

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

---

**Meeting Date:** 5/16/2000

**Reference No.:** CB-17-2000

**Proposer:** County Executive

**Draft No.:** 1

**Sponsors:** Scott

**Item Title:** An Ordinance prohibiting the Board of Zoning Appeals from hearing a variance from requirement to fence a swimming pool

---

**Drafter:** Adele Connelly  
DER

**Resource** Thomas Matzen  
**Personnel:** DER

---

**LEGISLATIVE HISTORY:**

**Date Presented:** 3/14/2000

**Executive Action:** \_\_/\_\_/\_\_\_\_

**Committee Referral:** 3/14/2000 PZED

**Effective Date:** 8/14/2000

**Committee Action:** 5/10/2000 FAV

**Date Introduced:** 5/16/2000

**Public Hearing:** 6/27/2000 1:30 P.M.

**Council Action:** 6/27/2000 ENACTED

**Council Votes:** DB:A, JE:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

---

**PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**

DATE: 5/10/2000

Committee Vote: Favorable, 4-0 (In favor: Council Members Russell, Maloney, Scott and Wilson)

This legislation is proposed by the County Executive for the purpose of prohibiting the Board of Zoning Appeals from hearing variances to Section 27-424(a) of the Zoning Ordinance that requires fencing around outdoor swimming pools. Citizens who file appeals to the Board will still be required to construct the fence under the requirements of the County Building Code. The Executive's transmittal letter explains that it is unfair for citizens to spend the filing fee for the variance application to the Board of Zoning Appeals when they will still be required to construct the fence since the Building Code requirement cannot be waived.

The Office of Law determined that the bill is in proper legislative form. The Planning Board supports CB-17-2000. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting the legislation.

**BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

While current law authorizes the Board of Zoning Appeals to hear variances from Section 27-424(a) of the Zoning Ordinance which requires fencing around outdoor swimming pools, citizens who file appeals will still be required to construct the fence under the Building Code. The Building Code requirement cannot be waived. It is unfair for citizens to spend the filing fee for the appeal when they will still be required to erect the fence.

**CODE INDEX TOPICS:**