



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-26-24 5271 Temple Hills LLC

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: June 20, 2024.

CERTIFICATE OF SERVICE

This is to certify that on September 25, 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
Alicia Hines, Contractor

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

Petitioner: 5271 Temple Hills LLC

Appeal No.: V-26-24

Subject Property: Lot 24, Block L, Temple Hills Park Subdivision, being 5271 Temple Hill Road, Temple Hills, Prince George's County, Maryland

Attorney for the Petitioner: Diane Mosley, Esq.

Witnesses: Quadri Oridedi, Principle of Temple Hills LLC

Olu Akinola, Co-owner of Temple Hills LLC

Alicia Hines, Builder

Heard: May 22, 2024; Decided: June 20, 2024

Board Members Present and Voting: Bobbie S. Mack, Chair¹
Wm. Carl Isler, Vice Chair
Renee Alston, Member
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 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, Petitioner requests that the Board approve a variance from Section 27-4202(d)(2) prescribes that each lot shall have a minimum width of 75 feet measured along the front building line (lot width) and 60 feet measured along the front street line (lot frontage.) The Petitioner proposes to obtain a building permit for the construction of a single-family home and driveway. Variance of 18-foot lot width and 3 feet lot frontage at the front street line are requested.

Evidence Presented

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

1. The property was subdivided in 1954, contains 10,013 square feet, is zoned RSF-95 (Residential, Single-Family - 95) on a vacant lot. Exhibits (Exhs.) 2, 3, 4, 8 (A) thru (F), and 9.
2. The subject lot has a unique hilly and steep topography with sharp slopes on the right side of the property. (Exhs. 2, 5 (A) thru (D), and 8 (A) thru (F).
3. The Petitioner proposes to obtain a building permit to construct a single-family home and driveway. Exhs. 2 and 3.
4. The Builder, Alicia Hines, testified on behalf of Temples Hills LLC that the need for a variance is due to the property being 3 ft. short of street frontage and 18 ft. short of lot width per the Prince George's County Zoning Ordinance.
5. Further Ms. Hines testified that new construction for the site has preliminary approval from the Department of Permitting, Inspection, and Enforcement (DPIE).

¹ Chair Mack was present and voted at the May 22, 2024, Board Hearing. Chair Mack was not present at the June 20, 2024, Board Hearing.

6. Also, Ms. Hines articulated in her testimony that the uniqueness of the property being sloped and hilly on the right side would essentially prohibit construction of a single-family home on the property.

7. Ms. Hines included testimony that the Petitioner's request is in harmony with *Plan Prince George's 2035* General Plan to invest in the community, support development, reduce crime and provide new resources of property taxes.

8. The Principle, Mr. Oridedi, and the co-owner, Mr. Akinola, testified that the Limited Liability Corporation (LLC) has expended tremendous resources to clear and clean the lot during ownership of the property. Also, it is the intent of the LLC to build affordable housing for the neighborhood.

9. Vice Chair Isler asked the Petitioner if the property was in the boundaries of a Homeowner's Association (HOA), and Ms. Hines stated it is not.

10. Chair Mack made the Motion to Hold Open to submit a Statement of Justification. Second by Vice Chair Isler. Motion carried 4-0 (Mack, Isler, Alston, and Hill).

11. Meeting convened on June 20, 2024, as a "Discussion/Decision" item. The Board received the Statement of Justification from the Petitioner.

12. Vice Chair Isler made the Motion to Approve V-26-24 and Second by Board Member Hill. Motion carried 3-0 (Isler, Alston, and Hill).

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.

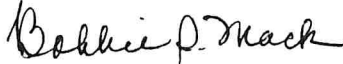
Findings of the Board

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 through the evidence presented in the record that the Petitioner's property is physically unique and unusual in a manner different from the nature of the surrounding properties due to it being a narrow lot with steep slopes. Further, the particular uniqueness and peculiarity found on the Petitioner's property causes a zoning provision to impact disproportionately on the property, and strict application of the provision would prohibit development of a viable home on the property. Additionally, the Board determined that there is evidence in the record to support that this variance is the minimum reasonably necessary to overcome the exceptional physical conditions found on the property. The Board heard and accepted testimony that this 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 property. Lastly, there is no evidence in the record that this variance would impair the use and enjoyment of the adjacent properties, and the practical difficulty is not self-inflicted as the owner is awaiting approval before beginning construction.

