



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

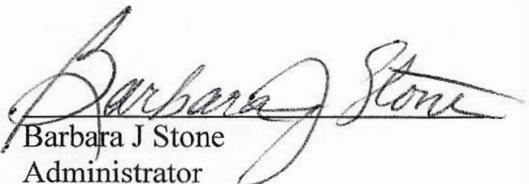
OF BOARD OF APPEALS

RE: Case No. V-131-21 Dakia McNeill

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: February 23, 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.


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: Dakia McNeill

Appeal No.: V-131-21

Subject Property: Lot 2, Block A, Enterprise Knolls Subdivision, being 12072 Hallandale Terrace, Bowie,
Prince George's County, Maryland

Counsel for Petitioner: Matthew Skipper, Esq.

Witnesses: Harold Tucker, Sonny's Renovations, LLC

Heard: January 12, 2022; Decided: February 23, 2022

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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-447(a), which prescribes that wall more than 6 feet high shall not be located in any required yard and shall meet the setback requirements for main buildings. Petitioner proposes to obtain permission to construct a 16-foot-tall privacy wall by 10-foot long adjacent to the left side of the dwelling. A waiver of height requirements for a wall over 6 feet in height is requested.¹

Evidence Presented

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

1. The property was subdivided in 1978, contains 1,500 square feet, is zoned R-T (Townhouse) and is improved a single-family townhouse, deck and fence. Exhibits (Exhs.) 3 (A), 6, 8 (A) thru (B) 10 and 11
2. The property is an inner unit townhouse. The rear yard contains a deck, fence and an existing 16-foot privacy wall (belonging to neighbor) between the subject property and the left adjoining townhouse. (Facing the rear of the townhouse, the new wall will be constructed to the right.) Similar to the wall to the left. This property is not located within the Bowie City Limits. Exhs 3 (A), 6, 8 (A) thru (B) 10 and 11.
3. Petitioner proposes to obtain permission to construct a 16-foot-tall privacy wall by 9.5 foot long to the side of the rear deck. Due to the height of the proposed wall, a waiver of height requirements for a wall over 6 feet in height is required. Exhs 3 (A), 6, 8 (A) thru (B) 10 and 11.

¹ Sec. 27-420. Fences and walls.

- (a) Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard and shall meet the setback requirements for main buildings. (See Figure 42.) On lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high unless a variance is approved by the Board of Appeals.
- (b) In the R-T Zone (or any other zone developed in accordance with the R-T Zone), walls or fences up to eight (8) feet high may be constructed anywhere in the rear yard without meeting setback requirements.

4. Counsel Matthew Skipper stated that his client is requesting to construct a privacy wall. Previously, her neighbor and herself; neither of them had decks. Both have recently built decks on the second level. There is an existing 16-foot privacy wall to the left of the rear deck on the neighbor's property. Several neighbors in the community also have privacy walls similar to the proposed wall. As to the nature and character of the community, privacy walls exist next to the Petitioners and across the street. The neighbor that has one next door (1207 Hallendale) and two other homes which have the privacy wall are at 1205 and 1206 Hallendale. The 16 feet is from grade to the top of the privacy wall. Exhs. 2, 3 (A), 4, 5 and 7 (A).

5. Part of his client's intent is to increase privacy. There have been disputes between the families, including throwing of trash, sports balls that bounce over and substantial disregard for Ms. McNeill's property and property rights by the neighbors. Currently, there is a dispute regarding water flow between the properties. The Board can clearly see in the photos of exactly what is proposed. Part of the intent is to mirror what exists on the left side of the property and to match the character of the community. As to the hardship, Counselor opined that the height of those decks and new built nature of the deck have created a burden along with the dispute. Exhs 3 (A), 6, 8 (A) thru (B) 10 and 11.

6. Mr. Skipper further stated that the Homeowners Association has approved the fence and the deck. Exh. 16

7. Ms. McNeil stated that her attorney has gone into other details because Ms. McNeil has written to state that privacy and protection from adjoining neighbor. They have had a dispute over water coming from their property and flooding hers back yard and a host of other issues. She is concerned for her safety. Exhs 3 (A), 6, 8 (A) thru (B) 10 and 11.

8. Mr. Skipper stated that the new wall, will match the existing wall, but will look much nicer as the existing wall is very old. Exhs 3 (A), 6, 8 (A) thru (B) 10 and 11.

9. The Community Manager, Quality 1 (Homeowners Association) has submitted a letter of approval for the installation of a 16'x 9.5' privacy wall on the rear of the home. Exh. 16.

