



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

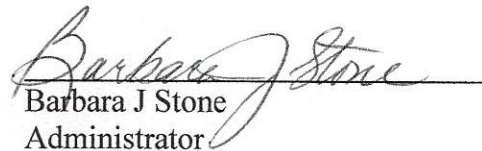
OF BOARD OF APPEALS

RE: Case No. V-59-21 Elva M. Hernandez and Manuel M. Reyes

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 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: Elva M. Hernandez and Manuel M. Reyes

Appeal No.: V-59-21

Subject Property: Lot 6, Block A, Grimes Acres Subdivision, being 6313 Brinkley Court, Temple Hills
Prince George's County, Maryland

Heard and Decided: July 14, 2021

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

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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth. Petitioners propose to obtain a building permit for the construction of a 6-foot wooden fence. Variances of 1-foot side street yard depth, a waiver of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Brinkley Road) and a waiver of the parking area location requirement is requested.

Evidence Presented

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

1. The property was subdivided in 1974, contains 10,295 square feet, is zoned R-8- (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject lot is located on a corner lot with the legal front facing Brinkley Court. The lot is narrow and long with the width being 60 feet and the length being 134 feet. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioners propose to obtain a building permit for the construction of a 6-foot wooden fence. The side street side along Brinkley Road is 1 foot short of the required 25 feet depth, requiring a variance of 1 foot. As the fence is proposed along Brinkley Road, a waiver of the fence location and height requirement is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

4. Petitioner Elva Hernandez testified that they are proposing to install a 6-foot fence around the back and side yard next to a very busy road, being Brinkley Road. They would like to have privacy and safety in the back yard. When they purchased the property 6 years ago, there were trees along side of the house that blocked the road and foot traffic from their rear and side yards, although, Pepco came in and cut the trees down because there is a power line along Brinkley Road. Once the trees were removed, some unacceptable issues began. Their main concern is that many people walking alongside their side yard. In addition, there is a bus stop located right next to the side yard. They have had intoxicated people from the bus stop walk into their backyard and relieve themselves. Because of these issues, being able to enjoy their back yard has been taken away from them. Petitioner explained that there is a 6-foot fence diagonally across

from them that runs along the side walk, so the fence is not out of character. The proposed fence would not be near the sidewalk as there is a 35-foot piece of land that is dedicated to Public Use between the sidewalk and their property line. The fence will be 24-feet from the side of the house and will be just inside the property line. Because of the 35-foot dedication there will be no blockage of street views. Their concern is mainly along Brinkley Road. The fence will run 88 feet along Brinkley Road and across the rear yard for 67 feet. Exhs. 2, 3, 5 (A) thru (E).

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

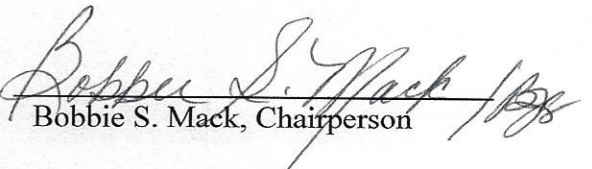
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the heavy car and foot traffic along Brinkley Road, the location of a bus stop just outside the Petitioners property, the unacceptable actions of pedestrians (some being intoxicated) entering the petitioner's yard, the need for security/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, by majority vote, Ms. Bobbie Mack absent, that variances of 1-foot side street yard depth, a waiver of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Brinkley Road) and a waiver of the parking area location requirement in order to validate existing conditions (side street yard depth and a waiver of parking area location requirement) and obtain a building permit for the construction of a 6-foot wooden fence on the property located at 6313 Brinkley Court, Temple Hills, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plans, Exhibit 2 (A) thru (B) and approved elevation plan, Exhibit 3.

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.

