



# 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-19-24      Keisha Clarke

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 September 19, 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  
      Mid-Atlantic Fence, Contractor

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

Petitioners: Keisha Clarke

Appeal No.: V-19-24

Subject Property: Lot 13, Block F, Equestrian Estates being 10000 Preakness Drive, Upper Marlboro,  
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(c) prescribes that each lot shall have a minimum net lot area of 20,000 square feet, and a minimum width of 70 feet measured along the front street line. Section 27-6603(a) prescribes that on corner lots, fences in the front yard or side street yard shall not be more than four (4) feet high without the approval of a variance. The Petitioner proposed to validate existing conditions (lot size and lot frontage) and obtain a building permit to construct a 6-foot vinyl fence. Variances of 8,510 square feet net lot area, 2 feet lot frontage, and a security exemption plan for a fence over 4 feet in height in the front yard (abutting Meadow Lark Avenue) are requested.

Evidence Presented

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

1. The property was subdivided in 1999, contains 11,490 square feet, is zoned RR (Residential, Rural), and is improved with a single-family dwelling, driveway, open deck, and shed. Exhibits (Exhs.) 2, 4, 7, 8, and 9 (A) thru (F).
2. The subject lot is a uniquely shaped corner lot, with Meadow Lark Avenue being the legal front yard, which creates a narrow rear yard. Exhs. 2 and 4.
3. The Petitioner proposed to validate existing conditions (lot size and lot frontage) and obtain a building permit to construct a 6-foot vinyl fence. Variances of 8,510 square feet net lot area, 2 feet lot frontage, and a security exemption plan for a fence over 4 feet in height in the front yard (abutting Meadow Lark Avenue) are requested. Exhs. 2, 4, 7, 8, and 9 (A) thru (F).
4. Petitioner Keisha Clarke testified that she would like to replace her 4-foot fence with a 6-foot site-tight fence, which will enclose her back and side yards. The fence is needed for security and privacy from adjacent neighbors and surrounding activities occurring in the neighborhood. Exhs. 2 and 3.
5. Madam Chair questioned why the fence could not begin at the rear corner of the house. The Petitioner stated that the rear yard is very narrow and shaped akin to a bowling alley. So, in order to maximize the space, she would like the Board to grant her the ability to have a 6-foot fence in the area indicated on the site plan. In addition, for security reasons, she has had landscaping stolen, and people jump

over her fence to use her son's play area. The fence will provide additional security. Exhs. 2, 3 and, 5 (A) thru (F).

6. The Equestrian Estates Homeowners Association (HOA) Architectural Review Board has approved the proposal. (Dated: January 28, 2022). Madam Chair is concerned as the letter is two years old, and ask the Petitioner to provide an updated letter. Exhs. 10.

7. Madam Chair suggested to the Petitioner that the site plan must be revised to show the exact location of the proposed fence. The site plan indicates the fence will connect with the front corner of the house, although the Petitioner states it will connect behind the trash enclosure.

Chair Mack made a Motion to Hold the record open for an updated HOA letter. Second 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 Petitioner submitted a revised site plan that moved the fence connection to the house back behind the trash can enclosure and provided an updated HOA letter.

2. Case Reviewer Celeste Barlow noted that although the Petitioner was having trouble contacting the HOA, she did submit a screenshot of the HOA approval and the revised site plan. Exhs. 10 and 17.

3. Vice Chair Isler noted that the site does meet the criteria to grant a variance.

#### 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 complies with the applicable standards set forth in Section 27-3613(d), more specifically:

The Board determined that the Petitioner's narrow corner lot caused her property to be physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness and exceptional topographic conditions. Further, the particular uniqueness and peculiarity found on the Petitioner's property of Meadow Lark Avenue being her legal front yard would cause a zoning provision to impact disproportionately upon the property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner. Additionally, the Board determined that the variance is the minimum reasonably necessary to overcome the exceptional physical conditions on the property. Also, the record supports that the 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 Petitioner's property. Lastly, the Board heard no evidence that the variance would substantially impair the use and enjoyment of adjacent properties, and the practical difficulty is not self-inflicted as the Petitioner did not begin construction of the fence on her property.

BE IT THEREFORE RESOLVED, **by a vote of 3-0<sup>1</sup>**, that variances of 8,510 square feet net lot area, 2 feet lot frontage, and a security exemption plan for a fence over 4 feet in height in the front yard (abutting Meadow Lark Avenue) in order to validate existing conditions (lot size and lot frontage) and obtain a building permit to construct a 6-foot vinyl fence on the property located at 10000 Preakness Drive, Upper Marlboro, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 16, and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:



Bobbie S. Mack, Chairperson

APPROVED FOR LEGAL SUFFICIENCY

By:



Ellis Watson (Sep 19, 2024 15:00 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.

