



# 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-107-21 Brian and JoLeah Gorman

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: November 17, 2021.

## **CERTIFICATE OF SERVICE**

This is to certify that on May 12, 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: Brian and JoLeah Gorman

Appeal No.: V-107-21

Subject Property: Lots 21, 22, 23, Block 13, Kenilworth Subdivision, being 1406 Beaver Heights Lane,  
Capitol Heights, Prince George's County, Maryland

Heard: November 3, 2021; Decided: November 17, 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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth and shall have a side yard at least 8 feet in width. 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. Petitioners propose to validate existing conditions (front yard depth, side yard width and waiver of the front yard parking area) and obtain a building permit for the construction of a 5-foot split rail fence and a driveway partially located in front of the house. Variances of 2 feet front yard depth, 1-foot side yard width, a waiver of the parking area location requirement and a waiver of the fence location requirement for a fence over 4 feet in height in the front yard (abutting Beaver Heights Lane) are required.

**Evidence Presented**

1. The property was subdivided in 1931, contains 11,250 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 6, 7, 8 (A) thru (H).

2. Petitioners propose to validate existing conditions (front yard depth, side yard width and waiver of the parking area location) and obtain a building permit for the construction of a 5-foot split rail fence and a driveway located partially in front of the house. The Zoning Ordinance requires the front yard setback at 25 feet. The setback from the porch is currently at 27 feet requiring a variance of 2 feet. The Code also prescribes the side yard setback requirement to be 8 feet. The current right side yard setback is only 7 feet, requiring a variance of 1 foot. A waiver of the parking area location is needed as the driveway is located partially in front of the house. Exhs. 2, 4, 6, 7, 8 (A) thru (H).

3. Petitioner Brian Gorman testified that the existing 42-inch chain link fence in the front yard is too low now because their two dogs can easily jump over it. Petitioners would like to install a 5-foot split rail fence (with a wire mesh between the rails) to contain the dogs and also provide a safety barrier for their son.

4. The remaining variances are associated with site conditions existing prior to the purchase of the property. Exh. 2.

5. He stated that the driveway extended in front of the house by only a foot or two. Exhs. 2, 3 and 5 (A) thru (H).

6. He further explained that because the property severely slopes, the proposed fence will be higher in some places and lower in others. He stated that the 5-foot fence will actually seem even with the adjoining neighbor's 4-foot fence due to the sloping in the area. Exhs. 2, 3 and 5 (A) thru (H).

#### 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

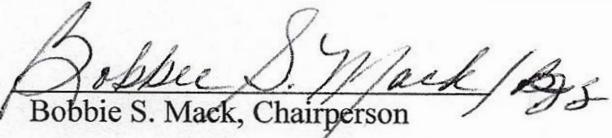
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the topography of the subject property, the need for a higher replacement fence for the safety of his son and, the need to contain his two dogs on his property 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. Anastasia Johnson absent, that variances of 2 feet front yard depth, 1-foot side yard width, a waiver of the parking area location requirement and a waiver of the fence location requirement for a fence over 4 feet in height in the front yard (abutting Beaver Heights Lane) in order to validate existing conditions (front yard depth, side yard width and waiver of the parking area) and obtain a building permit for the construction of a 5-foot chain-link fence and a driveway partially located in front of the house on the property located at 1406 Beaver Heights Lane, Capitol Heights, 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.

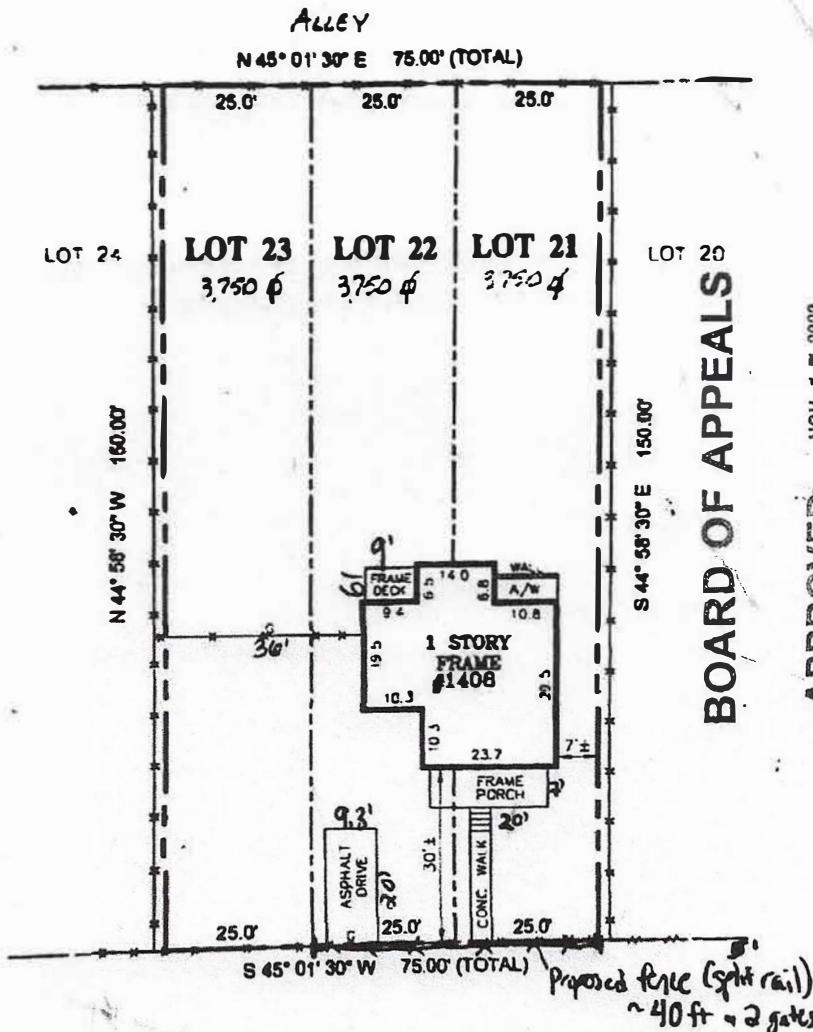
**CONSUMER INFORMATION NOTES:**

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 above to the ~~front~~ structures from property ~~line~~ are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet.
2. Fences, if shown, have been located by approximate methods.

