



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

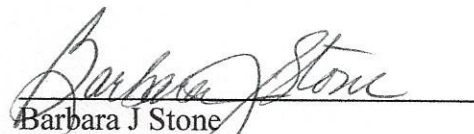
OF BOARD OF APPEALS

RE: Case No. V-72-21 David Esch

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 November 15, 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

Petitioner: David Esch

Appeal No.: V-72-21

Subject Property: Lot 1, Block H, Birchwood City Subdivision, being 1402 Fenwood Avenue, Oxon Hill,
Prince George's County, Maryland

Heard and Decided: July 28, 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 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 27-420(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 and walls 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 and walls in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Section 27-120.01(c) prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate existing conditions (front building line and a waiver of the parking area) and obtain a building permit for the unauthorized construction of a driveway partially located in front of the house and the proposed a 6-foot vinyl fence. Variances of .8-foot front building line width, a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Fenwood Avenue) and a waiver of the parking area location requirement were requested.

Evidence Presented

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

1. The property was subdivided in 1956, contains 8,856 square feet, is zoned R-55(One-Family Detached Residential), and is improved with a single-family dwelling, driveway, and wood deck. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. The subject lot is an odd-shaped lot, with the rear lot line being sharply angled. The western lot line is 117.36 feet in length and the easterly lot line is 167.27 feet in length. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).
3. Petitioner proposes to validate existing conditions (front building line and a waiver of the parking area) and obtain a building permit for the unauthorized construction of a driveway partially located in front of the house and a 6-foot vinyl fence. Exhs. 2, 4, 8, 9 and 10 (A) thru (F).
4. Petitioner David Esch testified that he purchased the home approximately two years ago and is in an unusual circumstance inasmuch as his house fronts on Fenwood Avenue which is a major street.

5. He testified that he has only one adjoining neighbor and the subject property abuts Birchwood City Park that is used as a magnet area for an assortment of ongoing improper and illegal behavior. He stated that the park is supposed to be closed at dusk, but there are parties that happen at night. He added that his air conditioner has been taken. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (G).

6. He testified that he would like to replace his 3–4-foot chain link fence with the proposed 6-foot privacy fence which will be located only to the rear and left side of the property as well as a small portion on the right side of the property (which is highlighted in yellow on the site plan). Exh. 2.

7. He stated that his neighbors have similarly replaced their chain link fence.

8. He further stated that the front of the property currently has a 4-foot aluminum fence that will remain. Exhs. 2, 3 (a) thru (b) and 5 (A) thru (G).

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 abutting the Birchwood City Park, the need for security and 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that Variances of .8-foot front building line width, a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Fenwood Avenue) and a waiver of the parking area location requirement in order to validate existing conditions (front building line and a waiver of the parking area) and obtain a building permit for the unauthorized construction of a driveway partially located in front of the house and the proposed a 6-foot vinyl fence on the property located at 1402 Fenwood Avenue, Oxon Hill, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 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.

