



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-23-23 Rose K. Wanou _____

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: May 24, 2023.

CERTIFICATE OF SERVICE

This is to certify that on July 18, 2023 , 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

Petitioner: Rose K. Wanou

Appeal No.: V-23-23

Subject Property: Lot 1, Block B Snow Hill Manor Subdivision, being 14200 Laurel Bowie Road, Laurel,
Prince George's County, Maryland

Witnesses: Paul Jin, Brother of Petitioner

Ydalia Marte, Femar Fence Company

Heard: May 10, 2023; Decided: May 24, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Carl Isler, Acting Vice Chair
Renee Alston, Member
Teia Hill, Member
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 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from 27-4202(e)(2) prescribes that each lot shall have a minimum side yard depth of 8 feet. Section 27-6610 prescribes that fences more than 4 feet high shall not be located in any required yard, shall meet the setback requirements for main buildings and shall require a security exemption approval. Petitioner proposes to obtain a building permit to construct a 6-foot black aluminum fence on a corner lot. A variance of 0.3 feet left side yard depth and a Security Exemption for a fence over 4 feet in height in the side street front yard (abutting Laurel Bowie Road) are requested.

Evidence Presented

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

1. The property was subdivided in 1958, contains 8,267 square feet, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling, driveway, covered front porch, and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The subject lot is a corner lot with the legal front yard being on Snow Acres Drive and the side street being Laurel Bowie Road. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
3. This property is not located within the city limits of Laurel. Exh.
4. Petitioner proposes to obtain a building permit to construct a 6-foot black aluminum fence on a corner lot. A variance of 0.3 feet left side yard depth and a Security Exemption for a fence over 4 feet in height in the side street front yard (abutting Laurel Bowie Road) are requested. Specifically, the slight left side yard setback is a preexisting condition and the request for the Security Exemption is because the 6-foot fence is located along the legal side street, being a front yard. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
5. Petitioner Rose Wanou testified that the tall fence will be consistent in height with an existing 6-foot sight tight vinyl fence along the north and west property line which the Petitioner did obtain a valid permit (7608-2023-00). The proposed fence, described as a 6-foot aluminum "see thru fence," will run and

connect from the existing north property line fence, down the side street line (Laurel Bowie Road), turn toward and run to the driveway on Snow Acre Drive and up to the corner of the house. Along the Laurel Bowie Road, the fence will run in-between the house and the trees. Exhs. 2, 3, and 5 (A) thru (F).

6. Petitioner further gave examples of how the proposed fence will also provide security for both her personal property and her children. Exhs. 2, 3, and 5 (A) thru (F).

7. She stated that there is a drainage system along Laurel Bowie Road which does not deter anyone from climbing over the rocks to get to her property. Exhs. 5 (A) thru (F).

8. Ydalia Marte, a representative of Femur Fence, testified that a homeowner association does not exist in the development. She confirmed that the fence will be located between the house and the trees. She also stated that a bus stop is located in "front" of the property. Exhs. 2, 3, and 5 (A) thru (F).

9. Board Chair Mack requested the distance from the proposed fence to the legal side street line.

10. A revised site plan was submitted demonstrating the dimensions between the proposed fence and the legal side street property line. Exh. 15.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance and Security Exemption comply with the applicable standards set forth in Section 27-3613(d) more specifically:

Due to the subject property being a corner lot, the need for enhanced security because the property is a corner lot, the close proximity of a bus stop near the property, part of 6-foot fence already existing on the property to promote security, the variance of 0.3 feet left side yard depth is *de minimis* 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. Teia Hill absent, that a variance of 0.3 feet left side yard depth and a Security Exemption for a fence over 4 feet in height in the side street front yard (abutting Laurel Bowie Road) in order to obtain a building permit to construct a 6-foot black aluminum fence on a corner lot on the property located at 14200 Laurel Bowie Road, Laurel, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance and Security Exemption is contingent upon development in compliance with the approved revised site plan, Exhibit 15 and approved elevation plan, Exhibit 3 (A).

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 27-3613(c)(10)(B) 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