BE IT THEREFORE RESOLVED, **by a 3-0 vote**, Ms. Mack absent, that a building permit for the construction of a single-family home and driveway on the property located at 5271 Temple Hill Road, Temple Hills, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: 
Bobbie S. Mack, Chairperson

APPROVED FOR LEGAL SUFFICIENCY

By: 
Ellis Watson (Sep 25, 2024 09:35 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:

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.

EXISTING CONDITION AND PROPOSED CONDITION PLAN

5271 TEMPLE HILL RD, TEMPLE HILLS, MD 20748



VICINITY MAP

SCALE: N/A

SHEET INDEX	
1	EXISTING CONDITION AND PROPOSED CONDITION PLAN
2	SITE DEVELOPMENT CONCEPT DRAINAGE AREA MAP

GENERAL NOTES	
1.	The boundary information shown hereon and existing topography is provided by other Land Surveys.
2.	Any underground utilities information shown hereon is taken from available records. The contractor must determine the location and elevation of all existing utilities shown on plans and as identified by field marking. Field marking is to be conducted by M&E Utility (410)251-7777 prior to trenching. If a conflict is encountered the site manager is to be notified prior to proceeding with construction.
3.	All trees shown and cross over elevations must be verified prior to start of work.
4.	Contractor is responsible for removing structures, concrete foundations, and portions of sidewalks necessary to prepare site for construction of improvements shown hereon. The contractor is to ensure any live utilities are marked before removal.
5.	It shall be distinctly understood that failure to specifically mention any work which would normally be required to complete the project shall relieve the contractor of his responsibility to perform such work.
6.	All work shall comply with applicable provisions of the Maryland Standards and Specifications for Soil Erosion and Sediment Control.

SITE NOTES	
1.	Site Address: 5271 TEMPLE HILL RD, TEMPLE HILLS, MD 20748
2.	Site Zoning: RSF-95
3.	Setbacks: Front - 25'; Sides - 8'; Rear - 20'
4.	Lot Coverage: 9.74%; Allowed Coverage 30%
5.	New Foundation Measures: 975.5 SF
6.	House Height Above Grade - See Architectural Plans
7.	Minimum Lot Width at front Building Line and Front Street Line: 75'
8.	Property Platted
9.	The Limit of Disturbance is 4777.5 SF.

General Information Table		
Layer Category	Layer Name	Value
Zone	Zoning (Zone)	RSF-95
Zone	Aviation Policy Area (APA)	N/A
Administrative	Tax Grd (TMG)	0979C2
Administrative	WSSC Grd (Sheet 20)	2078E04
Administrative	Policy Analysis Zone (PAZ)	-
Administrative	Planning Area (Plan Area)	11008.3 A.C.
Administrative	Election District (ED)	12
Administrative	Councilman District (CD)	8
Administrative	General Plan 2002 Tier (Tier)	DEVELOPED
Administrative	Traffic Analysis Zone (COG) (TAZ-COG)	805
Administrative	PQ Traffic Analysis Zone (TAZ-PQ)	8034

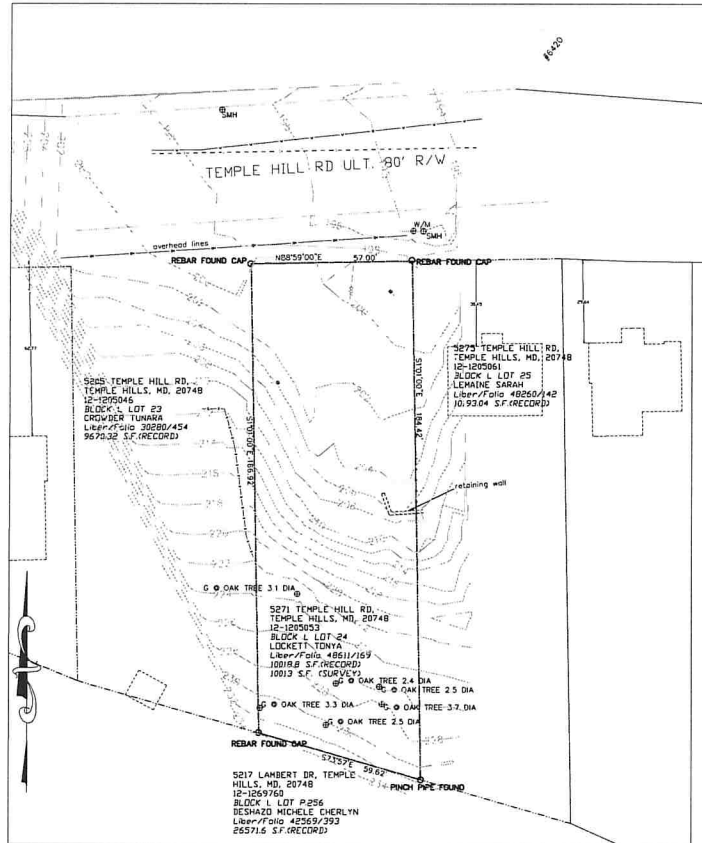
SOIL NOTES	
MAP UNIT SYMBOL	MAP UNIT NAME
C&E	Common Mass complex, 15 to 25 percent slopes

