



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-74-24 Jerry Rembert & Shyanne Fullerton

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: November 6, 2024.

CERTIFICATE OF SERVICE

This is to certify that on March 4, 2025, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

Ellis Watson

Ellis Watson
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Brandon Bennett, Remodel Werks, LLC

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

Petitioners: Jerry Rembert & Shayne Fullerton

Appeal No.: V-74-24

Subject Property: Lot 1, Block O, Parklawn Subdivision, being 6901 17th Avenue, Hyattsville, Prince George's County, Maryland

Heard: November 6, 2024 Decided: November 6, 2024

Witness: Brandon Bennett, Builder

Board Members Present and Voting: Omar Boulware, Chair
Dwayne Stanton, Board Member

Board Member Absent: Phillipa Johnston, Vice Chair

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 front yard at least 25 feet in depth. A variance of 9.1 ft in the front yard depth is requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 7,510 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling. Exhs. 3, 5, 8, and 12.
2. The Petitioner proposes to obtain a building permit for two-story addition (14' 17.10') and second-floor addition (11.6' X 19.2') on a corner lot. A variance of 9.1 ft. in the front yard depth is requested. Exhs. 3, 4 (A) thru (C), 6 (A) thru (F), 10 (A) thru (F), and 12.
3. The Petitioner, Ms. Fullerton, explained to the Board how the subject property fulfilled the requirements of the six (6) criteria for granting a variance. Ms. Fullerton testified that the proposed construction is vertical in nature and will only occur on the right side of her property due to its topography. Exhs. 2, 3, 4 (A) thru (C), and 10 (A) thru (F).
5. The Builder, Mr. Bennett testified that the original structure on the Petitioners' property was built in 1952 on a corner lot. To note, the subject property was subdivided before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations* and lots tended to be smaller in size on odd-shaped lots. Exhs. 3, 5, 9, and 10 (A) thru (F).
6. Board Member Stanton asked the Petitioners to explain the uniqueness of their property. Petitioners reiterated that the subject property is on a corner lot, and the only option available is to construct on the ride side of the property due to its orientation. Additionally, Mr. Bennett testified that because the house orientation is perpendicular on the subject lot and "catty-corner" on a corner lot, it would make construction on any other side of the subject lot difficult.

7. Board Member Stanton asked if the proposed construction would have a minimum impact on surrounding neighbors and if it would interfere with any of the neighbors' views. The Petitioners testified that due to the natural buffer between their property and the neighbors, it would not interfere with the neighbors' views and enjoyment of their properties. Ms. Fullerton testified that the neighbors expressed their support of the plans. Further, Mr. Bennett testified that the addition is a modular construction and would be built off-site and completed in one day with minimum disturbance to the neighborhood.

8. Chair Boulware stated that he found the application in order, and all six (6) criteria were satisfied to grant a variance.

9. Board Member Johnston made the Motion to Approve V-74-24 and Seconded by Chair Boulware. Motion carried by a 2-0 vote.

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 Petitioners' property was physically unique and unusual in a manner different from the nature of surrounding properties due to the fact that it sits on a corner-lot with a perpendicular orientation. Further, the Board determined that this particular uniqueness and peculiarity of the Petitioners' property would cause a zoning provision to impact disproportionately upon the property because the original structure was built in 1952 before the adoption of any zoning provisions or regulations that would dictate development on the subject lot. Additionally, the Board reviewed the available materials and determined that the variance is the minimum reasonably necessary to overcome the exceptional physical

conditions found on the Petitioners' property. Moreover, there was no evidence in the record that granting this variance would substantially impair the intent, purpose, and integrity of the General Plan, or any Functional Master Plan, or Sector Plan affecting the Petitioners' property. Lastly, the Board determined that this variance would not substantially impair the use and enjoyment of adjacent properties due to the natural buffer between the properties, and the practical difficulty was not self-inflicted by the owner of the property.

BE IT THEREFORE RESOLVED, by a 2-0 vote, that a variance of 9.1 ft in the front yard depth on the property located at 6901 17th Avenue, Hyattsville, 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 3, and elevation plans, Exhibit 4 (A) thru (C).

BOARD OF ZONING APPEALS

By: 

Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By: 

Keisha A. Garner, 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:

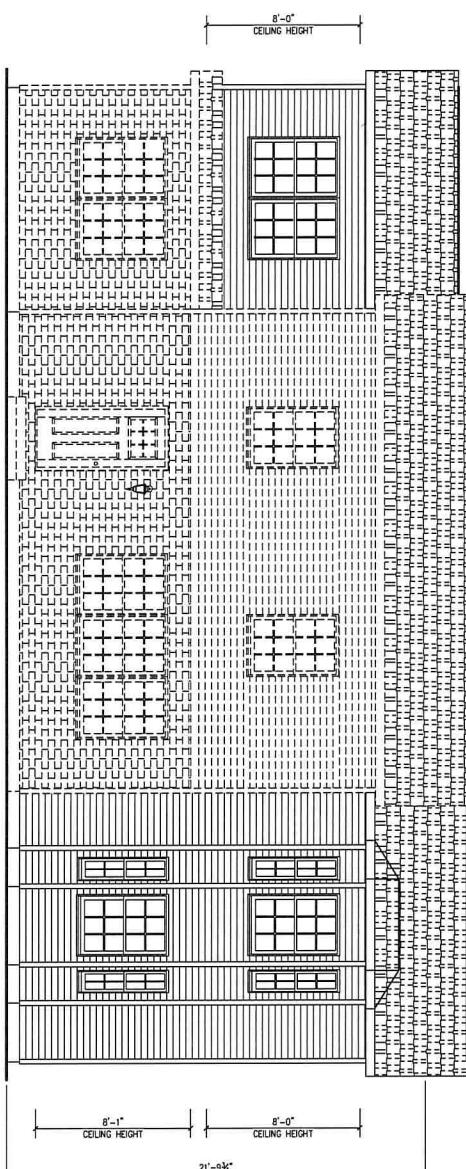
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision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

