



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

## *OF BOARD OF APPEALS*

RE: Case No. V-106-21 Velma Cole

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: March 9, 2022.

## **CERTIFICATE OF SERVICE**

This is to certify that on June 29, 2022, 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".

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: Velma P. Cole

Appeal No.: V-106-21

Subject Property: Lot 14, Block 26, Kettering Subdivision, being 125 Weymouth Street, Upper Marlboro  
Prince George's County, Maryland

Witness: Olamide Adedeji, Neighbor

Heard: February 9, 2022; Decided: March 9, 2022

Board Members Present and Voting: Albert C. Scott, Vice Chairman

Anastasia T. Johnson, Member

Board Member Absent: Bobbie S. Mack, Chairperson

**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 variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 60 feet from the front street line and generally be located only in the rear yard. Section 27-420(a) prescribes that fences and walls 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. Petitioner proposes to validate existing conditions (front yard depth, accessory building (shed) and a waiver of the fence location and height requirements) and obtain a building permit to replace the six-foot chain link fence. A variances of 5 feet front yard depth from Watkins Park Drive, 38 feet front street line width, a waiver of the rear yard location requirement for an accessory building (shed), and a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Watkins Park Drive) is requested.

**Evidence Presented**

1. The property was subdivided in 1973, contains 11,552 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, shed and deck. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (D).

2. The subject lot is considered a through lot, with two legal fronts and two side yards. Exhs. 2, 4, 7, 8 and 9 (A) thru (D).

3. Petitioner proposes to validate existing conditions (front yard depth, accessory building (shed) and a waiver of the fence location and height requirements) and obtain a building permit to replace the six-foot chain link fence. Exhs. 2, 4, 7, 8 and 9 (A) thru (D).

4. Petitioner Velma Cole testified that when she purchased the property in 1989, the six-foot chain-link fence has rusted and is in disrepair. She stated that the current fence is an eyesore in the community, and she is simply trying to upgrade the property with the replacement fence to make it look better.

5. She stated that Watkins Park Drive is an extremely busy road, which was not the case when she purchased the property. Now, the traffic has increased substantially, more trash is being thrown in her yard, there are more pedestrians and dogs necessitating the continuation of a tall privacy fence.

6. She cautioned that should she bring the fence all the way into the shed, it would be difficult to cut the grass. Exhibits 2, 3, 4 and 5 (A) thru (C).

7. In addition, she stated that a tree that may have to be removed. Exhibits 2, 3, 4 and 5 (A) thru (C).

8. Ms. Olamide Adedeji, a neighbor at 123 Weymouth Street, testified that the fence is located between Petitioner's property and her property. She does not object to the replacement of the fence and agreed that the proposed fence would make it look better. Exhibits 2, 3, 4 and 5 (A) thru (C).

9. The Kettering Community Association, Inc. provided a signed approval for the installment of the proposed replacement fence in the same location as the original fence. Exh. 15.

#### 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 property being located on a through lot (with no rear yard area), the need to replace the existing aging six-foot rusted chain link fence with a new six-foot privacy fence, the need to provide protection from the substantial increase in vehicular, pedestrian and dog traffic along and between from both Watkins Park Drive and Weymouth Street 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. Bobbie Mack absent, that variances of 5 feet front yard depth from Watkins Park Drive, 38 feet front street line width, a waiver of the rear yard location requirement for an accessory building (shed), and a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Watkins Park Drive) on the property located at 125 Weymouth Street, Upper Marlboro, 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, 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.

## **BOARD OF APPEALS**

This property is not affected by a 100 Year Flood Plain, per National Flood Insurance Program, Flood Insurance Rate Map.