EXISTING CONDITION AND PROPOSED CONDITION PLAN

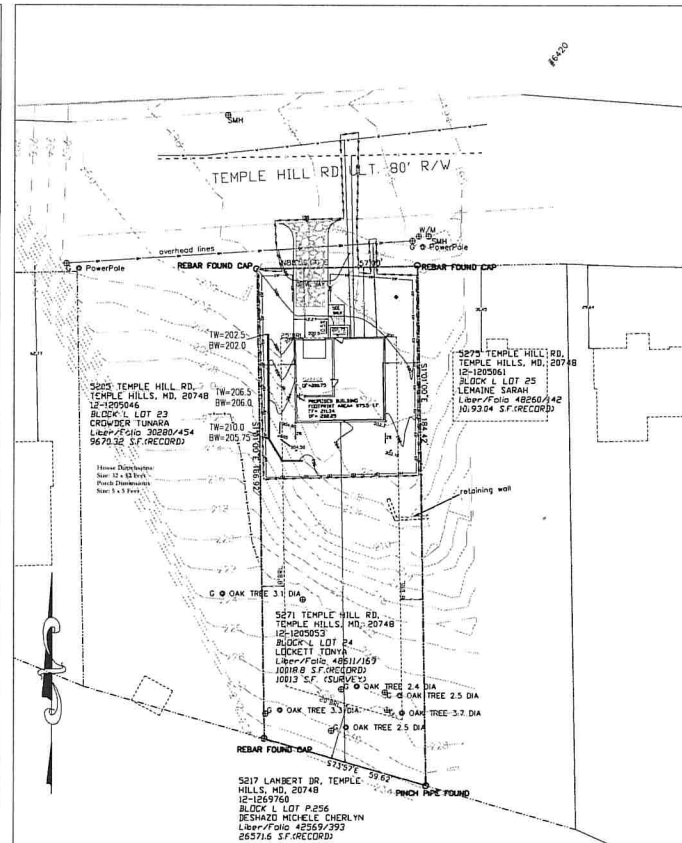
ZONE: RSF-95 TAX ID #: 12-1205053 TAX MAP: 0979C2 LOT 24, BLOCK 1 PRINCE GEORGES COUNTY, MARYLAND WSSC GRID: 2078E04 ELECTION DISTRICT 12	5271 TEMPLE HILL RD, TEMPLE HILLS, MD, 20748 OWNER / APPLICANT 5271 Temple Hills LLC 1400 Winner Pine Trail Severn, MD, 21144 Phone: (301)523-8781 Email: alet18.ah@gmail.com
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	RAZTEC ASSOCIATES, INC. civil engineers & planners 14513 Emory Park, Tel: (301) 775-4394 Monrovia, MD, 21770 email: m.raztec@raztecengineers.com	
	PROFESSIONAL REVIEW STATEMENT: I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A QUALIFIED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NUMBER 22742 EXPIRES: JUNE 25, 2024	
DRAWN BY: GF CHECKED BY: MR	DATE 11/14/2023	SCALE 1" = 20'

