

# 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-59-24 Quintana Luis Javier Garcia

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: September 25, 2024.

### **CERTIFICATE OF SERVICE**

This is to certify that on May 1, 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

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

Petitioner: Quintana Luis Javier Garcia

Appeal No.: V-59-24

Subject Property: Lot 6, Block C, Paradise Acres Subdivision, being 1404 Rosemary Court, Bowie, Prince George's County, Maryland

Heard: September 25, 2024 and Decided: September 25, 2024

Witnesses: Jorge Valverde, Designer/Architect

Spanish Language Interpreter: Ruben Sotogomez

Board Members Present and Voting: Omar Boulware, Chair  
Phillippa Johnston, Vice Chair

Board Member Absent: Dwayne A. Stanton, Board 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)(1) that prescribes that no more than 25% of the net lot area shall be covered by buildings and off-street parking. Section 27-4202(c)(3) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-6603(a) prescribes that walls shall not be more than four (4) feet high without the approval of a variance. Variances of 3.1% of net lot coverage area, 3 feet side yard width, and a security exemption review for a wall over four (4) feet in height are requested.

**Evidence Presented**

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

1. The property was subdivided in 1976, before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, contains 3,217 square feet, is zoned RR (Residential Rural), and is improved with a single-family dwelling, pool, brick wall with gate, and deck. Exhibits Exhs. 3, 5, 6, 9, 10, and 14.

3. The Petitioner proposes to validate existing conditions (6-foot wall) and obtain a building permit for the construction of a new one-story addition and front porch. Variances of 3.1% of net lot coverage area, 3 feet side yard width, and a security exemption plan for a wall over 4 feet in height are requested. Exhs. 2, 3, 4 (a) thru (c), 6, 11 (A) thru (F), 13, and 14.

4. The Petitioner, Mr. Garcia, testified that the need for the variance stems from the fact that his family has grown, the property is almost 50 years old, and additional living space is desired. Exh. 2.

5. The Designer/Architect, Mr. Valverde, testified that the subject property contains several irregularities in shape and orientation and that the one-story addition and porch need to be designed specifically for the uniqueness of the property. Exhs. 3, 4 (a) thru (c), 5, 6, 7 (A) thru (G), and 11 (A) thru (F).

6. Mr. Valverde further testified that the intent is to beautify the subject property and surrounding neighborhood. The primary purpose of the one-story addition is to provide more livable space for the Petitioner and to increase the aesthetics of the surrounding neighborhood.

7. Chair Boulware questioned the Petitioner on the uniqueness of his property. On behalf of the Petitioner, Mr. Valverde answered that the site plan has a completely irregular shape, and it would be difficult to build anything on the subject property that would not impact the boundary limits of the property without seeking variances. Exhs. 3, and 11(A) thru (F).

8. Additionally, Mr. Valverde stated that the adjacent neighbors do not have the same issues with boundary limitation as the Petitioner. Exhs. 5, 11 (A) thru (F), and 12 (A) thru (D).

9. Vice Chair Johnston asked to see photos of the new porch addition and was satisfied with the shape and size. Exh. 4 (a) thru (c).

10. Vice Chair Johnston made the Motion to Approve V-59-24 and Seconded by Chair Boulware. Motion carried by a 2-0 vote.

#### Applicable Code Sections 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.

#### **27-6610. Security Exemption Plan**

- (a) A landowner in need of heightened security may submit to the Planning Director, or, where delegated pursuant to Section 27-3308(b), the municipality in which the development application is located a security exemption plan proposing a fence or wall taller than those permitted by this Section, an electric fence, or proposing the use of barbed and/or razor wire atop a fence or wall for security reasons.
- (b) The Board of Appeals or municipality may approve or approve with conditions, the security exemption plan, upon finding all of the following:

**(1) Need for Safety or Security Reasons**

The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without:

- (A) A taller fence or wall;
- (B) An electric fence; or
- (C) Use of barbed and/or razor wire atop a fence or wall.

**(2) No Adverse Effect**

The proposed fence or wall will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

(c) If the Board of Appeals or municipality finds the applicant fails to demonstrate compliance with Sections 27-6610(b)(1) and 27-6610(b)(2) above, the security plan shall be disapproved.

