



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-124-21 Stacy Hughes and Elaine Pickens

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". 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

Petitioners: Stacy Hughes and Elaine Pickens

Appeal No.: V-124-21

Subject Property: Lot 1, Map 117, Grid C4, The Preserves of Mount Airy Estates Subdivision, being 8001
Hunter Drive, Clinton, Prince George's County, Maryland

Heard: January 12, 2022; Decided: March 9, 2022

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 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 27-229 of the Zoning Ordinance, Petitioners request that the Board approve variances from Section 27-420(a), which 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; 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; and. Petitioners propose to construct a 6-foot vinyl fence. A waiver of the fence location requirement/waivers of the fence location and height requirements for a fence/wall over 4 feet in height in the front yard/side yard (abutting Woodyard Road) are requested.

Evidence Presented

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

1. The subject property was subdivided in 1999, contains 22,295 square feet, is zoned R-R (Rural-Residential) and is improved with a single-family dwelling, driveway, deck, shed, a front corner (intersection) subdivision stone entrance sign/wall and 4-foot fence. Exhibits (Exhs.) 3, 6, 12, 13 and 14 (A) thru (G).

2. The subject property is a corner lot with the home facing the intersection. The legal front of the property is Woodyard Road, and the legal side street is Hunter Drive. Exhs. 3, 6, 12, 13 and 14 (A) thru (G).

3. Petitioners would like to construct a 6-foot vinyl fence, but because the 6-foot fence is along the side street (Woodyard Road), a waiver for the fence location and height requirement is needed. Exhs. 3, 6, 12, 13 and 14 (A) thru (G).

4. Mt. Airy Estates Homeowners Association, Inc. c/o Meinc HOA Management, Inc., has approved the proposed 6-foot fence. Exh. 20.

5. Ms. Pickens testified that they would like to install a 6-foot vinyl fence around the perimeter of the yard. She stated that because the subject property is abutting a very high traffic street (Woodyard Road), there is no privacy in their yard.

6. She further stated that the proposed fence would sit back several feet from the street line to allow car visibility. Exhs. 2, 3, 5, 8 (A) thru (D).

7. She stated that pedestrians walk through the yard because there are no sidewalks available on Woodyard Road. She explained that people walk down the road and cut through their yard to avoid walking close to the (busy) street and leave trash and other debris. They would like a clear boundary separating their yard from public areas.

8. She further stated that deer roam in the back yard and they are concerned about their children receiving infectious disease. They would feel much safer in their home with the proposed fence around the side and back perimeters. Exhs. 2, 3, 5, 8 (A) thru (D).

9. Ms. Pickens further testified that there is a shed in the rear yard, and they wanted the tall fence also to decrease visibility of the shed which stores lawn equipment. Exhs. 2, 3, 5, 8 (A) thru (D).

10. In addition, she stated that there is a long road that runs behind the house with no border to stop access to their property which is a concern. Just beyond that road is a church that uses the field next to the road to park. Exhs. 2, 3, 5, 8 (A) thru (D).

11. She stated that a neighbor on adjoining property has a swimming pool with the same 6-foot fence. Petitioners would also like to construct a swimming pool in the future. Exhs. 2, 3, 5, 8 (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

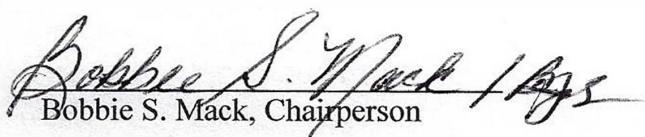
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the subject property being a corner lot with the home facing the intersection, subject property abutting the busy Woodyard Road, pedestrians traversing the corner property because of the lack of sidewalks, a long road and field behind the house that permits open access to the subject property, the desire for family privacy and safety 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 fence location and height requirements for a fence/wall over 4 feet in height in the front yard/side yard (abutting Woodyard Road) in order to construct a 6-foot vinyl fence on the property located at 8001 Hunter Drive, Clinton, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibits 3 and approved elevation plan, Exhibit 5.

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.