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 need for privacy and safety issues regarding a water dispute with neighbor, to stop harassment and throwing of trash into the Petitioners deck and yard 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 a waiver of height requirements for a wall over 6 feet in height in the side yard in order to construct a 16-foot-tall privacy wall by 10-foot long adjacent to the left side of the dwelling on the property located at 12072 Hallandale Terrace, Bowie, 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, Exhibit 3 (A) and approved elevation plans, Exhibits 4 and 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.

~~BOARD OF APPEALS~~

APPROVED FEB 23 2022

ADMINISTRATOR

Rebar Fd. 521 12 12 E ~ 20.00 4 ft

LOT STAKE OUT w/POINTS ON LINE AND LOCATION DRAWING

LOT 2, BLOCK "A", PLAT TWO
ENTERPRISE KNOLLS


PLAT BOOK NLP 102 PLAT NO. 15

13TH ELECTION DISTRICT

PRINCE GEORGE'S COUNTY, MD.

SCALE: 1" = 10'




Prince George's County Planning Department
APPROVED
 Parcel #: 17006-0000-0
 Date: 12/1/2006
 Approved by: Tracy Johnson
 sjohnson@princegeorgescountymd.gov
 ok for 6' fence



SURVEYOR'S CERTIFICATES

I hereby certify that the position of the existing improvements on the above described property has been established by a field survey and that unless otherwise shown, there are no visible encroachments, if any.

This location drawing is not to be relied for establishing boundary lines

DATE 7th August 2020 WZL

I hereby certify that I have carefully surveyed
the property as shown by this plat and
Permanent Survey Markers are in place as shown

EXH. # 3(A-B)
V-131-21

Drill Hole Fed.
Grass Cut Set
around Hole

N 21° 12' 12" W - 20.00

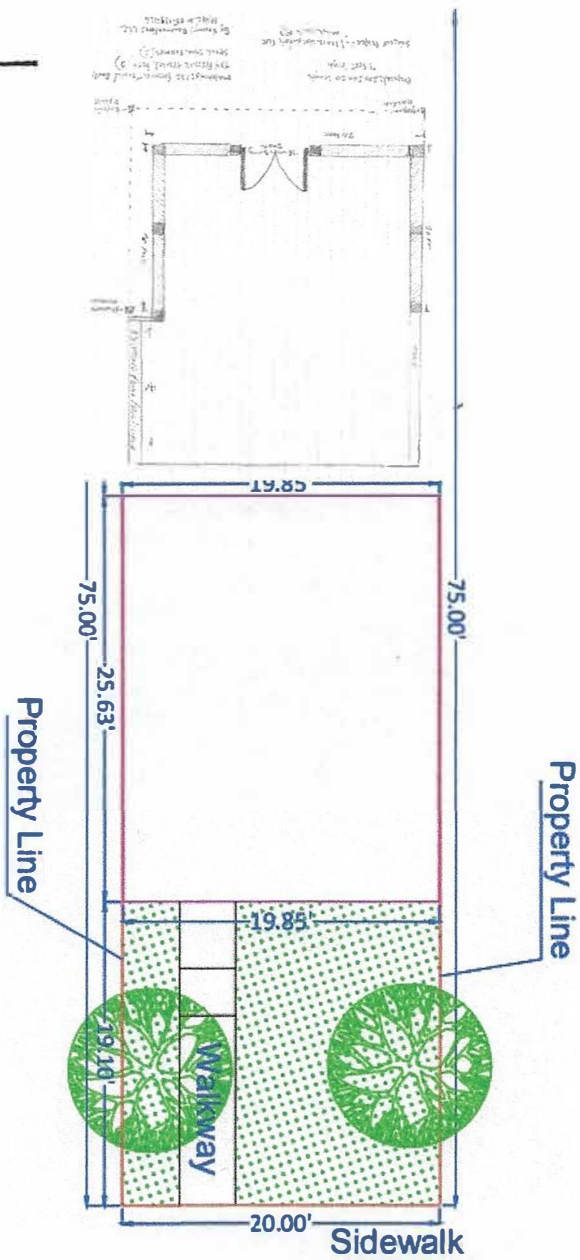
• 6' C/W.