APPROVED MAR 9 2022

MAR 9 2022

ZONE: R-80

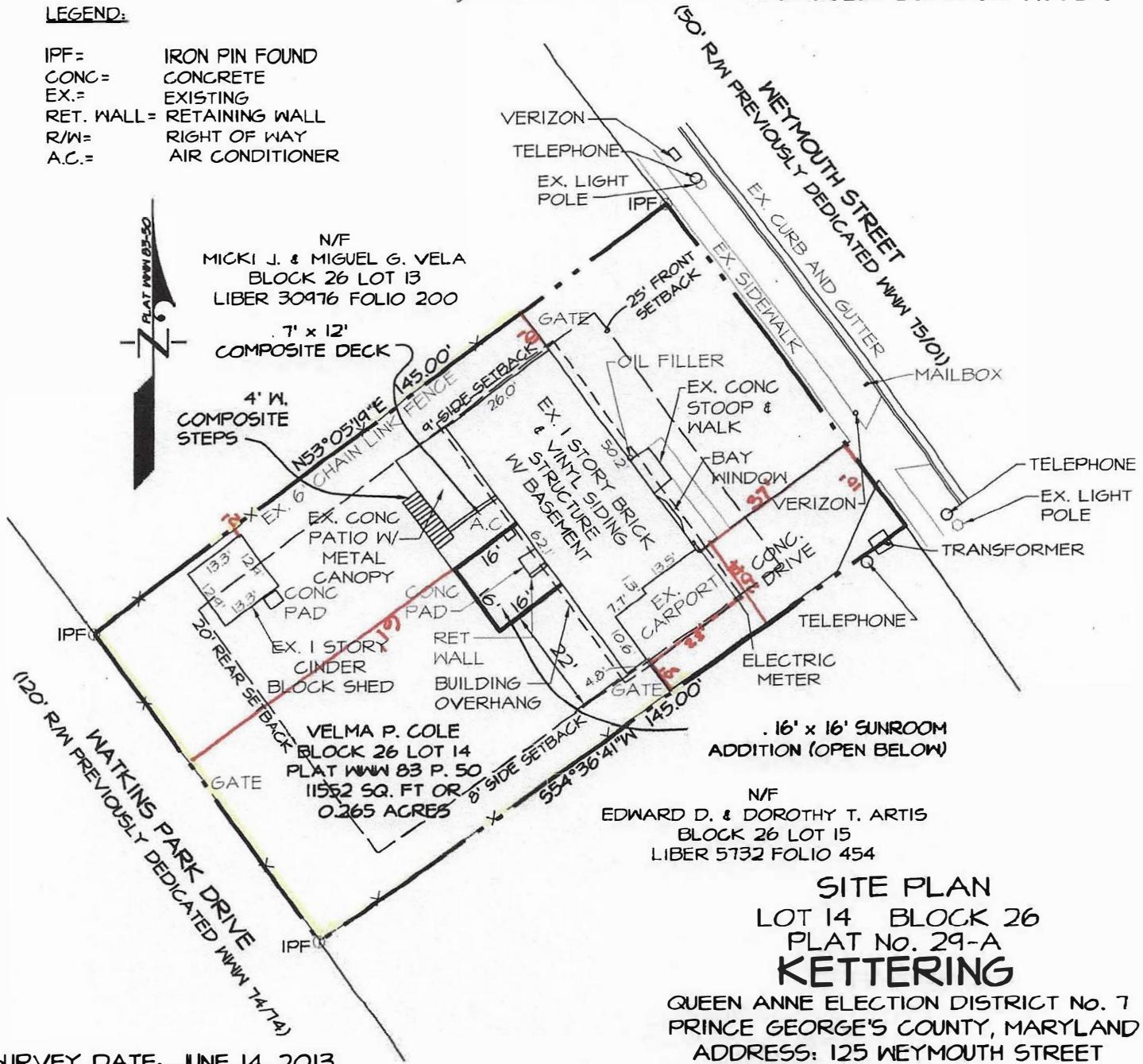
## ADMINISTRATOR

### LOT COVERAGE

PERMITTED: 30% OR 3,465.6 SF  
PROPOSED: 26.7% OR 3,082 SF

**LEGEND:**

IPF = IRON PIN FOUND  
CONC = CONCRETE  
EX. = EXISTING  
RET. WALL = RETAINING WALL  
R/W = RIGHT OF WAY  
A.C. = AIR CONDITIONER



SURVEY DATE: JUNE 14, 2013

## SITE PLAN

LOT 14 BLOCK 26

PLAT No. 29-A

# KETTERING

QUEEN ANNE ELECTION DISTRICT NO. 7  
PRINCE GEORGE'S COUNTY, MARYLAND  
ADDRESS: 125 WEYMOUTH STREET

<b>EXH. #</b> <b>2</b> <b>V-106-21</b>		<b>REFERENCE</b>  <b>PLAT BK. WWW 83</b> <b>PLAT NO. 50</b>	<b>11721 WOODMORE ROAD, SUITE 200</b> <b>MITCHELLVILLE, MARYLAND 20721</b>  <b>BEN DYER ASSOCIATES, INC.</b> <b>Engineers / Surveyors / Planners</b> <b>TELEPHONE (301) 430-2000</b>
<b>COPYRIGHT © 2013 BEN DYER ASSOCIATES, INC.</b>			
<b>LIBER 22915</b> <b>FOLIO 126</b>		<b>DRAWN JRB</b> <b>CHECKED GS</b> <b>DATE JUNE, 2013</b> <b>SCALE 1"=30'</b>	<b>RECORD NO.</b> <b>J-B13047</b> <b>DRWG. NO.</b> <b>6.001-P</b>



Exclusive Long® Fence All Color System™

## BOARD OF APPEALS

APPROVED MAR 9 2022

*John Stone*  
John Stone  
ADMINISTRATOR

EXH. # 3  
V-106-21