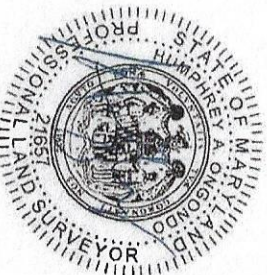
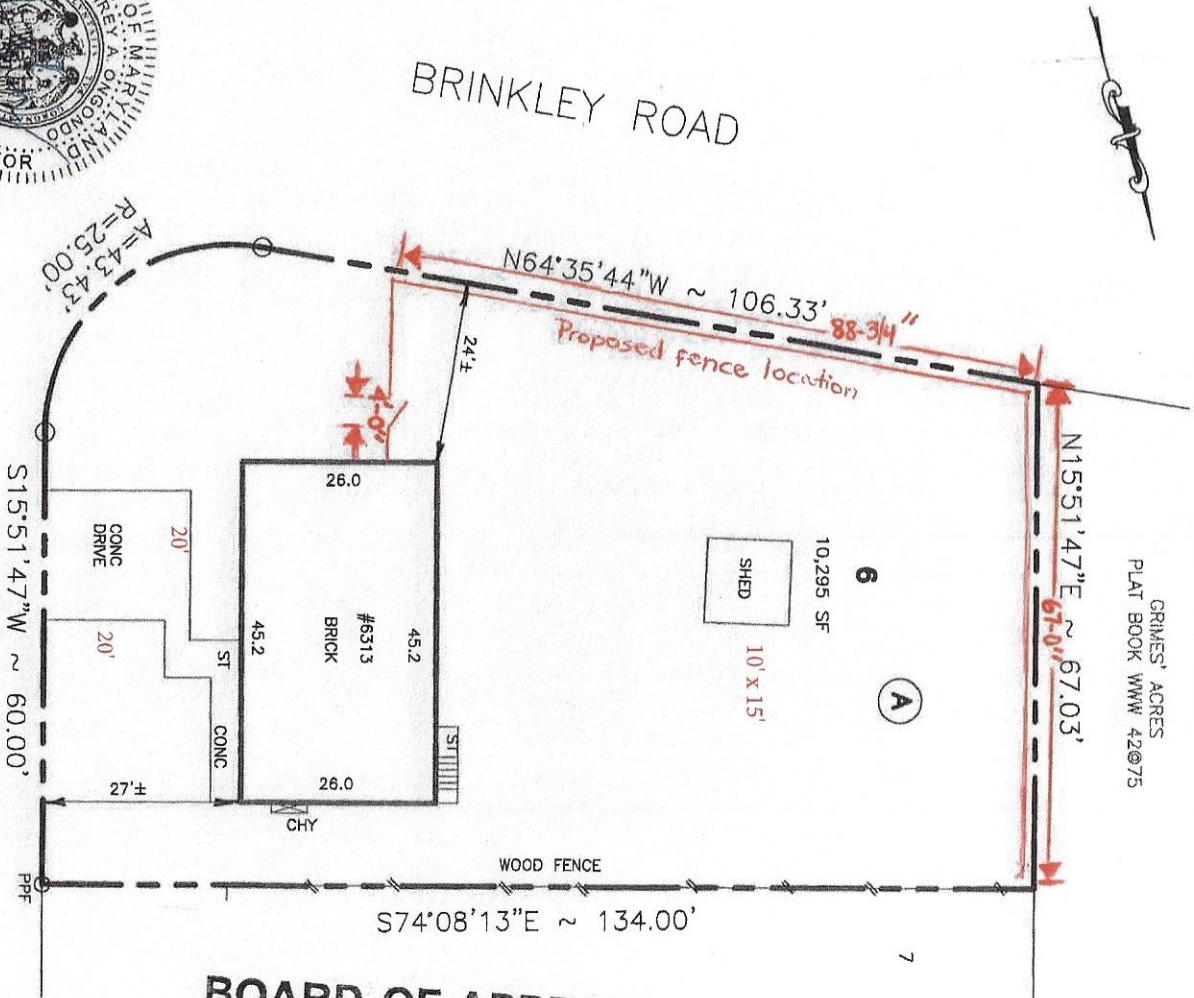
Further, Section 27-233(a) of the Prince George's County Code states:

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.