To: 11/10/10
C: 11/10/10
A: 11/10/10

BOARD OF APPEALS

APPROVED FEB 23 2022

[Signature]
ADMINISTRATOR



B

12072 Hallandale Terrace
Bowie, MD 20721
Scale: 1"=10'

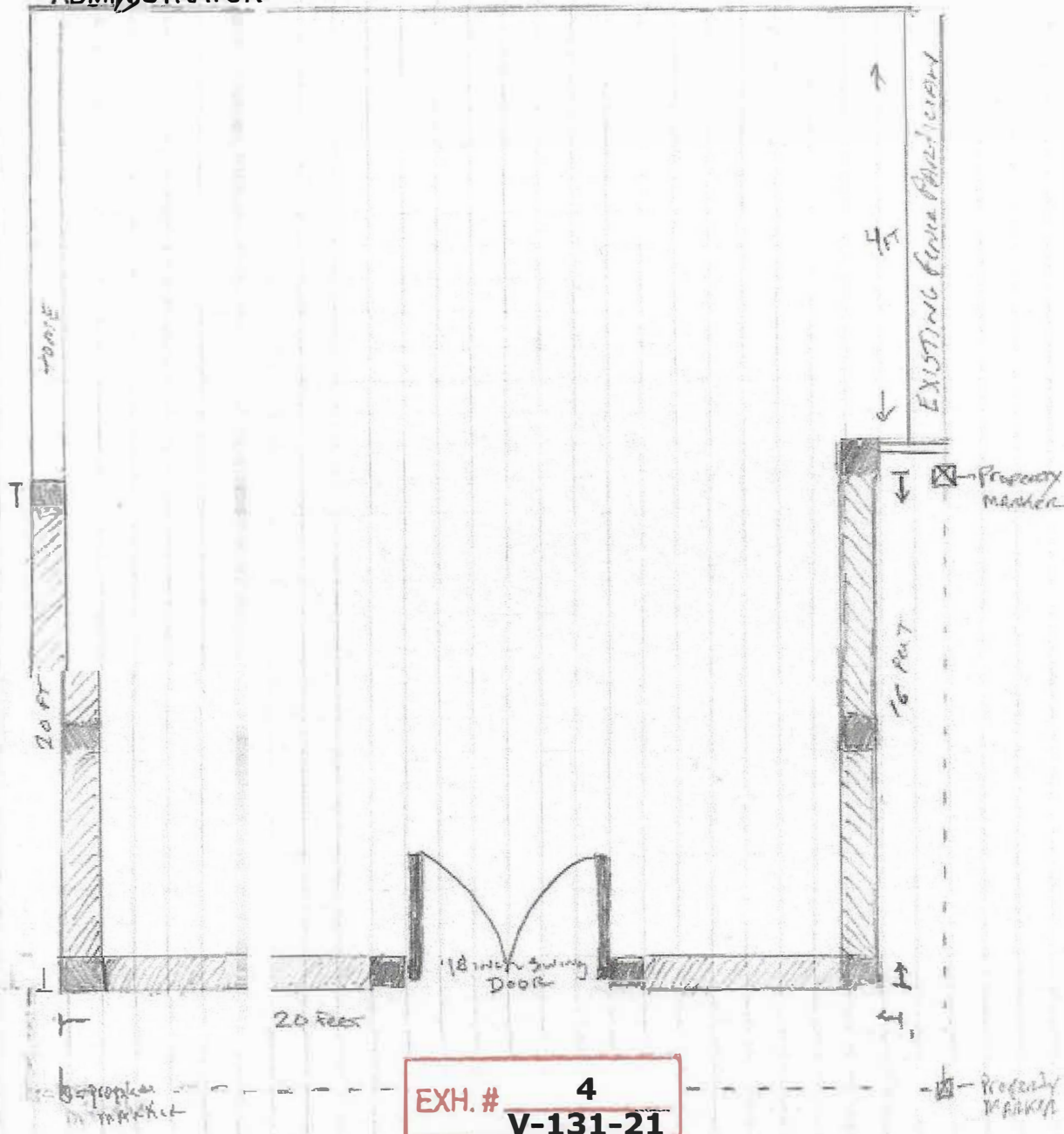
ProSitePlan
Professional Site Planning

Hallandale Terrace

BOARD OF APPEALS

APPROVED FEB 23 2022

ADMINISTRATOR



Proposed: 20x20x20 Lmg
7 Feet High

Subject: Properties of 100% Hydrocarbon Test.
Mr. McNamee MD

Material 15' x 12' x 6" Pressure-treated boards
4x4 Pressure-treated post (8' x 8')
Six door knobs (3 1/2")

