



# 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-2-24 David M. Kucharski

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 22, 2024.

**CERTIFICATE OF SERVICE**

This is to certify that on August 2, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink that appears to read "Barbara J. Stone".

Barbara J Stone  
Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting  
City of Bowie

**BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND**  
*Sitting as the Board of Zoning Appeals*

Petitioner: David M Kucharski

Appeal No.: V-2-24

Subject Property: Lot 9, Block 159, Chapel Forge at Belair Subdivision, being 3705 Media Lane, Bowie,  
Prince George's County, Maryland

Municipality: City of Bowie

Witness: Kathryn Barrett Gaines, Neighbor

Heard: March 27, 2024; Decided: May 22, 2024

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Carl Isler, Vice Chairman

Renee Alston, Member

Board Member Absent: Teia Hill, 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 27-3303 of the Zoning Ordinance, Petitioner requests that the Board approve a security exemption from Ordinance Section 27-6600(a), which 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 install a 6-foot fence in front of the house. A Security Exemption for a fence over 4 feet in height in the front yard (abutting Caswell Lane) is requested.

**Evidence Presented**

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

1. The property was subdivided in 1965, before the adoption of the Prince George's County Zoning Ordinance, contains 15,211 square feet, is zoned RSF-95 (Residential, Single-Family-95), and is improved with a single-family dwelling, driveway, shed, and existing fence. Exhibits (Exhs.) 2, 4, 7, 8, and 9 (A) thru (F).

2. The subject property is a corner lot with the legal front yard on Caswell Lane and Media Lane being the side street yard. The house is oriented toward Media Lane and has a small curved irregular shape. The property is located within the City limits of Bowie. Due to the current Zoning Ordinance not allowing the municipalities to grant a Security Exemption, the current code does provide the Board of Appeals the authority. Exhs. 2, 4, and 7.

3. Petitioner proposes to install a 6-foot fence in front of the house. A Security Exemption for a fence over 4 feet in height in the front yard (abutting Caswell Lane) is requested. Exhs. 2, 4, 7, 8, and 9 (A) thru (F).

4. Mr. Kucharski testified that his property is an unusually shaped corner lot. On the property, they currently have a 4-foot fence that is abutting up against the Caswell Lane side of the house. The Petitioner understands that the County official recognizes this as the front yard. But for all practical purposes, this area serves and functions as the backyard. He would like to replace the existing 4-foot fence with a 6-foot

privacy fence in order to provide some much-needed privacy in the backyard. He has checked with the City of Bowie Code Office, and they said that this would definitely be in compliance with their codes. They did write a memorandum that supports this proposal. The City of Bowie suggested that he pursue the Security Exception and permit with the County. Exhs. 2, 3 (A) thru (B), and 5 (A) thru (E).

5. He further stated that the 6-foot fence will be in the exact location as the existing 4-foot fence and will not block the view of any site lines. All other fence lines on his property are already 6 feet in height. There would be a 6-foot gate near the garage at the sidewalk.

6. Petitioner has submitted the memorandum stating the Bowie City Council adopted revisions to fence setback requirements on April 17, 2023. The changes were approved by Prince George's County Council on May 16, 2023, and took effect on June 16, 2023. In the case of 3705 Media Lane, Bowie, the amendment allows the location of the existing fence to be in compliance with the City of Bowie Code. Exh. 11.

7. Kathryn Barrett-Gaines testified that she was curious about the variance and only wanted to make sure the fence would not be a fence that is outside the character of the neighborhood. She believes that this proposal would not be out of the character of the neighborhood.

8. Mr. Kucharski noted that the fence panels will be gray, as Exh. 3 (A) shows. In Exh. 2(B), this latticework will be placed on top of the fence. The lattice and the posts will all be white.

9. Ms. Barrett-Gaines stated that she is aware of the color scheme. She was more concerned with the location as, in most lots, the 6-foot fence is in the rear of the property, but she understands due to the orientation of the house on the lot, she believes that he is reasonably putting the fence in his "backyard": however, is the legal front of his property. Ms. Barrett-Gaines asked Mr. Kucharski why the 4-foot fence had been installed originally.

