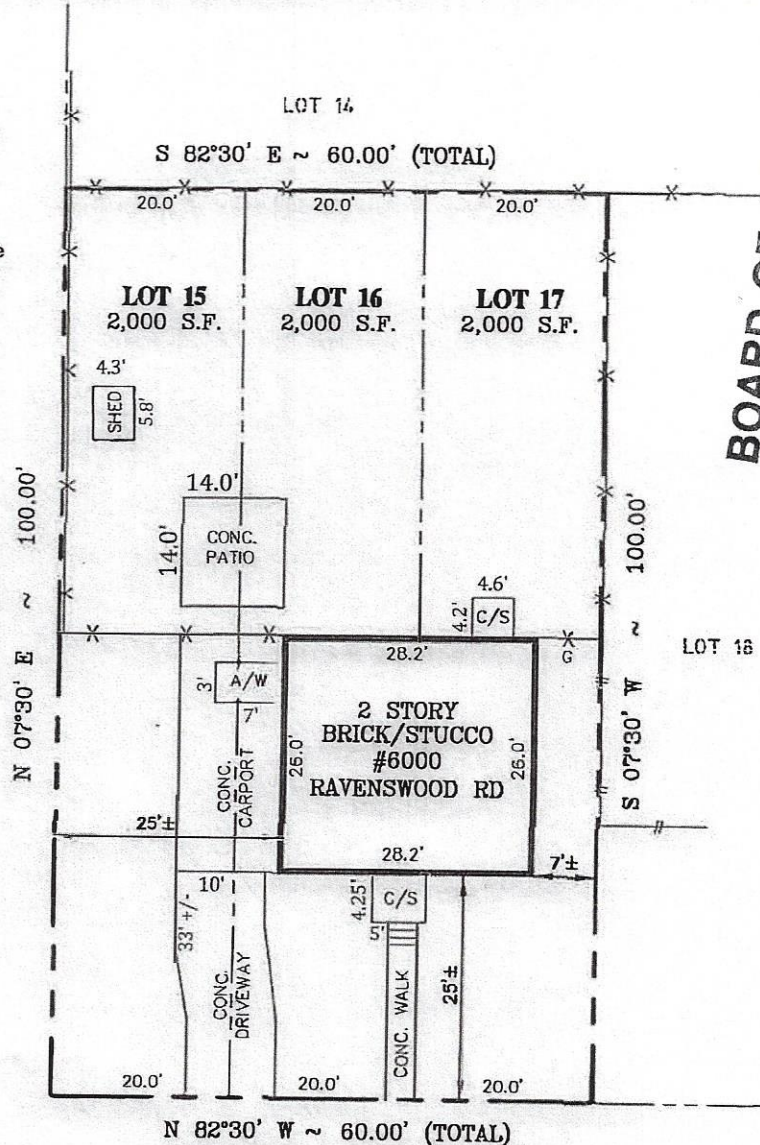
1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This 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 re-finance.
4. Building lines and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet. No property corners confirmed.
2. Fences and other features along the property lines shown hereon, are approximate and their locations are subject to the results of a more accurate boundary survey.
3. Total area = 6,000 S.F.



60-TH AVENUE
(CORCORAN STREET PER PLAT)
(40' R/W)



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APPROVED

JUN 23 2021


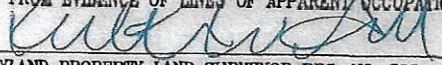
ADMINISTRATOR

LOCATION DRAWING
LOTS 15, 16, & 17 BLOCK 18
RIVERDALE HEIGHTS

RAVENSWOOD ROAD
(CALVERT STREET PER PLAT)
(40' R/W)

EXH. # **3**
V-54-21

PRINCE GEORGE'S COUNTY, MARYLAND

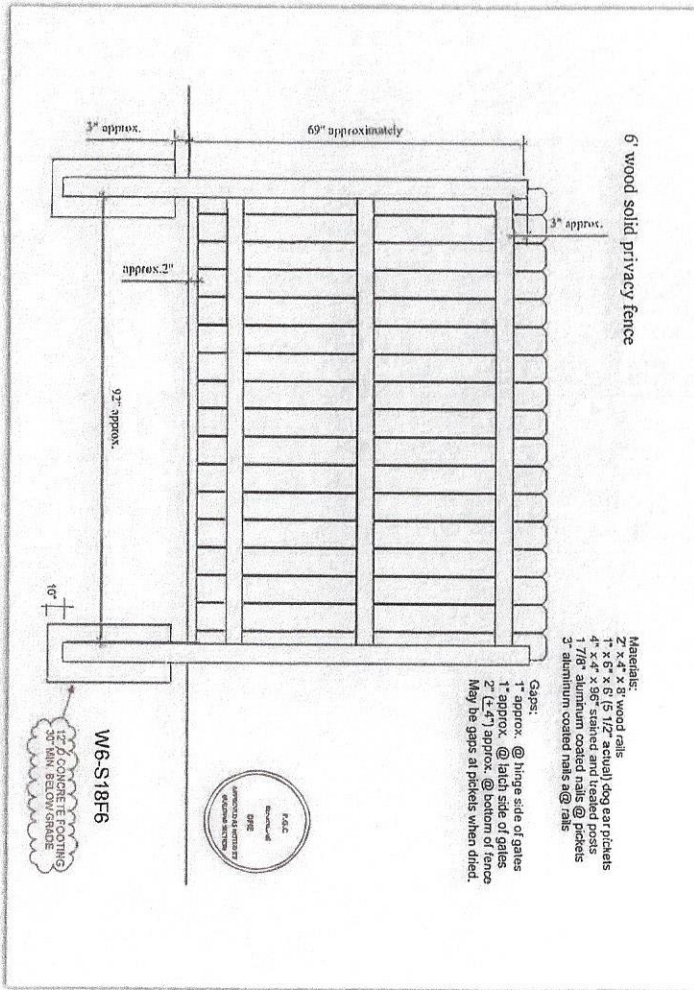
SURVEYOR'S CERTIFICATE		REFERENCES	 SNIDER & ASSOCIATES LAND SURVEYORS 19544 Amaranth Drive Germantown, Maryland 20874 301/948-5100 Fax 301/948-1286 www.snidersurveys.com
"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."		PLAT BK. RNR 2	
		PLATS NO. 42	
MARYLAND PROPERTY LAND SURVEYOR REG. NO. 592 Expires: 04-07-2021		LIBER	
		FOLIO	DATE OF LOCATIONS SCALE: 1" = 20' WALL CHECK: DRAWN BY: E.H. HSE. LOC.: 08-21-2020 JOB NO.: 20-03386HL

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JUN 23 2021

[Signature]
ADMINISTRATOR



- Materials:
- 2" x 4" x 8' wood rail
 - 1" x 6" x 6" (5 1/2" actual) dog ear pickets
 - 4" x 4" x 8' stained and treated posts
 - 1 7/8" aluminum coated nails @ pickets
 - 3" aluminum coated nails @ rails
- Gaps:
- 1" approx. @ hinge side of gates
 - 1" approx. @ latch side of gates
 - 2" (± 4") approx. @ bottom of fence
- May be gaps at pickets when dried.



Fence panel.pdf V1

EXH. # **4(a-b)**
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APPROVED JUN 23 2021


ADMINISTRATOR