APPROVED MAR 9 2022

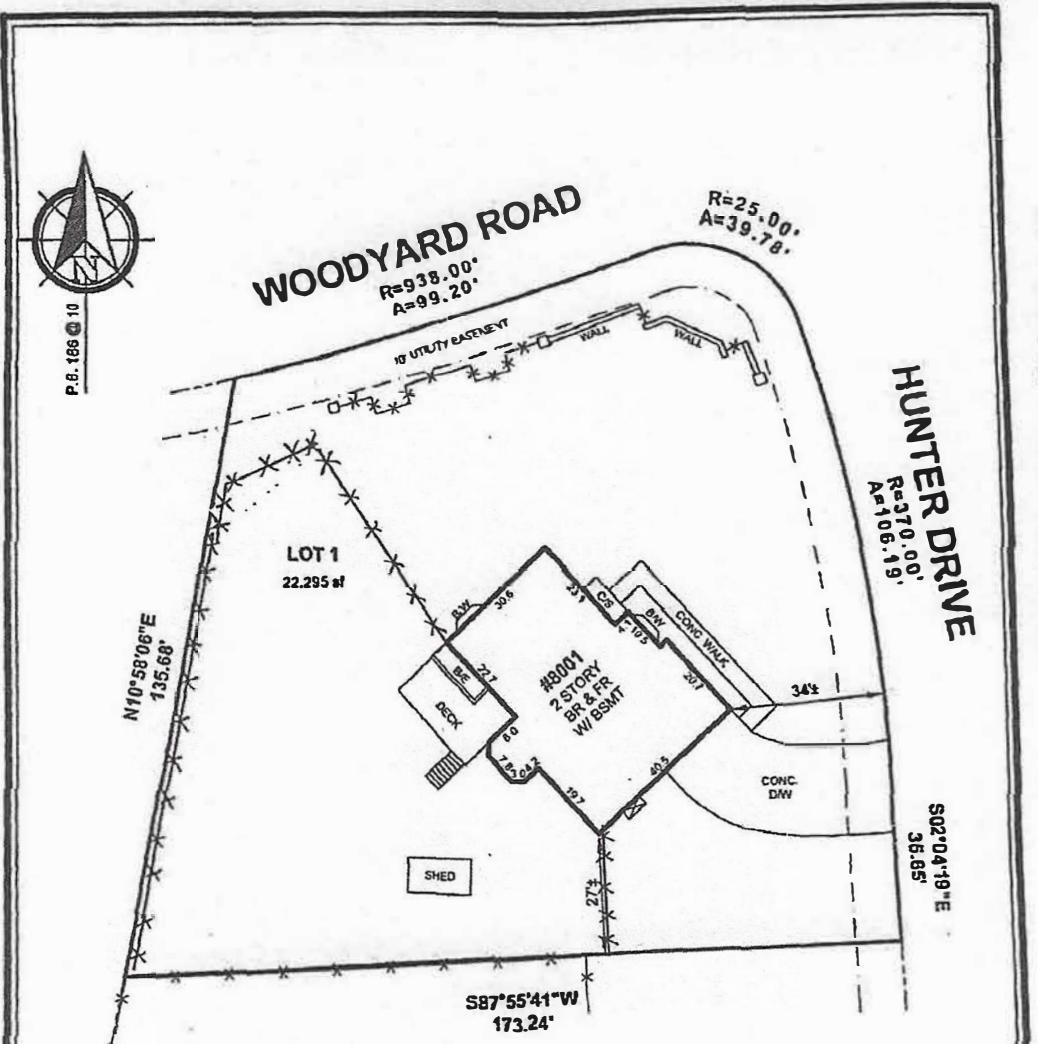
By Stone

ADMINISTRATOR

BOARD OF APPEALS

APPROVED MAR 9 2021

John
ADMINISTRATOR



EXH. # 3
V-124-21

LOCATION DRAWING OF:
#8001 HUNTER DRIVE
LOT 1
PLAT 12
MT. AIRY ESTATES
PLAT BOOK 186, PLAT 10
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1"=30' DATE: 10-29-2018
DRAWN BY: B.G. FILE #: 188768-731

LEGEND:
 ■ - FENCE
 BE - BASEMENT ENTRANCE
 BW - BAY WINDOW
 BRL - BLDG. RESTRICTION LINE
 BSMT - BASEMENT
 C/S - CONCRETE STOOP
 CONC - CONCRETE
 DWY - DRIVEWAY
 E/L - ELEVATING
 FR - FRAME
 MAC - MACADAM
 O - DATE
 OH - OVERHAND
 PUE - PUBLIC UTILITY EASEMENT
 PE - PUBLIC IMPROVEMENT EASEMENT
 COLOR KEY:
 RED - RECORD INFORMATION
 BLUE - IMPROVEMENTS
 GREEN - EASEMENTS & RESTRICTION LINES

A Land Surveying Company
DULEY
 and
 Associates, Inc.
 Serving D.C. and MD.
 14604 Elm Street, Upper Marlboro, MD 20772
 Phone: 301-888-1111 Fax: 301-888-1114
 Email: orders@duley.biz On the web: www.duley.biz



SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN REASONABLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED THEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 06 13.08 OF THE CODE MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FEES, BUILDING OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR RECORDATION PURPOSES, REFFERING TO THE RECORDING OF THE PLAT, THE SURVEYOR IS NOT RESPONSIBLE FOR THE LACK OF A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH THE CONSIDERED TRANSFER. FINANCIAL OR REPUTATIONAL THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1%. NO TITLE REPORT WAS FURNISHED TO ME DONE BY THIS COMPANY, AND PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND ELEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR, OR MAY BE CONSIDERED TEMPORARY, MAY NOT BE SHOWN. IF IT APPEARS DEEDMARKS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

DULEY & ASSOC.

WILL GIVE YOU A 100%
 FULL CREDIT TOWARDS
 UPGRADING THIS
 SURVEY TO A
 "BOUNDARY/STAKE"
 SURVEY FOR ONE
 YEAR FROM THE DATE
 OF THIS SURVEY.

(EXCLUDING DC & BALT CITY)