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:

Due to the subject property being subdivided in 1976 before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, the subject property is physically unique and unusual in a manner different from the nature of surrounding properties due to its irregular shape that is noticeably different from the Petitioner's surrounding neighbors. The particular uniqueness and peculiarity of the specific property would render, if applied, the Petitioner's property unable to perform any upgrades on the almost 50-year-old lot. Additionally, the Board concluded that these variances are minimally necessary to overcome the exceptional physical conditions found on the property. The Board reviewed the record and found that granting the relief requested would not substantially impair the intent, purpose, and integrity of the General Plan or Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property. Moreover, there was no evidence presented or contained in the record that the variances would substantially impair the use and enjoyment of adjacent properties. The variance would increase the aesthetics of the Petitioner's property and surrounding neighborhood.

The Board found the existing condition of the Petitioner's brick wall and gate did not violate the security exemption plan under Section 27-6610. Lastly, the Board found the practical difficulty was not self-inflicted due to no evidence being presented in the record to the contrary.

BE IT THEREFORE RESOLVED, by a 2-0 vote, that variances of 3.1% of net lot area coverage area, 3 feet side yard width, and a security exemption plan for a wall over 4 feet in height on the property located at 1404 Rosemary Court, Bowie, 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.



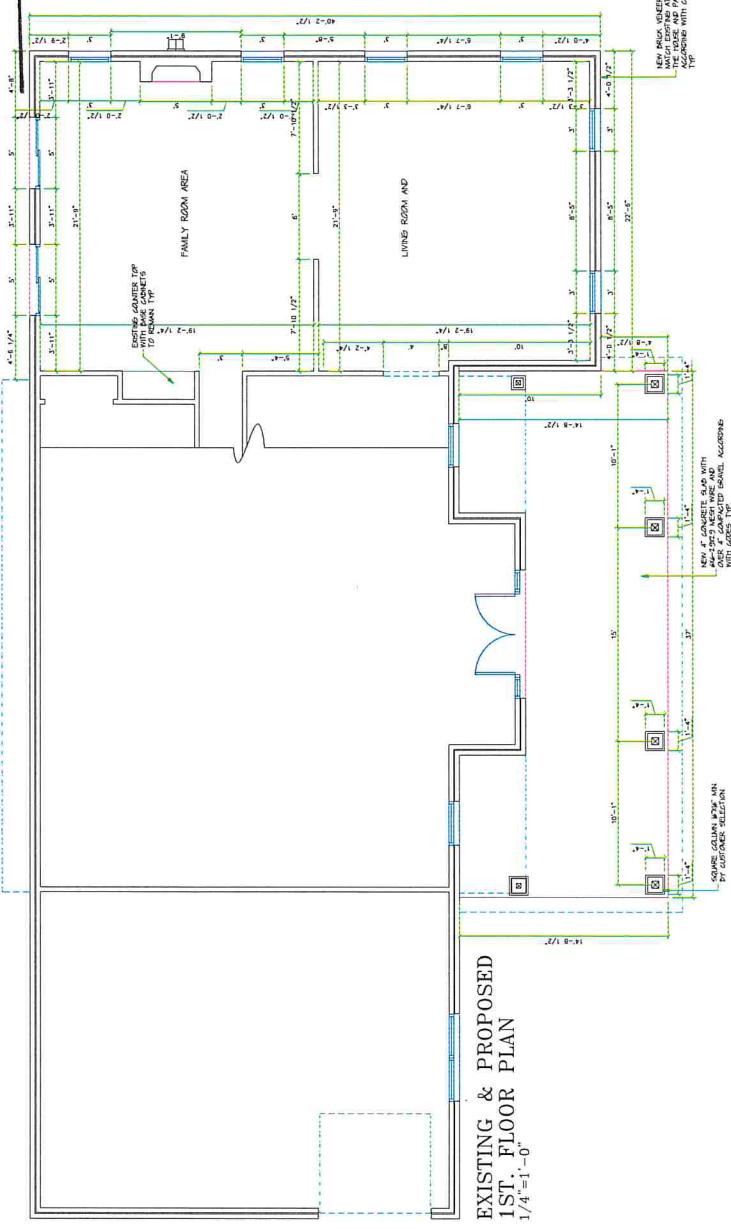
# BOARD OF APPEALS

APPROVED SEP 25 2024

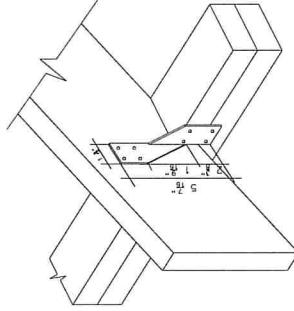
Ellis Watson

## ADMINISTRATOR

THESE PLANS ARE FOR THE USE OF THE BUILDER IN FACILITATING CONSTRUCTION. ALL DIMENSIONS INDICATED ARE APPROXIMATE AND MAY VARY DUE TO ADJUSTMENTS REQUIRED IN THE FIELD. OPTIONAL FEATURES, FINISHES, ELECTRICAL AND H.V.A.C. EQUIPMENT MAY OR MAY NOT BE INDICATED ON PLANS.

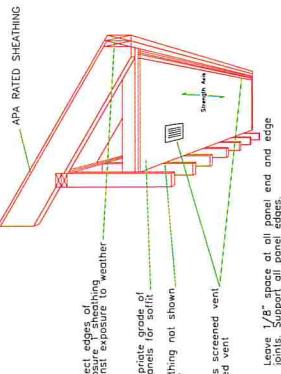


NOTE: ALL BRACING WALLS ON  $\frac{1}{2}$ " SHEATHING CONTINUOUS WOOD BOARDS METHOD: CWSPS "CONTINUOUS WOOD STRUCTURAL PANEL SHEATHING."



HURRICANE CLIPS. (TYP) @ TRUSS

## CLOSED SOFFIT



4(a)

Exh. # 4(a-b)  
V-39-24

EXISTING FRONT ELEVATION  
TO BE RENOVATED  
1/4" = 1'-0"

