



# 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-21-24 Christopher and Jeanie Brown

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 8, 2024.

## **CERTIFICATE OF SERVICE**

This is to certify that on August 15, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Barbara J Stone", is written over a horizontal line.

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***

Petitioners: Christopher and Jeanie Brown

Appeal No.: V-21-24

Subject Property: Lots 34 and 35, Block 57, Bradbury Heights Subdivision, being 4311 Quinn Street, Capitol Heights, Prince George's County, Maryland

Heard: April 24, 2024; Decided: May 8, 2024

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Carl Isler, Vice Chairman  
Teia Hill, Member

Board Member Absent: Renee Alston, 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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e)(2) prescribes that each lot shall have a minimum net lot area of 6,500 square feet, minimum width of 65 feet measured along the front building line and 52 feet measured along the front street line, a maximum lot coverage of 35%, a minimum front yard depth of 25 feet, a minimum side yard width of 8 feet, and a minimum rear yard depth of 20 feet. Petitioners propose to obtain a building permit for the construction of a proposed 6-foot vinyl fence, an 8-foot vinyl fence, and a 15.33' x 18' one-story addition. Variances of 2,500 square feet net lot area, 25 feet lot width, 12 feet lot frontage, 7.6% lot coverage, 7 feet front yard depth, and 4 feet side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1908, contains 4,000 square feet, is zoned RSF-65 (Residential, Single Family-65), and is improved with a single-family dwelling, driveway, covered front porch, patio, rear screened porch, 4-foot chain link fence and shed. Exhibits (Exhs.) 2, 3, 6, 10, 11, and 12 (A) thru (F).
2. The subject lot consists of two rectangular lots, being long (100 feet) and narrow (40 feet). Exhs. 3 and 6.
3. Petitioners propose to obtain a building permit for the construction of a proposed 6-foot vinyl fence, an 8-foot vinyl fence, and a 15.33' x 18' one-story addition. Variances of 2,500 square feet net lot area, 25 feet lot width, 12 feet lot frontage, 7.6% lot coverage, 7 feet front yard depth, and 4 feet side yard width are requested. Exhs. 2, 3, 6, 10, 11, and 12 (A) thru (F).
4. Petitioner Christopher Brown testified that they wish to install an 8-foot fence along the rear property line. Behind the property, it was a wooded area, and many of the trees were dangerous. All of the trees were removed, and now you can see that there is an elevation change. The homes behind the subject property are at a much higher elevation. From the street view and from the neighbors, you can clearly see into the yard. They feel that an 8-foot fence will provide privacy. On each side of the property lines, they would like to install a 6-foot fence to stop at the front of the house. Exhs. 2, 3, 4 (A) thru (C), 5, 7 (A) thru (N), 8 (A) thru (C).

5. Mr. Brown continued that the addition is needed due to his own mobility issues and some of his family members' mobility needs. They need the additional space for wheelchair maneuverability. The addition is only a one-story addition. The screened porch will be removed. Exhs. 2, 3, 4 (A) thru (C), 5, 7 (A) thru (N), 8 (A) thru (C).

6. Board Member Isler questioned the Petitioner about whether they believe the 8-foot fence will actually provide the privacy they desired. Mr. Brown stated that he did want something extensive. He figured that 8 feet would not be a problem for anyone. They are getting older, and although the fence would not completely block views, it would provide some privacy. People used to hop the fence and use it as a thruway to come through the yard. This will also provide some security. Exhs. 2, 3, 4 (A) thru (C), 5, 7 (A) thru (N), 8 (A) thru (C).

Chair Mack made a Motion to Take this Under Advisement. The motion was seconded by Vice Chair Isler. Motion carried 3/0. (Mack, Isler, and Hill)

On May 8, 2024, the record was heard as a Discussion/Decision item.

1. The Board found that the property does not meet the criteria. The lot is not physically unique and unusual in a manner different from the nature of the surrounding properties.

#### 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 does not comply with the applicable standards set forth in Section 27-3613(d), the Board recognizes that **ALL** criteria must be adhered to in order to grant a variance; however, the specific criterion that was not met is as follows:

1. The Board found that the subject property does not meet the criterion of the property being physically unique and unusual in a manner different from the nature of the surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary condition peculiar to the specific parcel.

BE IT THEREFORE RESOLVED, unanimously, that variances of 2,500 square feet net lot area, 25 feet lot width, 12 feet lot frontage, 7.6% lot coverage, 7 feet front yard depth, and 4 feet side yard in order to obtain a building permit for the construction of a proposed 6-foot vinyl fence, an 8-foot vinyl fence, and a 15.33' x 18' one-story addition on the property located at 311 Quinn Street, Capitol Heights,, Prince George's County, Maryland, be and is hereby DENIED.

## BOARD OF ZONING APPEALS

By: Bobbie S. Mack  
Bobbie S. Mack, Chairperson

## APPROVED FOR LEGAL SUFFICIENCY

By: Ellis Watson  
Ellis Watson (Jul 30, 2024 16:08 EDT)  
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, Section 27-3613(c)(10)(B) of the Prince George's County Code states:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.