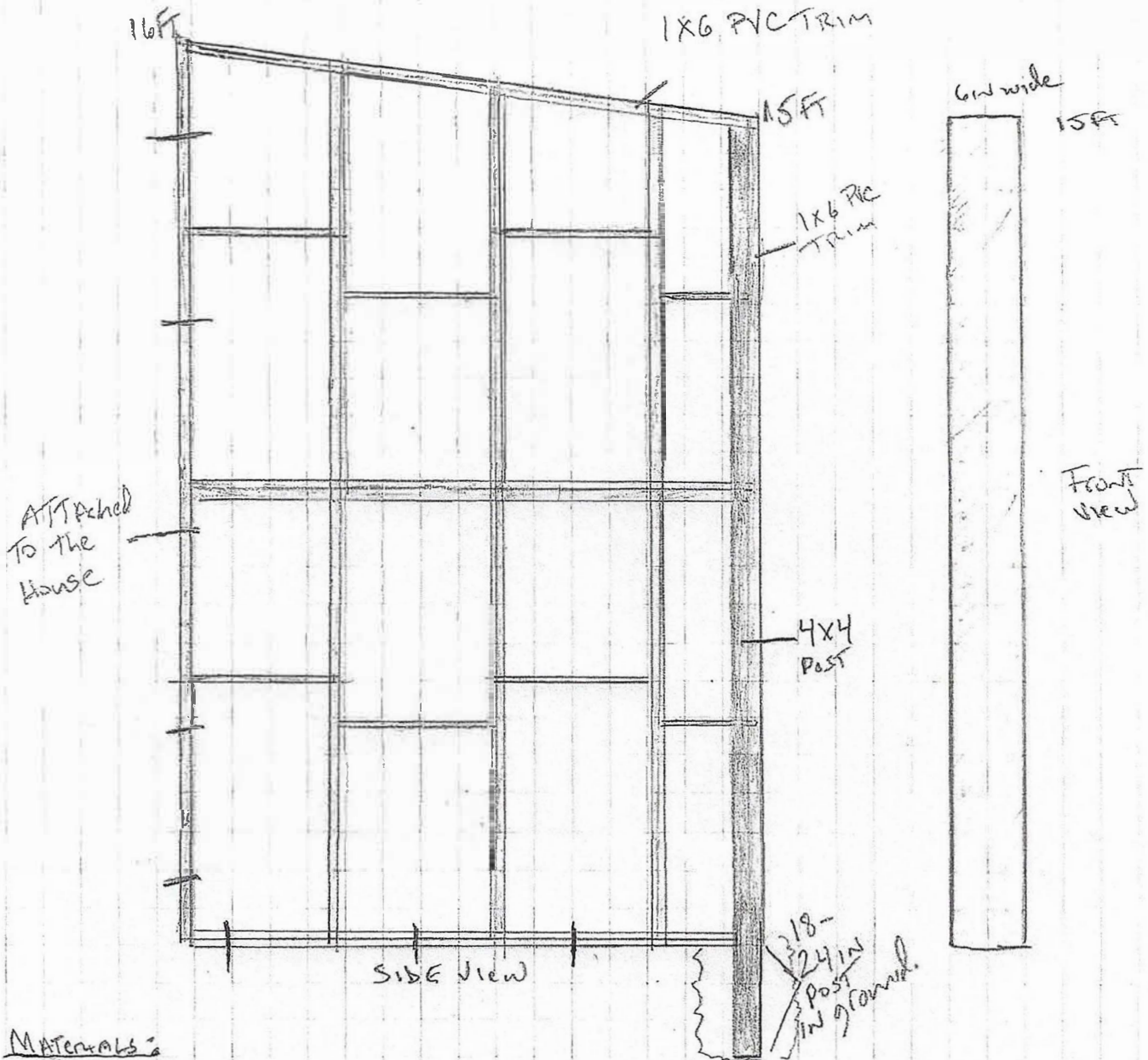
By Sonny's Revolution LLC
MILWAUKEE 05-139446

Subject Property: DAKIA McNeill 12072 HALLANDALE TERRACE BOULDER MD

Permit # 41254-2021-0

Privacy Divider Wall

16 FT Height, 9.5 FT Length



MATERIALS:

2x4x10

2x4x8

1x6x10 PVC Trim

1x6x16 PVC Trim

4x8 Exterior Siding Panels

Mounting Hardware

Drawn by: Sonny's Renovations LLC

Tre Tucker Sonny'srenovationsllc@gmail.com

301-648-3181

9-21-21

BOARD OF APPEALS

EXH. # 5
V-131-21

APPROVED

FEB 23 2022

[Signature]
ADMINISTRATOR