CELEBRATING 21 YEARS OF SERVICE



MILLENNIUM ENGINEERING, LLC

PARK PLACE PROFESSIONAL CENTER

5825 ALLENTOWN ROAD CAMP SPRINGS, MARYLAND 20746

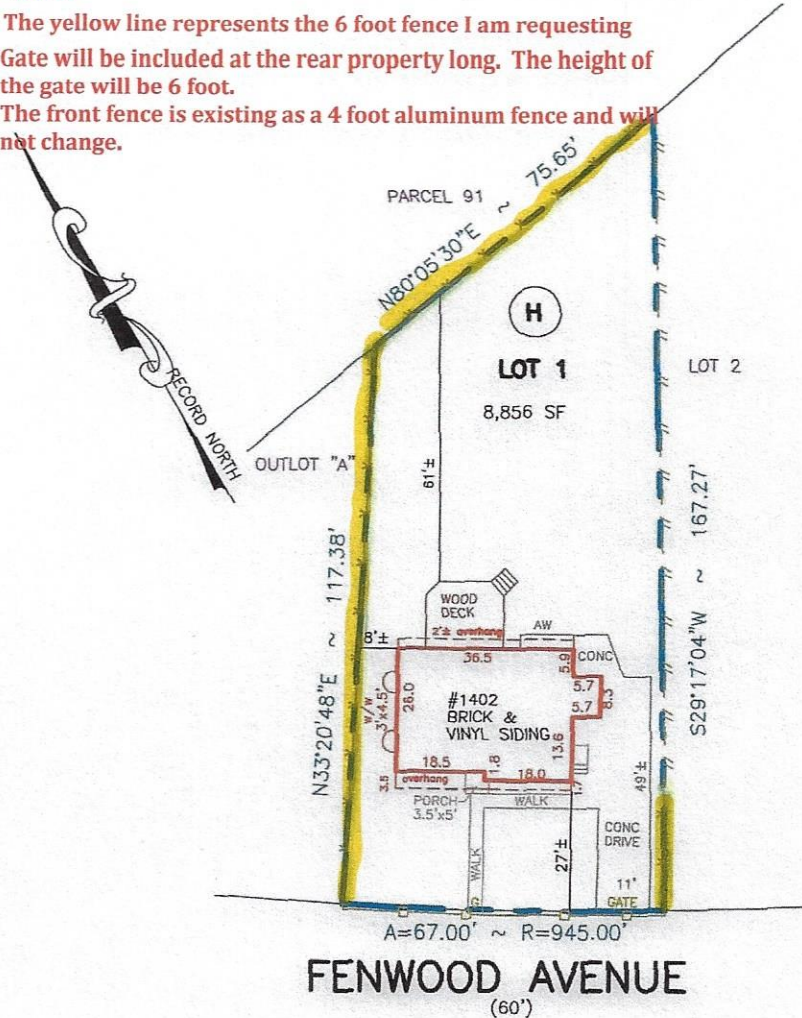
301-433-0888 301-433-0897 FAX

Email: millenniumengin@gmail.com

Website: millenniumengineering-llc.com

Notes:

The yellow line represents the 6 foot fence I am requesting
Gate will be included at the rear property long. The height of the gate will be 6 foot.
The front fence is existing as a 4 foot aluminum fence and will not change.



LEGEND:

++++	IRON FENCE (IF)
-----	WOOD FENCE (WF)
-----	CHAIN LINK FENCE (CLF)
-----	VINYL FENCE (VF)
-----	ALUM FENCE
-----	BRL
-----	UTILITY EASEMENT
-----	PROPERTY LINE
-----	BUILDING LINE
-----	WOOD DECK
-----	CONC DRIVE/AREA
-----	ASPHALT DRIVE
-----	GRAVEL AREA
-----	BRICK AREA
-----	REBAR & CAP FOUND
-----	IRON PIPE SET
-----	IRON PIPE FOUND
-----	AIR CONDITION UNIT
-----	TRANSFORMER
-----	WATER METER
-----	PAVY WALL
-----	BAY WINDOW
-----	CELLAR WELL
-----	WINDOW WELL
-----	OVERHANG
-----	RIGHT-OF-WAY
-----	EXHAUST FAN
-----	AREAWAY
-----	CHIMNEY
-----	PORCH
-----	STOOP
-----	BUILDING RESTRICTION LINE
-----	SHED
-----	SQUARE FEET
-----	EASEMENT
-----	COVERED PORCH
-----	ENCLOSURE PORCH
-----	ADDITION
-----	ENTRANCE
-----	PUBLIC UTILITY EASEMENT
-----	PUBLIC IMPROVEMENT EASEMENT
-----	PROPERTY CORNER
-----	YARD LINE
-----	NO PIPE FOUND
-----	LIGHT POLE
-----	BALCONY

BOARD OF APPEALS

APPROVED JUL 28, 2021

ADMINISTRATOR



SURVEYOR'S CERTIFICATE

I hereby certify that this drawing is based on a field survey made on 5/27/2021 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.

EXH. # 2
V-72-21

NOTES:

- 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.
- For title purposes only.
- 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.
- Party walls may not be on line. No access for interior measurements.
- Encroachments may exist. Property corners have not been set with this survey. Property information was taken from best available records.
- This location drawing is not to be used for resubdivision purposes, construction of fences or other improvements. A boundary survey and/or lot stakeout would have to be performed to determine the location of all property lines shown. Fence lines, if shown, does not indicate accurate position or ownership.
- Flood zone and certificates available upon request.
- Boundary survey needed for accurate location of house, fences, sheds and all easements & rights-of-way.
- No pipes/corners found unless otherwise noted. Location based upon physical evidence.
- Accuracy of this survey is +/- 1 foot.
- Information given for title company and purchaser(s) is solely for informational purposes ONLY.

LOCATION DRAWING

ACCT# 12-1198423

LOT 1 BLOCK H

SECTION ONE

BIRCHWOOD CITY

PLAT BOOK 27 PLAT NO.70

12TH ELECTION DISTRICT

PRINCE GEORGE'S COUNTY, MARYLAND

DATE: 5/27/2021 SCALE: 1"=30' FILE: HMO-ESCH DWG: 52206





BOARD OF APPEALS

APPROVED JUL 28 2021


ADMINISTRATOR

(a)

(a)

EXH. # 33(a-b)
V-72-21



BOARD OF APPEALS

APPROVED JUL 18 2011


ADMINISTRATOR

(b)

(b)