*[Signature]*

EXISTING & PROPOSED 1ST. FLOOR PLANS AND EXISTING FRONT ELEVATION

DATE: SEPTEMBER 21-2023

OWNER: ELLIS GARCIA

TAX ID: 1344278

DESIGN BY: BRUNO LUIS GARCIA

DATE: SEPTEMBER 21-2023

OWNER: DMB SERVICES INC

DESIGN BY: DMB SERVICES INC

DATE: SEPTEMBER 21-2023

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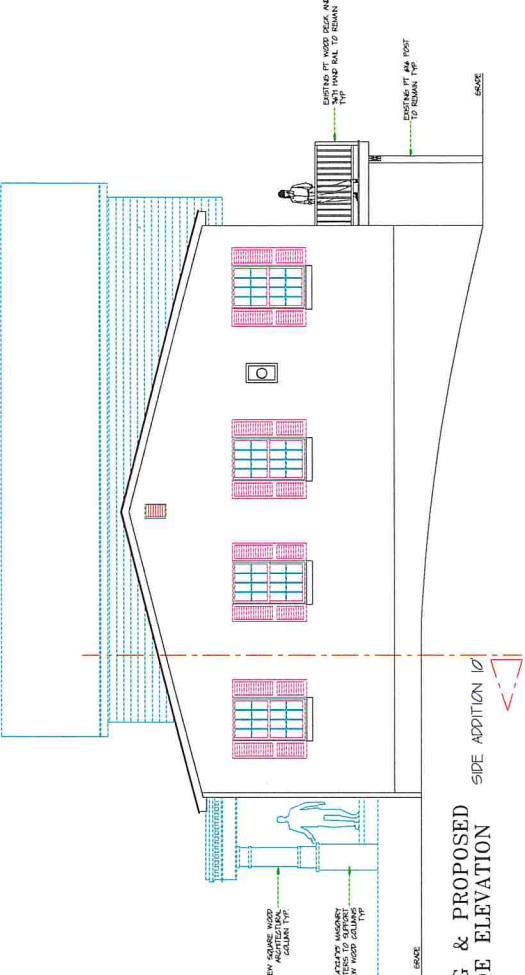
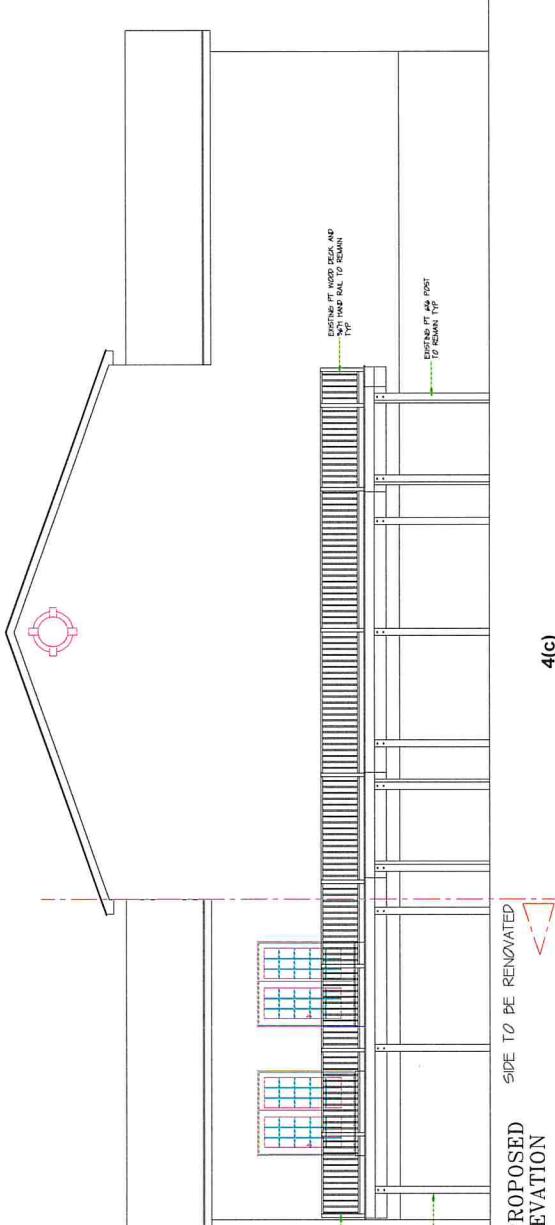
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| <p>APPROVAL STAMP</p>  |  | <p>1404 ROSEMARY COURT<br/>BOWIE MD. 20721<br/>DATE: AUGUST 7, 2023<br/>OWNER: MR. LOUIS GARCIA<br/>MAX. ID: 1314076<br/>DESIGNER: MR. LOUIS GARCIA<br/>DRAWING BY: DMART SERVICES INC.<br/>DRAFTS: JORGEL SERVICES INC.<br/>PHONE: 301-350-0223<br/>FAX: 301-350-0223<br/>E-MAIL: info@dmartservicesinc.com<br/>WEBSITE: www.dmartservicesinc.com</p> |  | <p>EXISTING &amp; PROPOSED<br/>AND FLOOR PLANS<br/>AND EXISTING FRONT<br/>RENOVATION AND FRONT<br/>RENOVATION<br/>PORCH RENOVATION<br/>JORGEL SERVICES INC.<br/>DRAFTS: JORGEL SERVICES INC.