



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

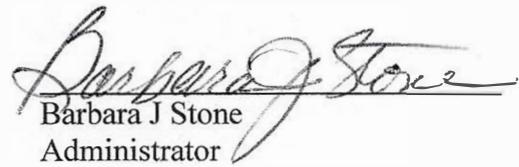
OF BOARD OF APPEALS

RE: Case No. V-135-21 Charles and Helen Jones

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: January 26, 2022

CERTIFICATE OF SERVICE

This is to certify that on July 28, 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 black font, followed by the title "Administrator" in a smaller font.

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: Helen P. and Charles Jones III

Appeal No.: V-135-21

Subject Property: Lot 30, Block K, Seabrook Estates Subdivision, being 5512 Oakbrook Place, Lanham, Prince George's County, Maryland.

Heard and Decided: January 26, 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 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 Section 27-420(a) which 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 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 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) which 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 an existing condition (waiver of the parking area) and obtain a building permit for the construction of a 6-foot fence. A waiver of the fence location and height requirements for a fence/wall over 4 feet in height in the front yard/side yard (abutting Linwood Avenue) and a waiver of the parking area location requirement **are** requested.

Evidence Presented

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

1. The property was subdivided in 1990, contains 9,672 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibit (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).
2. The subject property is a corner lot with the dwelling fronting on the legal front being Oakbrook Place. Lindwood Avenue is the legal side street where the proposed fence will be located. Exhs. 2, 4, 7, 8 and 9 (A) thru (G).
3. Petitioners propose to validate an existing condition (waiver of the parking area) and obtain a building permit for the construction of a 6-foot fence. A waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Linwood Avenue) and a waiver of the parking area location requirement are requested. Because the proposed 6-foot fence will abut

Lindwood Avenue, a waiver of the fence location and height requirement in the side street yard is needed. In addition, the driveway does not connect to a garage or carport and will require a waiver of the parking area location requirement. Exhs. 2, 3 and 5 (A) thru (D).

4. Petitioner Charles Jones testified that he simply wants to repave the current driveway which will be the same size as the original driveway that was built by the previous owner. Modifications to the driveway is sought solely to resolve water issues. No modifications will be made to the apron. Exhs. 2, 3 and 5 (A) thru (D).

5. Petitioner further testified that the property on Lot 1, behind them, also faces Linwood Court, and currently has a 6-foot fence on the property line. Exhs. 2, 3 and 5 (A) thru (D).

6. Petitioner stated that he simply wants to connect his proposed 6-foot fence with the existing 6-foot-tall fence located on Lot 1.

7. He opined that if the proposed fence was four feet along Linwood Avenue, people would be able to see directly into the rear yard. That portion of the fence would be approximately 50-feet in length. The main purpose for the fence is that currently with no fence, anyone can easily transverse the property, causing privacy and security risks. Exhs. 2, 3 and 5 (A) thru (D).

8. He stated that four properties on Linwood Avenue have 6-foot security/privacy fences, including the corner lot behind him on Lot 1. He underscored that Lot 1 has the exact configuration of a 6-foot fence which abuts Linwood Avenue. Exhs. 2, 3 and 5 (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 variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the current lack of privacy in their legal back yard, a 6-foot fence will provide his family privacy and security, the existence of other six feet fences in the neighborhood 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. Bobby Mack absent, that a waiver of the fence location and height requirements for a fence/wall over 4 feet in height in the front yard/side yard (abutting Linwood Avenue) and a waiver of the parking area location requirement in order to validate an existing condition (waiver of the parking area) and obtain a building permit for the construction of a 6-foot fence on the property located at 5512 Oakbrook Place, Lanham, 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.

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

Jan 26 2022

ADMINISTRATOR

CALL 800-257-4777
8 a.m. - 8 p.m. Eastern Time
Monday - Friday
or write:
The Learning Company
1000 Corporate Park Drive
P.O. Box 1000
Bala Cynwyd, PA 19004

CHARLESTON
SCALE 1:800

LINWOOD AVENUE
Established Grade on 2 April 1900
PG Co Public Works
5-30-80
File # 1045

HAMPTON

RICHMOND

EXH. # 2
V-135-25

| DATE | REVISIONS |
|---------|-----------------------------|
| 1/25/73 | REVERSE LISTS OF DIMENSIONS |
| | |
| | |
| | |
| | |

Landesdesign

ENGINEERS - SURVEYORS PLANNERS
2006 MITCHELLVILLE ROAD SUITE 400
BOWIE, MARYLAND 20715
(301) 260-8802

Dinner / Develops

SITE DEVELOPMENT PLAN

SEABROOK ESTATES
LANHAM DISTRICT
PRINCE GEORGES COUNTY, MARYLAND

| | |
|----------------|----------------|
| DATE FEB. 1920 | SCALE 1:30' |
| DESIGN BY J.G. | DRAWN BY J.G. |
| CHIEF BY J.G. | SHOT NO. 2422 |
| PERMIT NO. | JOB NO. 88-086 |

CONTACT "HILLS UTILITY"
48 HOURS PRIOR TO TRENCHING
1-800-257-7777

M.N.C.P.C. APPROVED PERMIT # 312512 1924-925252
JAN 15 1924



Call 507-206-4154

HOME

ABOUT US

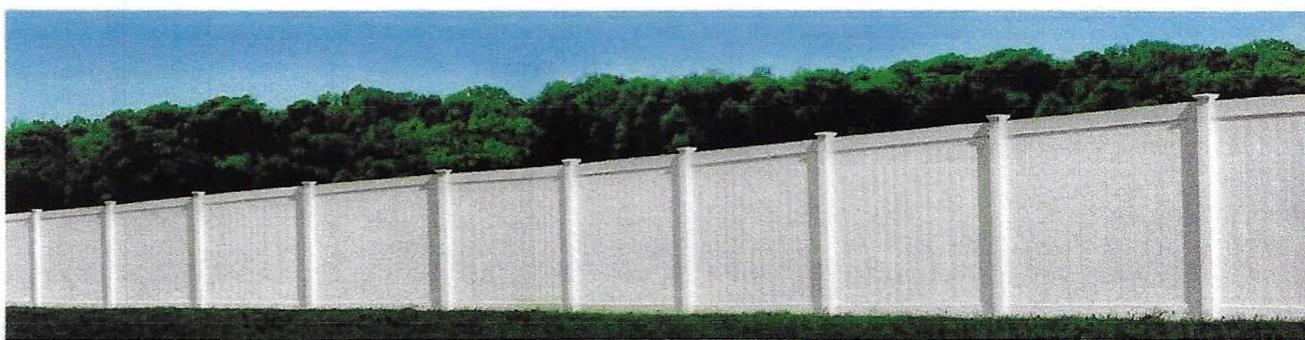
PRODUCTS

INSTALLATION

PROFESSIONALS

GET A QUOTE

CONTACT US



The homes below are on the north side of Linwood Ave. and they face my front yard. Please note that the 9800 Linwood Ave. address has the same type of fence I want to install and it is next to a wood fence with no negative impact to the look of the neighborhood.



BOARD OF APPEALS

APPROVED JAN 26 2021


ADMINISTRATOR

EXH. # 3
V-135-21