<sup>1</sup>. On April 24, 2024, Ms. Alston was not present at the Board Hearing; however, she reviewed the record before voting on May 8, 2024.

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 - 8 2024

*Barbara J. Jones*  
ADMINISTRATOR

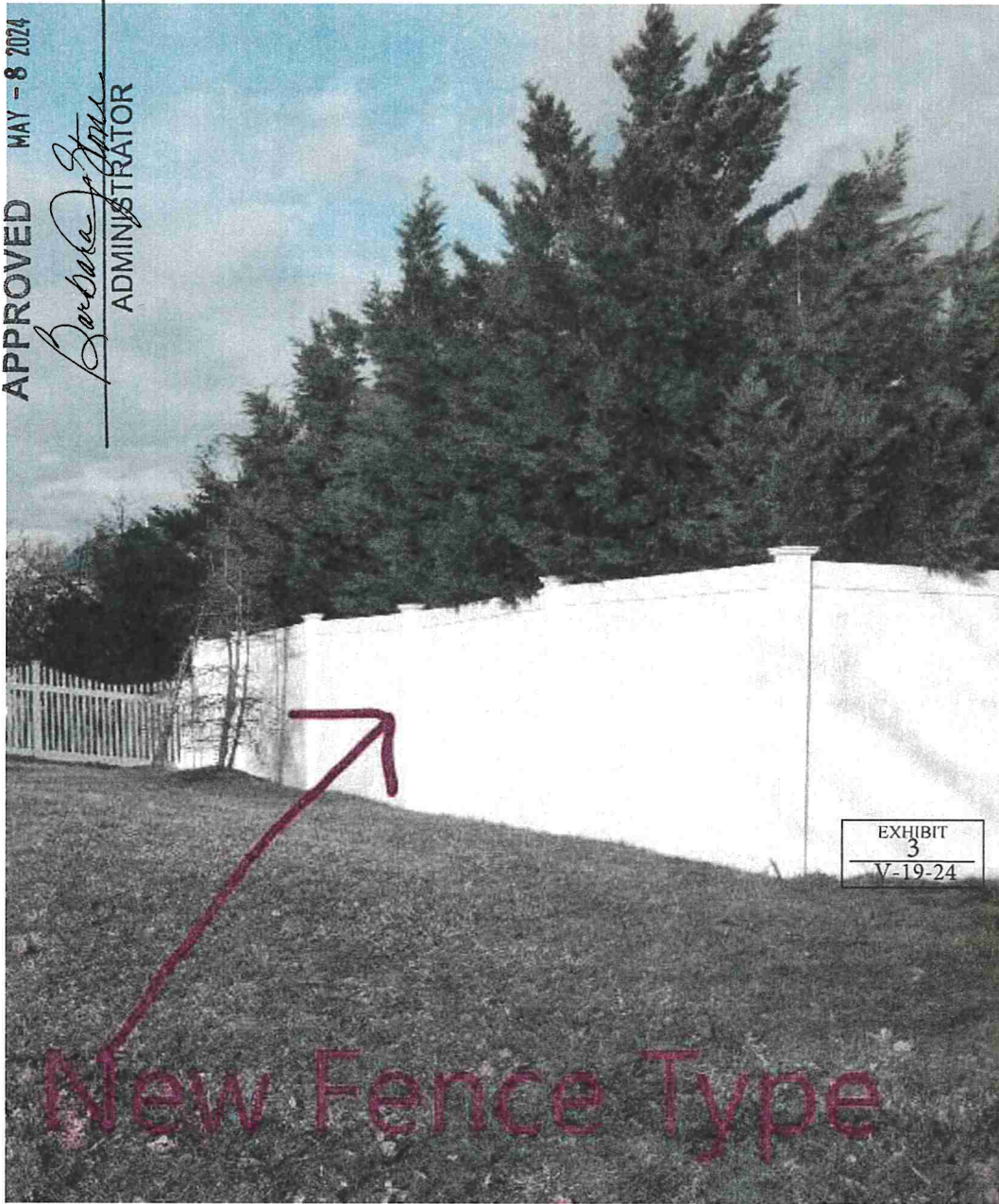


EXHIBIT  
3  
V-19-24

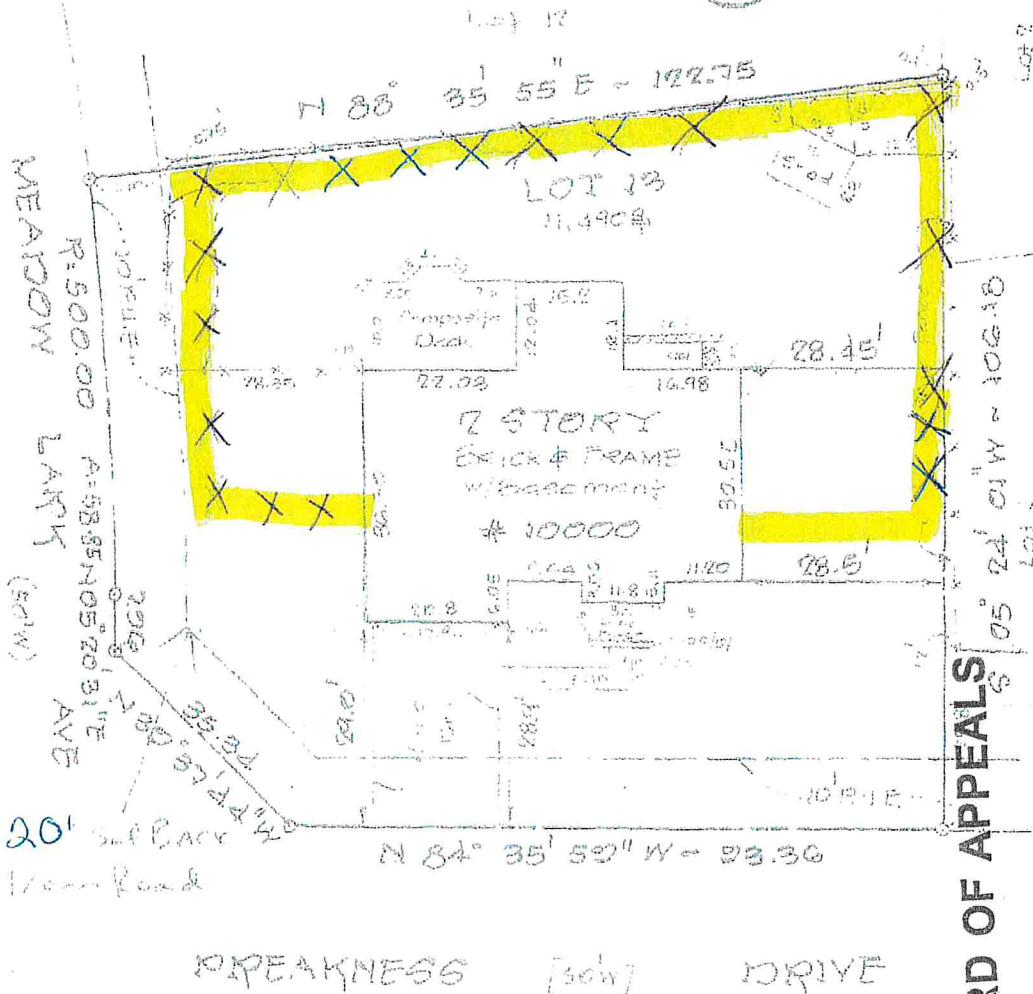


LOCATION DRAWING

LOT 13, BLOCK "F", PLAT TWO  
EQUESTRIAN ESTATES

PLAT BOOK VI 186 & PLAT NO. 45  
15<sup>TH</sup> ELECTION DISTRICT  
PRINCE GEORGE'S COUNTY, MD.

SCALE: 1"=70'



SURVEYOR'S CERTIFICATE:

I hereby certify that the position of the existing improvements on the above described property has been established by a field survey and that, unless otherwise shown, there are no visible encroachments, if any.

This location drawing is not to be relied on for establishing boundary lines.

Dated 12<sup>th</sup> January 2022

I hereby certify that I have carefully surveyed the report as shown by this plat and Permanent Survey Markers are in place as shown.

WLM

NOTES: Location drawing does NOT include zoning.  
Permanent Survey Markers at property corners.  
NO TITLE REPORT FURNISHED

PLAT SUBJECT TO RESTRICTIONS & EASEMENTS  
OF RECORD OR OTHERWISE



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REGISTRATIONS  
MD # 10843  
DCLS # 900860

APPROVED MAY - 8 2024

*Barbara J. Jone*  
ADMINISTRATOR

EXHIBIT  
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V-19-24