SHEET NUMBER
1 of 2



1 EXISTING CONDITION PLAN
SCALE: 1"=20'



2 PROPOSED CONDITION PLAN
SCALE: 1"=20'

BOARD OF APPEALS

APPROVED JUN 20 2024

ADMINISTRATOR

EXHIBIT
2

V-26-24

REV#	DATE

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BOARD OF APPEALS

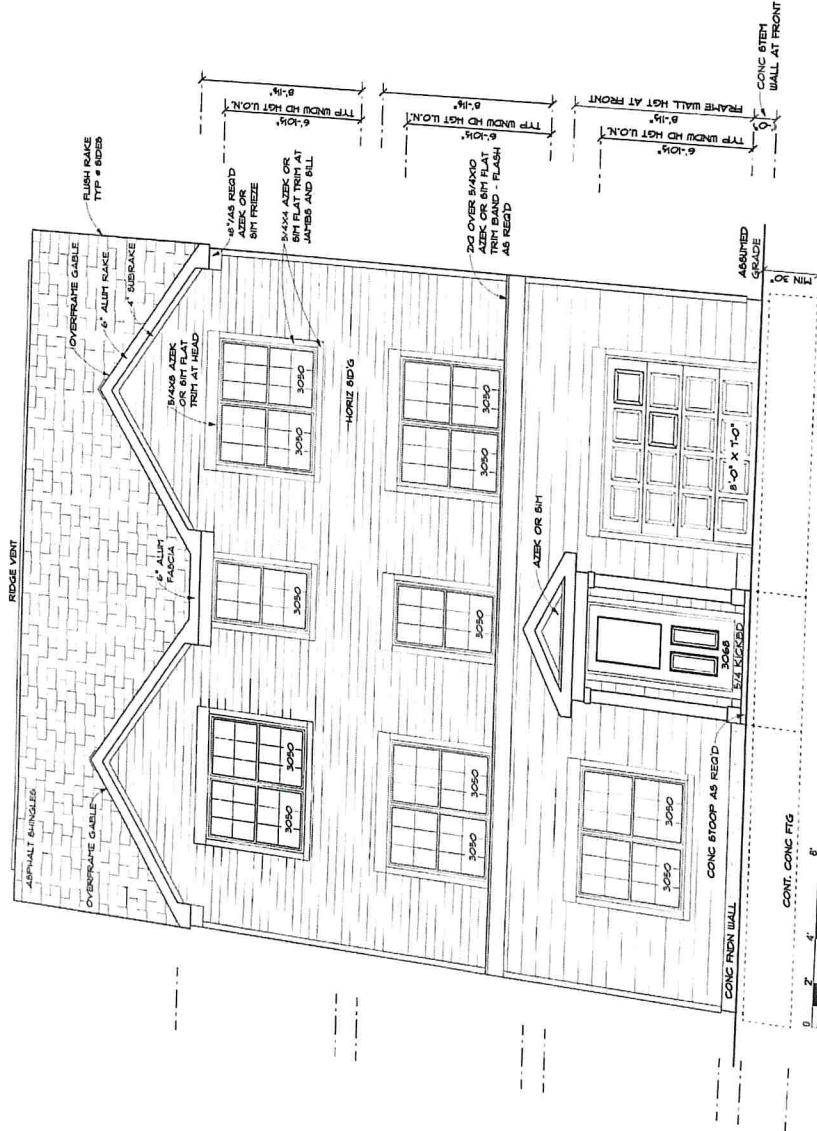
APPROVED JUN 20 2024

Barbara J. Jones
ADMINISTRATOR

EXHIBIT

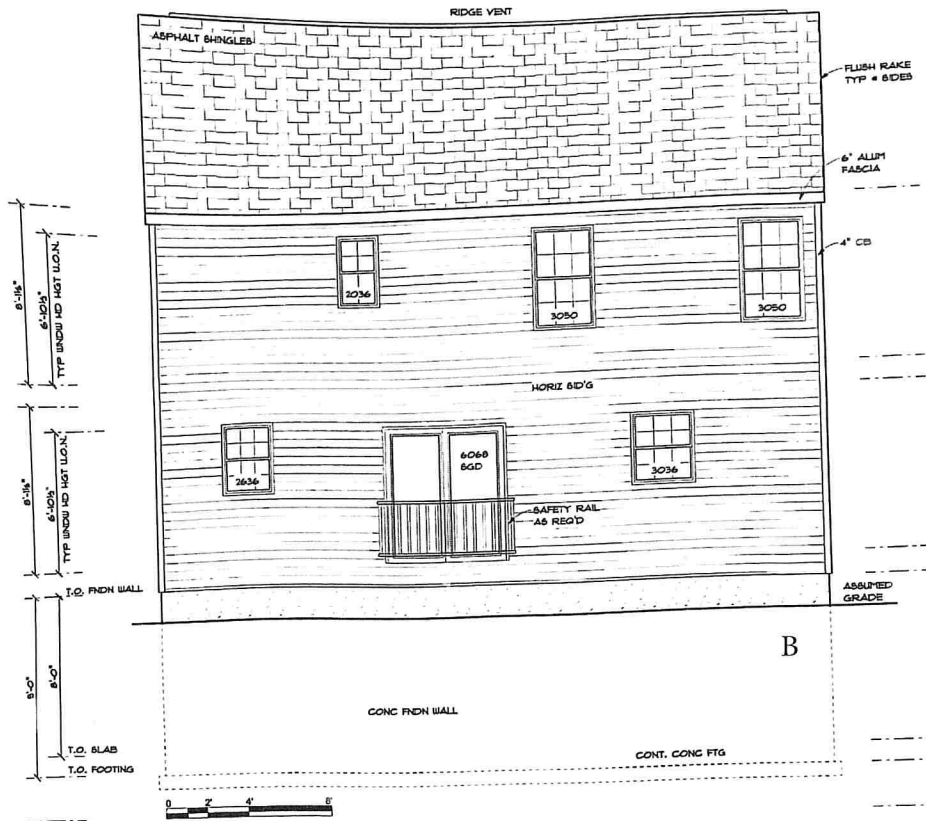
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V-26-24

