



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

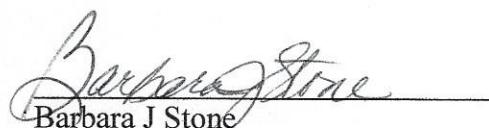
OF BOARD OF APPEALS

RE: Case No. V-70-21 Christopher K. Morgan and Kyle Lang

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 28, 2021.

CERTIFICATE OF SERVICE

This is to certify that on September 28, 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: Christopher K. Morgan and Kyle Lang

Appeal No.: V-70-21

Subject Property: Lot 5, Block N, Carole Highlands Subdivision, being 1509 Erskine Street, Takoma Park, Prince George's County, Maryland

Heard and Decided: July 28, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Present

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 lot shall have a front yard at least 25 feet in depth. Petitioners propose to validate an existing condition (front yard depth) and obtain a building permit for the construction of a 6-foot wooden privacy fence. A variance of 1-foot front yard depth and a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Elson Street) is requested.

Evidence Presented

1. The property was subdivided in 1946, contains 8,444 square feet, is zoned R-55 (One-Family Detach Residential) and is improved with a single-family dwelling, driveway, patio and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).

2. The subject lot is located on a corner lot with the dwelling facing the legal front of the property on Erskine Street. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).

3. Petitioners propose to validate an existing condition (front yard depth) and obtain a building permit for the construction of a 6-foot wooden privacy fence. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).

4. Petitioner Kyle Lang testified that the existing 3-foot chain link fence that was constructed in the 1960s which needs replacement and does not meet the current need for privacy and safety for the family on the corner lot property. The proposed fence will be replaced at the intersection with a fence that will only be 4-feet tall (in blue on the site plan). The rest of the fence will be the 6-feet, except where there will be a 4-feet sliding gate at the driveway. Exh. 2.

5. The fence line will be set back 36 feet from the corner of Erskine Street and Elson Street, which will not block any vehicular site lines. Exhs. 2, 3, and 5 (A) thru (F).

6. Petitioner testified that several neighbors on corner lots have fences. Exhs. 2, 3, and 5 (A) thru (F)

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

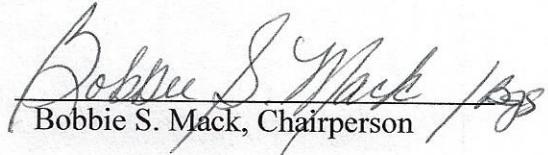
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the need to replace the aging 3-foot chain link fence with a new 6-foot privacy fence to provide security, 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 a variance of 1-foot front yard depth and a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Elson Street) in order to validate an existing condition (front yard depth) and obtain a building permit for the construction of a 6-foot wooden privacy fence on the property located at 1509 Erskine Street, Takoma 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 2 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, ChairpersonNOTICE

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.

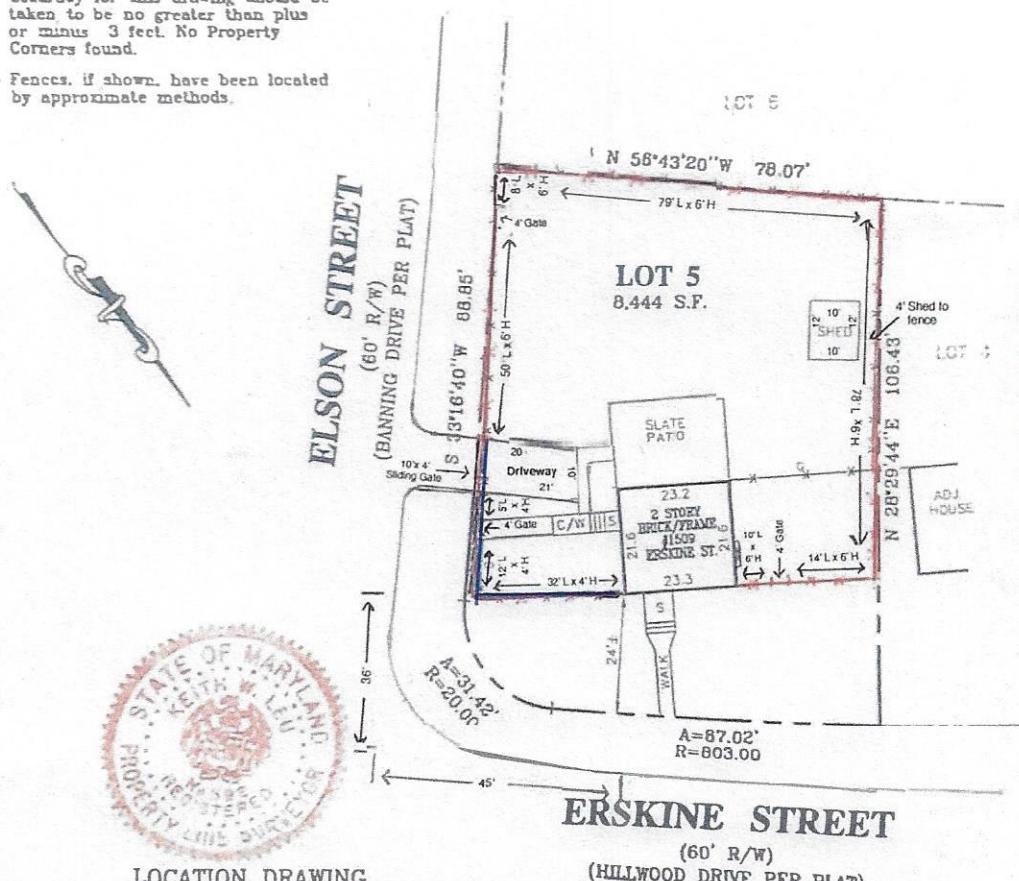
CONSUMER INFORMATION NOTES:

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 or re-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-financing.
4. Building line 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 3 feet. No Property Corners found.
2. Fences, if shown, have been located by approximate methods.



LOCATION DRAWING
LOT 5, BLOCK N
CAROLE HIGHLANDS
PRINCE GEORGE'S COUNTY, MARYLAND

EXH. # 2
V-70-21

SURVEYOR'S CERTIFICATE		REFERENCES		SNIDER & ASSOCIATES LAND SURVEYORS 19544 Amaranth Drive Germantown, Maryland 20874 301/948-5100 Fax 301/948-1288 WWW.SNIDERSURVEYS.COM	
<small>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.</small>		PLAT BK. 10 PLAT NO. 32		DATE OF LOCATIONS WALL CHECK: HSE. LOC.: 05-20-20	SCALE: 1" = 30' DRAWN BY: D.M.L. JOB NO.: 09-02167
<i>Reed J. Snider</i> MARYLAND PROPERTY LINE SURVEYOR REG. NO. 592 Expires 04-07-2021		LIBER FOLIO			

BOARD OF APPEALS

APPROVED JUL 28 2021


Brian Stone
ADMINISTRATOR

EXH. # 3
V-70-21