2. Total area = 11,250 s.f.



**LOCATION DRAWING**  
**LOTS 21, 22 & 23, BLOCK 13**

**KENILWORTH**  
**PRINCE GEORGE'S COUNTY, MARYLAND**

**BEAVER HEIGHTS LANE**  
(60' R/W)

**SURVEYOR'S CERTIFICATE**

THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE REQUIREMENT OF RECORD. CERTAIN STRUCTURES HAVE BEEN FIELD LOCATED. BASED ON THE INSPECTION, THE PROPERTY MARKS FOUND ARE IDENTICAL WITH THE PROPERTY MARKS FOUND ON THE SURVEY OF LAND OWNED BY THE OCCUPANT.

Surveyor Reg. No. 057  
Expires: 04-08-2017

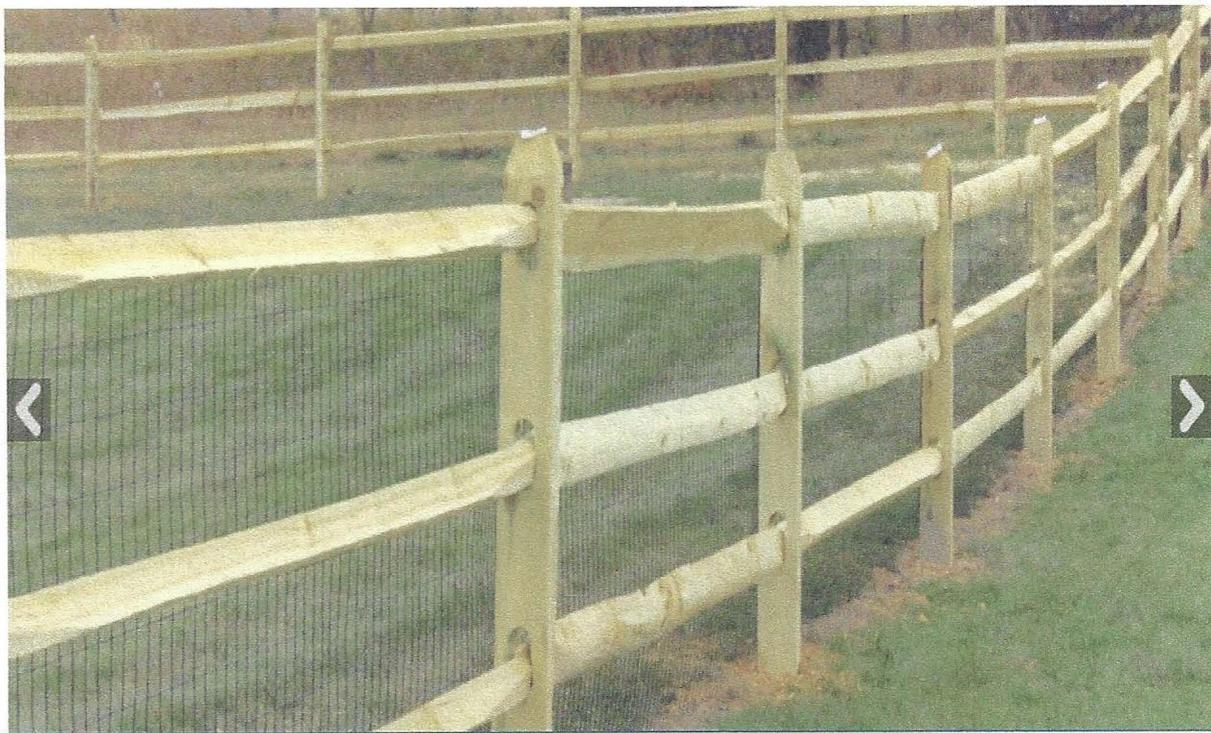
REFERENCES		SNIDER & ASSOCIATES LAND SURVEYORS 2020 Goldenrod Lane, Suite 110 Columbia, Maryland 21046 301/948-8100 Fax 301/948-1286	
PLAT BK.	A		
PLAT NO.	62		
LIBER	DA-TE SPECIFICATIONS		SCALE: 1" = 50'
FOLIO	WALL CHECK:		DRAWN BY: D.M.L.
	HGL LOC.: 03-25-16	JOB NO.: 16-00846	

EXH. # 2  
V-107-21

APPROVED NOV 17 2022

*John S. Snider*  
ADMINISTRATOR

**BOARD OF APPEALS**



Request for the installation of a 5-foot-high split rail fence like the one in the picture below. It will have a wire mesh between the rails like the one in the picture.

## BOARD OF APPEALS

APPROVED NOV 17 2022

John Stow  
ADMINISTRATOR

EXH. # 3  
**V-107-21**