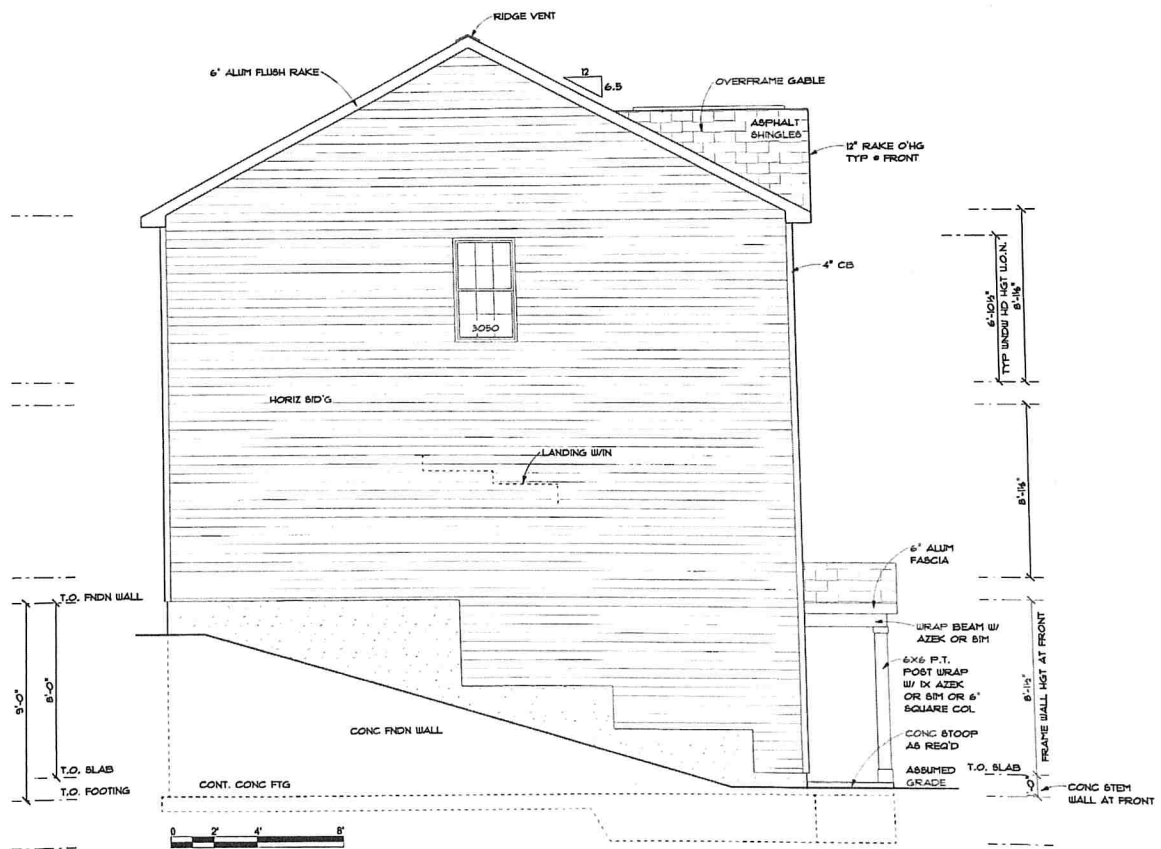


Front Elevation at Partial In-Ground Condition
SCALE: 1/4" = 1'-0"