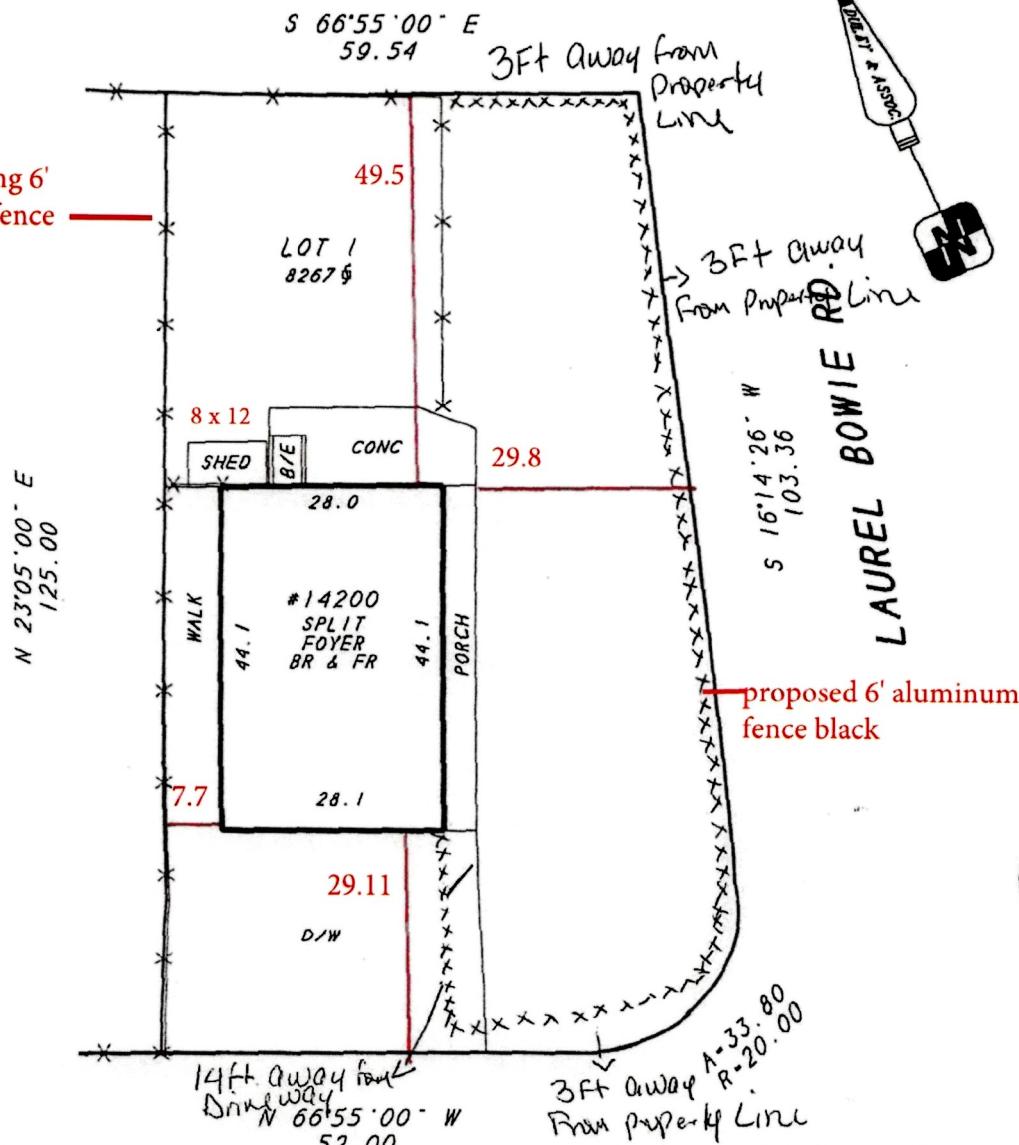
APPROVED

MAY 24 2023

D. Stone
ADMINISTRATOR

EXHIBIT
15
V-23-23

SNOW ACRES DR.



NOTE:
ENCROACHMENTS MAY EXIST.
A BOUNDARY SURVEY IS RECOMMENDED
TO DETERMINE THE EXACT LOCATION
OF IMPROVEMENTS. PLEASE SIGN:

FOR SURVEY ORDER/APPROVAL FORMS, PRICES & MORE VISIT US AT WWW.DULEY.BIZ

LOCATION DRAWING OF:

#14200 LAUREL BOWIE ROAD

LOT 1 BLOCK B

SECTION 1

SNOW HILL MANOR

PLAT BOOK 32 PAGE 19

PRINCE GEORGE'S COUNTY, MD

SCALE: 1"-20"

DATE: 9-16-10



CASE #

FILE # 104403-200
DRAWN BY: AD/AP

A LAND SURVEYING AND DESIGN COMPANY



HOUSE LOCATION SURVEYS
BOUNDARY SURVEYS - ALTA SURVEYS
TOPOGRAPHIC SURVEYS - SITE PLANS

14604 ELM STREET
UPPER MARLBORO, MD. 20772

PHONE: 301-888-1111
PHONE: 1-888-88-DULEY

FAX: 301-888-1114
FAX: 1-888-55-DULEY

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT THE EXISTING VISIBLE IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY ACCEPTED METHODS AND THAT THE IMPROVEMENTS APPEAR TO LIE WITHIN FLOOD ZONE C. A FLOOD CERTIFICATION IS RECOMMENDED TO DETERMINE THE EXACT FLOOD ELEVATION AND FLOOD ZONE. THIS SURVEY IS NOT TO BE USED AS A BASIS FOR THE ESTABLISHMENT OF ANY FENCE, 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, SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INSOFAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1". NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS 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 DISREPAIR OR MAY BE CONSIDERED 'TEMPORARY' MAY NOT BE SHOWN.



BOARD OF APPEALS

APPROVED MAY 24 2023

B. Stone
ADMINISTRATOR

EXHIBIT
3(A-B)

V-23-23

A