



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-62-21 Kathleen Stokes

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: September 29, 2021.

CERTIFICATE OF SERVICE

This is to certify that on _____, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone". Below the signature, the name "Barbara J. Stone" is printed in a standard font, followed by the title "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

Petitioner: Kathleen Stokes

Appeal No.: V-62-21

Subject Property: Lot 1, Block A, Chillum Manor, being 6412 Riggs Road, Hyattsville, Prince George's County, Maryland

Witness: Kevin Logan, Contractor

Heard: September 15, 2021; Decided: September 29, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

Board Member Absent: 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 requests that the Board approve a variance from Section 27-442(e)(Table IV) prescribes that each corner lot shall have a side yard along the side street 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 lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high without the approval of a variance; 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 Petitioner proposes to validate an existing condition (side street yard depth) and obtain a building permit for the construction of a 6-foot fence. A variance of 2 feet side street yard depth and a waiver of the fence location and height requirements is requested.

Evidence Presented

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

1. The property was subdivided in 1925, contains 8730 square feet, is R-55 (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 property is irregular-shaped through lot with the dwelling facing the legal side street (Red Top Road). The eastern portion of the lot consists of a steep slope along Truman Road. Exhs. 2 and 4.
3. Petitioner proposes to validate an existing condition (side street yard depth) and obtain a building permit for the construction of a 6-foot fence. Because the dwelling was constructed in 1947, it does not meet the current 25-foot side street yard setback required under the Zoning Ordinance. A variance of 2 feet is therefore required. In addition, because the lot is a "through lot," fronting on 3 streets (Riggs Road, Truman Road and Red Top Road), the proposed fence will only affect 3 (of the 5) sides of the property. A waiver of the fence location is also required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
4. Petitioner Kathleen Stokes testified that the property has an existing 4-foot fence and 6-foot fence. She would like to construct a 6-foot fence around the entire "back" portion of her property but the yard on the legal front yard (Riggs Road) has an existing 4-foot fence which will remain. Exh. 20.

5. She explained that she lives on a corner (through lot) and would like to increase the height of portions of the existing 4-foot fence by 2 foot on for privacy and security. The height of the proposed 6-foot fence will include the lattice top as shown in the elevation plan. The proposed 6-foot fence will run from the right corner of the house to the property line and then down Truman Road to and around the rear yard, but not including the driveway. The fence will continue to run down Red Top Road on the inside of the driveway to the midpoint of the left side of house and then out to Red Top Road. Exhs. 2, 3, 5 (A) thru (D).

6. The topography and shape of the land influences the need to enhance the height at the specified segments of the fence. Exhs. 5 (A) thru (D).

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

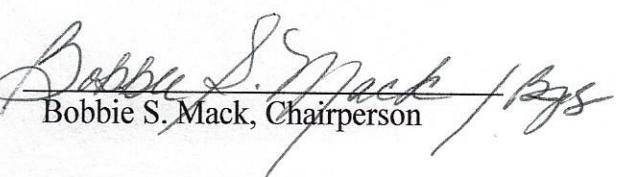
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the unusual lot shape, the topography which includes slopes along the footprint of the proposed fence, the need for family privacy and security on a corner/through lot, 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, by majority vote, Ms. Anastasia Johnson absent, that a variance of 2 feet side street yard depth and a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Red Top Road and Truman Road) in order to validate an existing condition (side street yard depth) and obtain a building permit for the construction of a 6-foot fence on the property located at 6412 Riggs Road Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 20 and approved elevation plan, Exhibit 3.