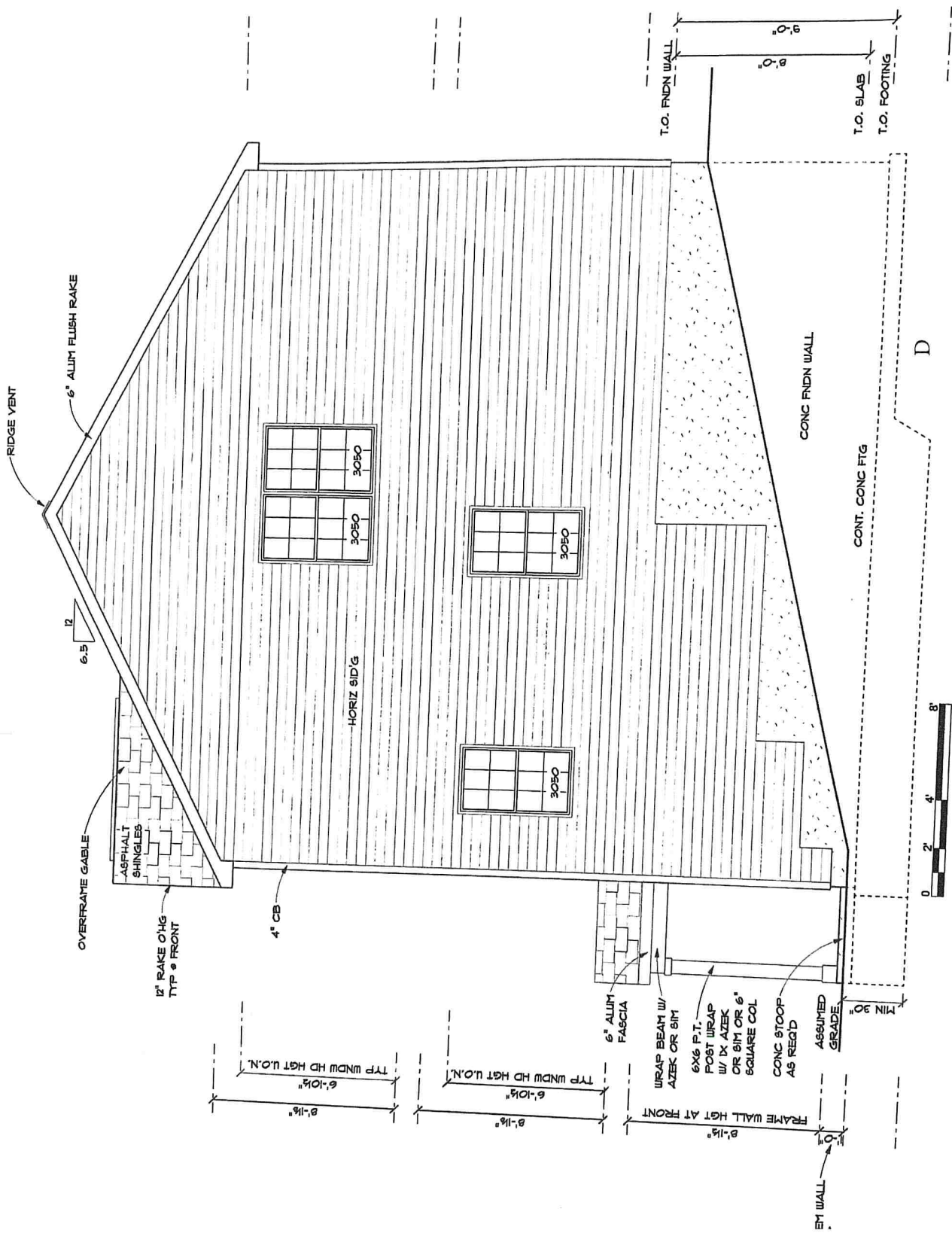
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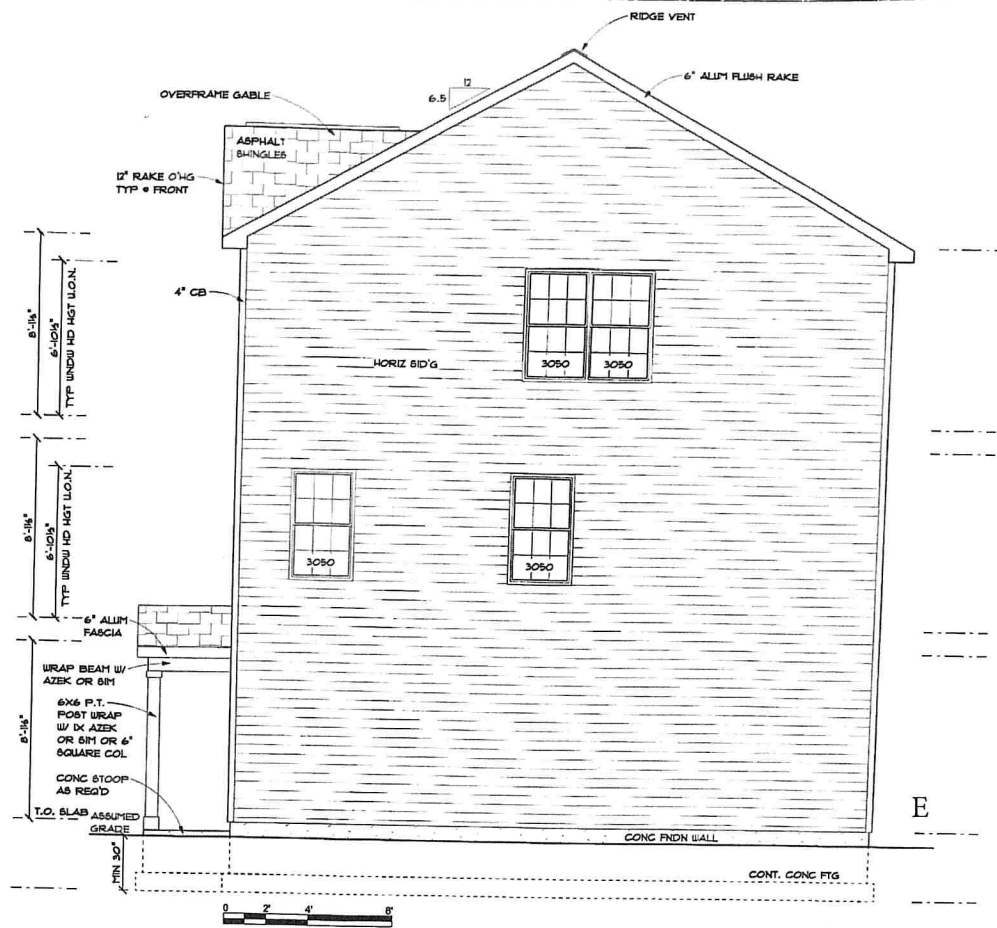
Rear Elevation at Partial In-Ground Condition
SCALE: 1/4" = 1'-0"