BOARD OF APPEALS

APPROVED NOV - 6 2024

Ellis Watson

ADMINISTRATOR



4(A)

EXH. # 4(A-C)
V-7424

NO. BLDG. NO. 1000
STATE OF MD
CITY OF HYATTSVILLE
COUNTY OF PRINCE GEORGE'S
ORDER NO. 12159
FILE NAME: O#12159

SCALE: 1/4" = 1'-0"

FRONT ELEVATION

INDEPENDENT BUILDER PURBILT, INC.			DATE	REVISION	BY
ADDRESS 6901 17TH AVENUE			8/6/24	PRELIMINARY	DRP
CITY HYATTSVILLE	STATE MD	ZIP 20783			
COUNTY PRINCE GEORGE'S	SNOW LOAD (LBS) 30	WIND SPEED (MPH) 115 (VUL)			
ORDER NO. 12159	SERIAL NO	TYPE ADDITION			
FILE NAME O#12159					



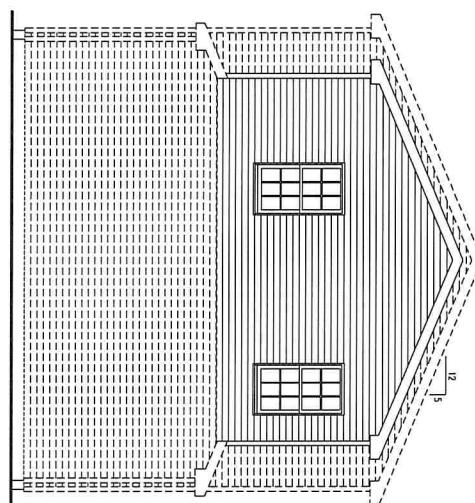
246 SAND HILL ROAD
SELINSGROVE, PA 17870
PHONE: (570) 374-3280
FAX: (570) 374-1122
WWW.ICONLEGACY.COM

4(c)

OMIT SHINGLES. SIDING ON BOXES BY ICON SHIPLOOSE

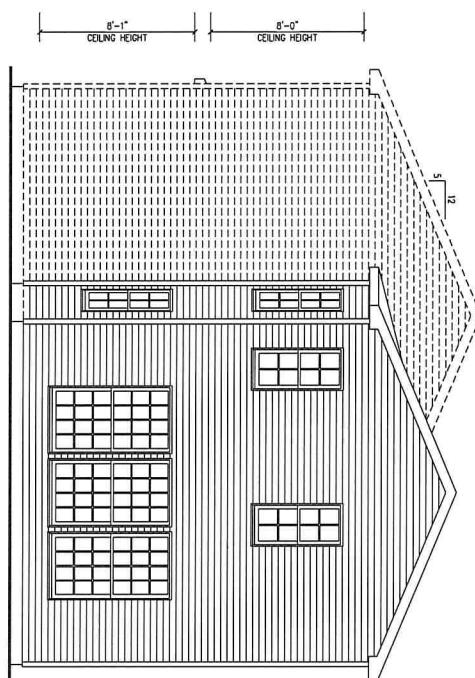
LEFT ELEVATION

INDEPENDENT BUILDER'S SITE CONTRACTOR TO PROVIDE ACCESS TO GRADE
INDEPENDENT BUILDER'S SITE CONTRACTOR IS RESPONSIBLE
FOR DESIGN AND INSTALLATION OF FOUNDATION



BIGHT ELEVATION

INDEPENDENT BUILDER'S SITE CONTRACTOR TO PROVIDE ACCESS TO GRADE
INDEPENDENT BUILDER'S SITE CONTRACTOR IS RESPONSIBLE
FOR DESIGN AND INSTALLATION OF FOUNDATION



jea

THE BUILDER WHO IS TAKING
RESPONSIBILITY FOR THE
STRUCTURE OF THE HOME
AND THE FOUNDATION

SCALE: 1/4" = 1'-0"

O#12159

DATE: 8/6/24

REVISION: PRELIMINARY

BY: DRP

LEFT ELEVATION

INDEPENDENT BUILDER PURBILT, INC.	STATE MD	ZIP 20783
CITY HYATTSVILLE	SNOW LOAD (LBS) 30	WIND SPEED (MPH) 115 (Vult)
COUNTY PRINCE GEORGE'S		
ORDER NO 12159	SERIAL NO	TYPE ADDITION
FILE NAME O#12159		

REV: 1

EV3



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