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By:

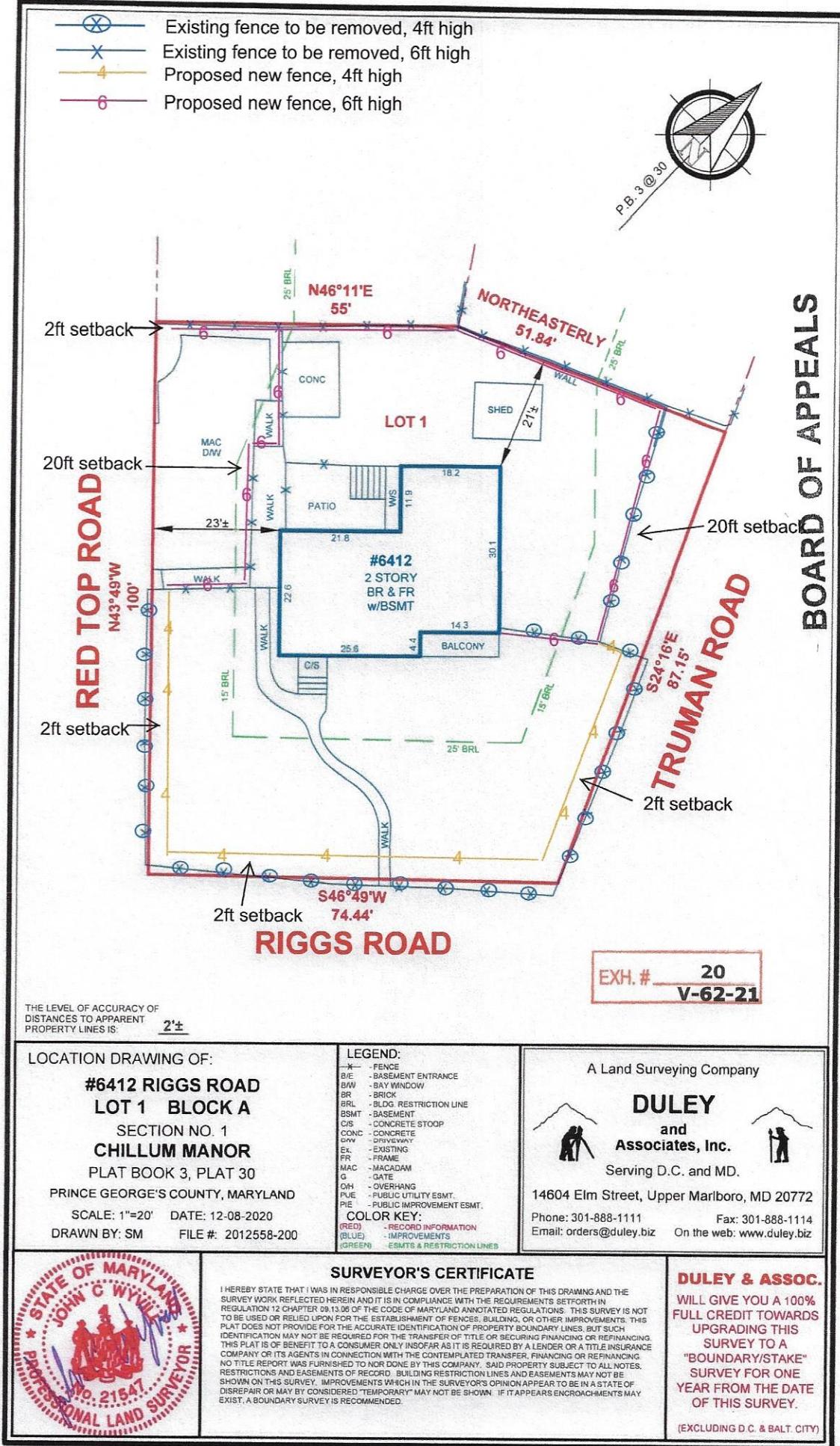

Bobbie S. Mack, Chairperson

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.



APPROVED SEP 29 2021

John S. Dill
ADMINISTRATOR

Proposed Fence: Shadowbox Fence with Lattice Top



BOARD OF APPEALS

APPROVED SEP 29 2021



ADMINISTRATOR

EXH. # **3**
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