Left Elevation at Partial In-Ground Condition
SCALE: 1/4" = 1'-0"



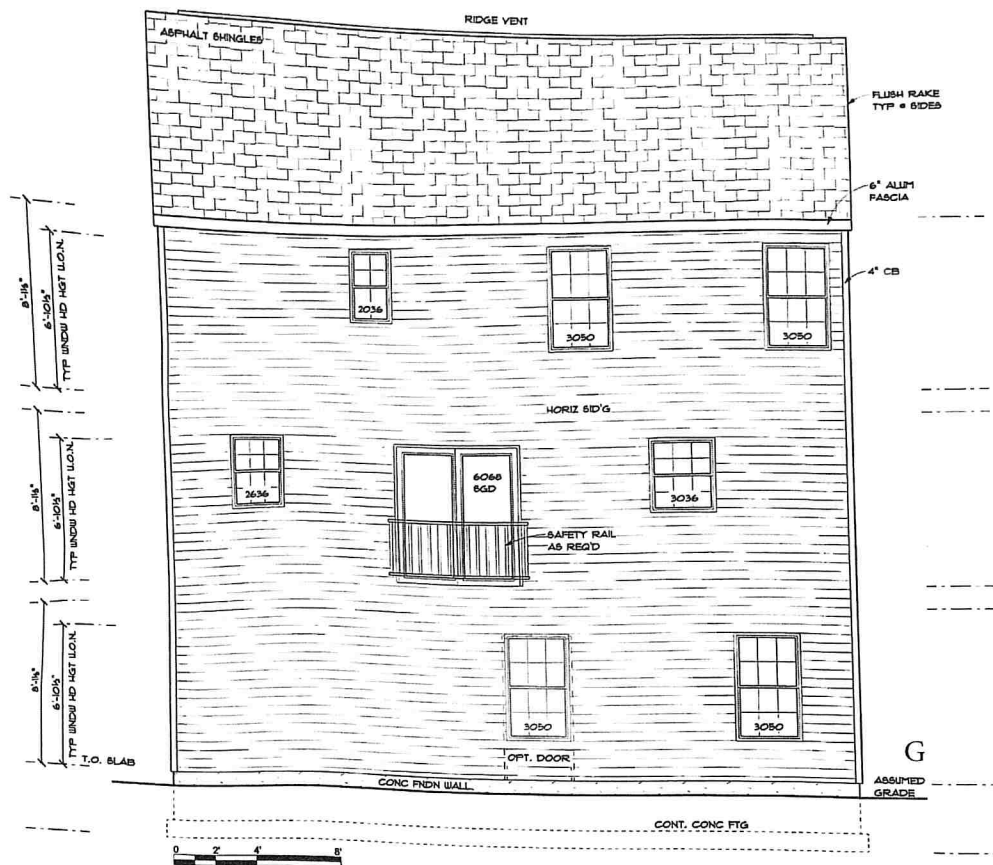
Right Elevation at Partial In-Ground Condition
 SCALE: 1/4" = 1'-0"