MILLENNIUM ENGINEERING, LLC
 PARK PLACE PROFESSIONAL CENTER
 5825 ALLENTOWN ROAD CAMP SPRINGS, MARYLAND 20746
 Email: surveyorders@millenniumengineering-llc.com
 301-433-0888 301-433-0897 FAX
 Website: millenniumengineering-llc.com

GRIMES' ACRES
 PLAT BOOK WMW 42@75



SURVEYOR'S CERTIFICATE
 LICENSE EXPIRATION DATE 04-30-2016
 I hereby certify that this drawing is based on a field survey made on 9/22/2015 by me or directly under my supervision and to the best of my knowledge information & belief correctly represents the facts found at the time of survey.

NOTES:
 1. This drawing is not intended for the use in the establishment of property lines. This drawing is only valid within six months from the date hereof.

2. For title purposes only.
3. No title report furnished at this time, subject to all easements and right of way of record and as may be stated in deed(s) and noted on record plat.
4. Easements may exist. Property corners have not been set with this survey. Property information was taken from best available records.
5. This location drawing is not to be used for residential purposes, construction of fences or other improvements. A boundary survey would be required to determine the location of all property lines shown.
6. Flood zone and certificates available upon request.
7. Boundary survey needed for accurate location of house, fences, sheds and all easements & rights-of-way.
8. No pipes/corners found unless otherwise noted.
9. Accuracy of this survey is +/- 3 feet.

BRINKLEY COURT (50')

EXH. # 2(A&B)
V-59-21

LOCATION DRAWING

(A)
 6313 BRINKLEY COURT
 LOT 6 BLOCK A

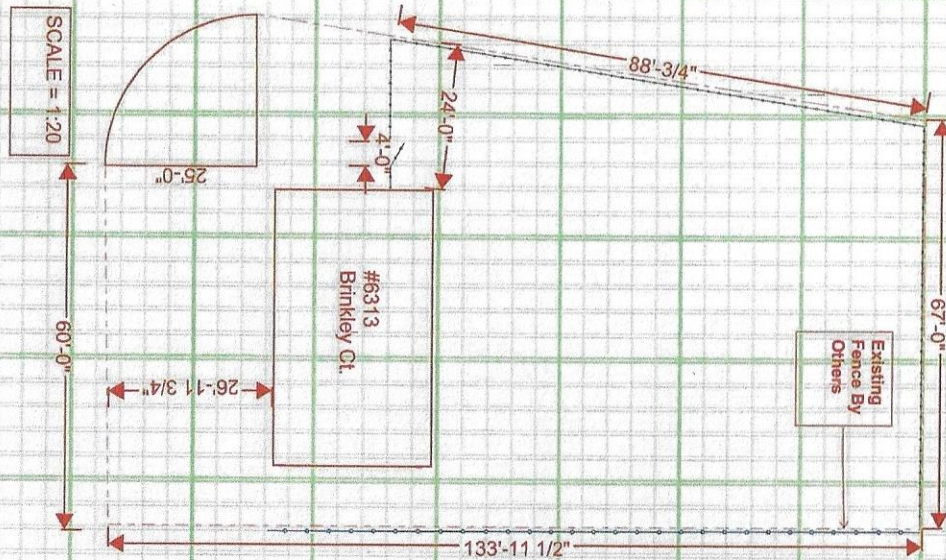
GRIMES' ACRES

PLAT BOOK: 89 PLAT NO. 92
 6TH ELECTION DISTRICT
 PRINCE GEORGES COUNTY, MARYLAND
 DATE: 9/22/2015 SCALE: 1"=20' FILE: RTSCMD15-534 DWG 43472

APPROVED JUL 14 2021

[Signature]
ADMINISTRATOR


BOARD OF APPEALS



(B)

BOARD OF APPEALS

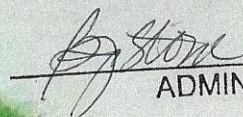
APPROVED JUL 14 2021


ADMINISTRATOR



BOARD OF APPEALS

APPROVED JUL 14 2021


ADMINISTRATOR

EXH. # 3
V-56-21