10. Mr. Kucharski responded that the 4-fence was existing when the property was purchased. The 4-foot fence has been up for 20 years and is in need of replacement, so while the fence has to be replaced, he would finally like to have privacy. New landscaping will be installed as well. The old pine trees were dangerous and caused disruption on the property.

11. He further questioned whether it would be acceptable to move the fence from the corner of the house, possibly 2 feet to the right, closer to the garage door. Administrator Stone noted that it would not be a problem unless the City had an issue. However, the site plan already shows the "x" in that area, and these are the plans we sent to Bowie.

Ms. Alston made a Motion to Approve V-2-24. Attorney Ellis Watson noted that we are still waiting for information from the City of Bowie for the revised plans. We may want to Continue the record. Madam Chair requested that Mr. Kucharski obtain a revised letter from the City.

A Substitute Motion was made by Mr. Isler to hold the Record Open for additional documentation. The motion was seconded by Madam Chair. Motion carried 3/0. (Mack, Isler, and Alston)

On April 10, 2024, the record was scheduled to be heard as a Discussion/Decision item. Due to Ms. Alston being absent at this hearing and Ms. Hill being absent from the March 27, 2024, hearing. The Discussion/Decision items have been deferred these items until April 24, 2024. No vote is necessary per Madam Chair.

On April 24, 2024, the record was heard as a Discussion/Decision item. A Motion was made by Madam Chair to Hold the Record Open for the revised letter from Bowie. A Substitute Motion was made seconded by Ms. Hill. Madam Chair called for Discussion.

1. Mr. Kucharski submitted a revised letter (without a date) accepting the fence proposal to move the fence closer to the garage.

Prior Motion to Hold Open for additional information carried 3/0. (Mack, Isler, and Hill)

On May 8, 2024, the record was heard as a Discussion/Decision item. It was determined that the dated letter from Bowie had not been submitted.

A Motion was made by Madam Chair to Hold the Record Open for the dated letter. Seconded by Ms. Alston. Motion carried 4/0. (Mack, Isler, Alston, and Hill)

On May 22, 2024, the record was heard as a Discussion/ Decision item.

1. The Board read the revised letter with the date of May 20, 2024. Exh. 17.

#### Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested Security Exemption complies with the applicable standards set forth in Section 27-6600(a), more specifically:

Due to the unusual and unique curved shape of the corner lot and the orientation of the house on the lot, 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 security exemption for a fence over 4 feet in height in the front yard (abutting Caswell Lane) in order to install a 6-foot fence in front of the house on the property located at 3705 Media Lane, Bowie, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the Security Exemption is contingent upon development in compliance with the approved site plan, Exhibit 2, and approved elevation plans, Exhibits 3 (A) thru (B).

#### BOARD OF ZONING APPEALS

By:



\_\_\_\_\_  
Bobbie S. Mack, Chairperson

#### APPROVED FOR LEGAL SUFFICIENCY

By:



\_\_\_\_\_  
Ellis Watson, Esq.