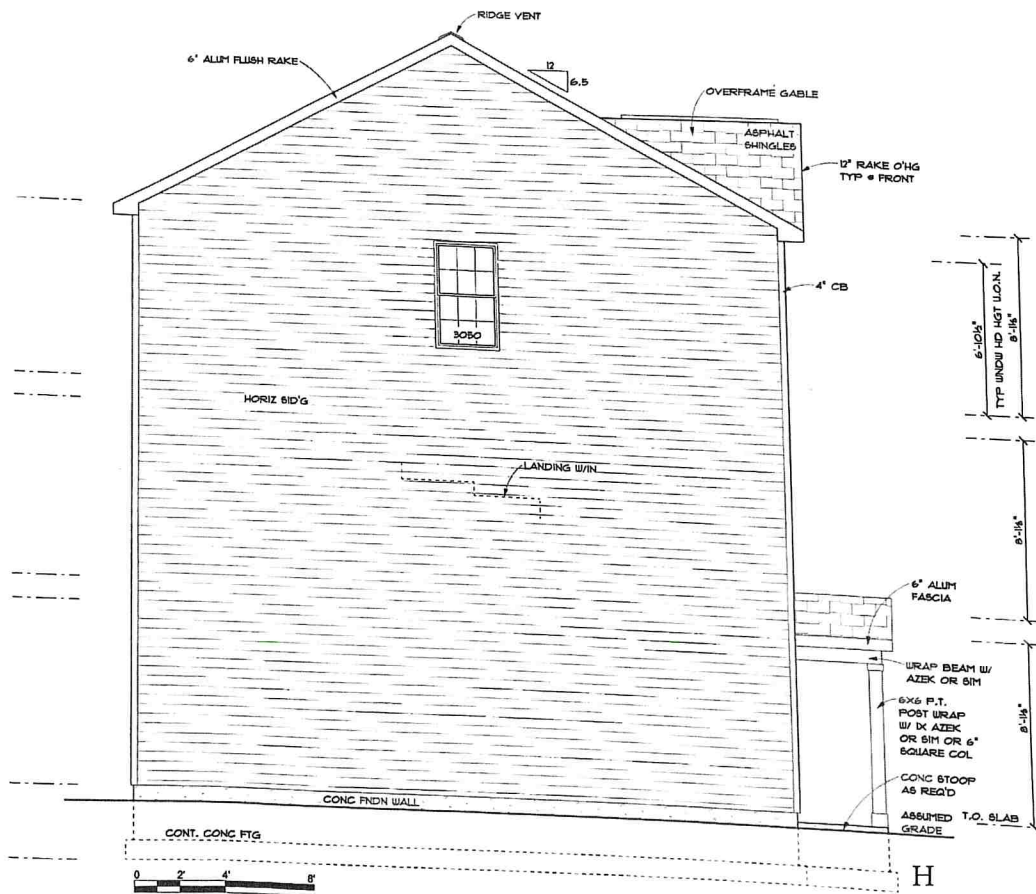
Right Elevation at Slab-on-Grade Condition
SCALE: 1/4" = 1'-0"



Front Elevation at Slab-on-Grade Condition
SCALE: 1/4" = 1'-0"



Rear Elevation at Slab-on-Grade Condition
SCALE: 1/4" = 1'-0"



Left Elevation at Slab-on-Grade Condition
SCALE: 1/4" = 1'-0"