<br/>PHONE: 301-350-0223<br/>FAX: 301-350-0223<br/>E-MAIL: info@dmartservicesinc.com<br/>WEBSITE: www.dmartservicesinc.com</p> |  | <p>CONSTRUCTION DETAILS<br/>1ST, EXISTING FRONT<br/>SIDE FAMILY ROOM<br/>RENOVATION AND FRONT<br/>RENOVATION<br/>PORCH RENOVATION<br/>JORGEL SERVICES INC.<br/>DRAFTS: JORGEL SERVICES INC.<br/>PHONE: 301-350-0223<br/>FAX: 301-350-0223<br/>E-MAIL: info@dmartservicesinc.com<br/>WEBSITE: www.dmartservicesinc.com</p> |  |
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| <p>EXISTING &amp; PROPOSED<br/>NEW SIDE ELEVATION<br/>1/4 = 1'-0"</p>  |  | <p>EXISTING &amp; PROPOSED<br/>NEW REAR ELEVATION<br/>1/4 = 1'-0"</p>  |  | <p>EXISTING &amp; PROPOSED<br/>SIDE ADDITION<br/>1/4 = 1'-0"</p>   |  | <p>EXISTING &amp; PROPOSED<br/>SIDE TO BE RENOVATED<br/>1/4 = 1'-0"</p>   |  |
| <p>Professional Certification: I hereby certify that the plans and specifications were prepared or approved by me, and that I am a duly licensed architect in the State of Maryland, License No. B51, Expiration Date: 05-18-2024</p> <p></p> |  |  |  |  |  |   |  |