#### 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, 27-3613(c)(10)(B) of the Prince George's County Code states:

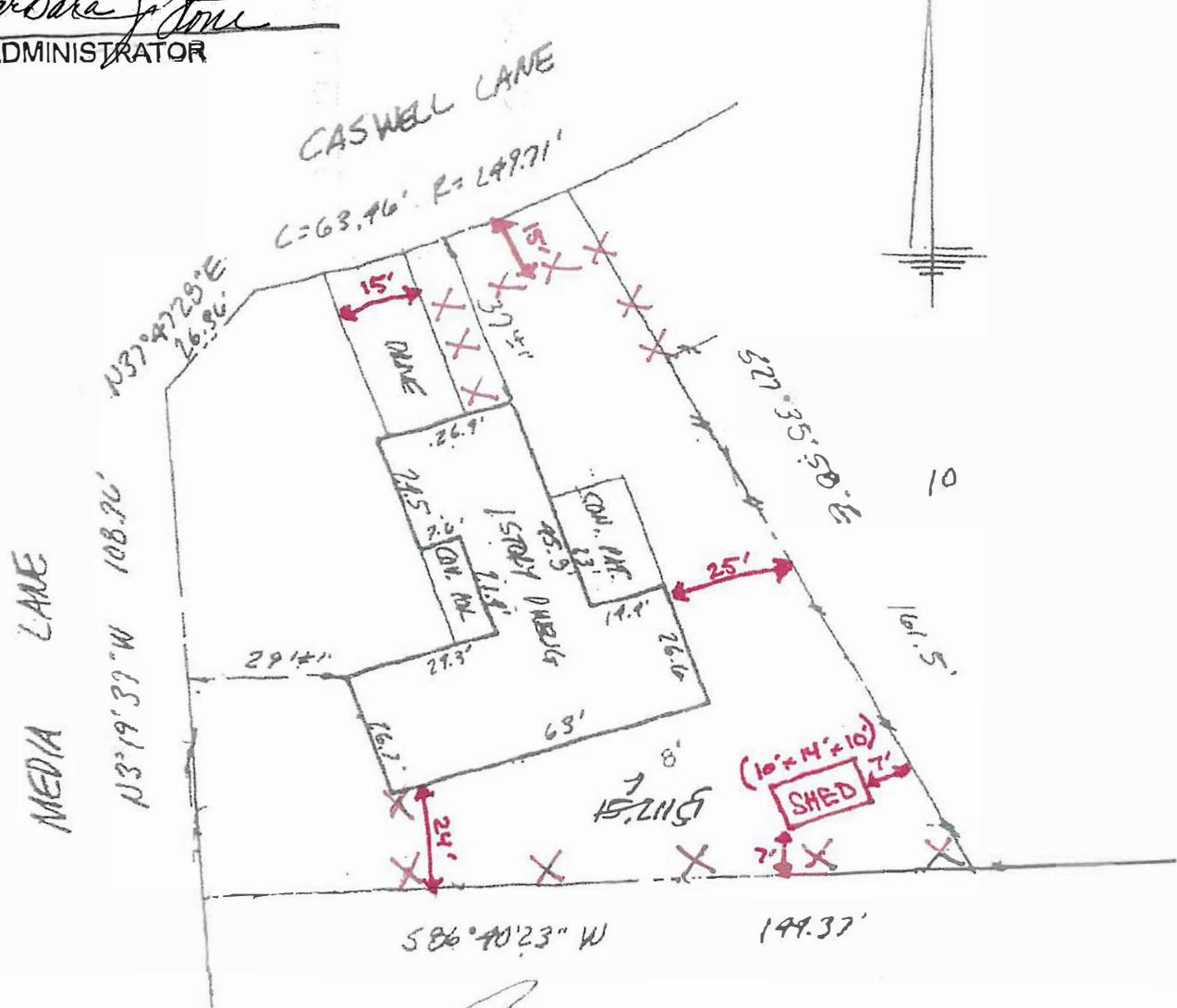
A decision of the Board, permitting the erection of a building or structure shall not be valid for more than two (2) years unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

## BOARD OF APPEALS

APPROVED MAY 22 2024

*Barbara J. Stone*

ADMINISTRATOR



The Maryland-National Capital  
Park and Planning Commission

APPROVED

## Notes:

- 1) This plot is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
- 2) This plot is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- 3) This plot does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.
- 4) No title report furnished.

Certification: This is to certify that the improvements indicated  
hereon are located as shown.

NOTE: THIS PROPERTY LIES  
IN FLOOD ZONE C. AN AREA  
OF MINIMAL FLOODING, AS  
DELINEATED ON THE MAPS  
OF THE NATIONAL FLOOD  
INSURANCE PROGRAM

EXH. # 2  
V-2-24



*Bethany Aragona*  
GRADEN A. ROGERS - Prop. L.S. MD. Lic. No. 119

LIBER.	LOT	BLOCK	FOLIO	SECT.	PLAT
	9	154		66	
PLAT ENTITLED		CHATEL PARCE AT BOATL			
RECORDED IN		PHAGL. GEORGES CO.			
PLAT BOOK	55		71		MD.

3705 MEDIA LANE  
SCALE 1" = 20' CASE NO. C9808067  
DATE, 8-29-1998 JOB NO. MSCP067



