



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.

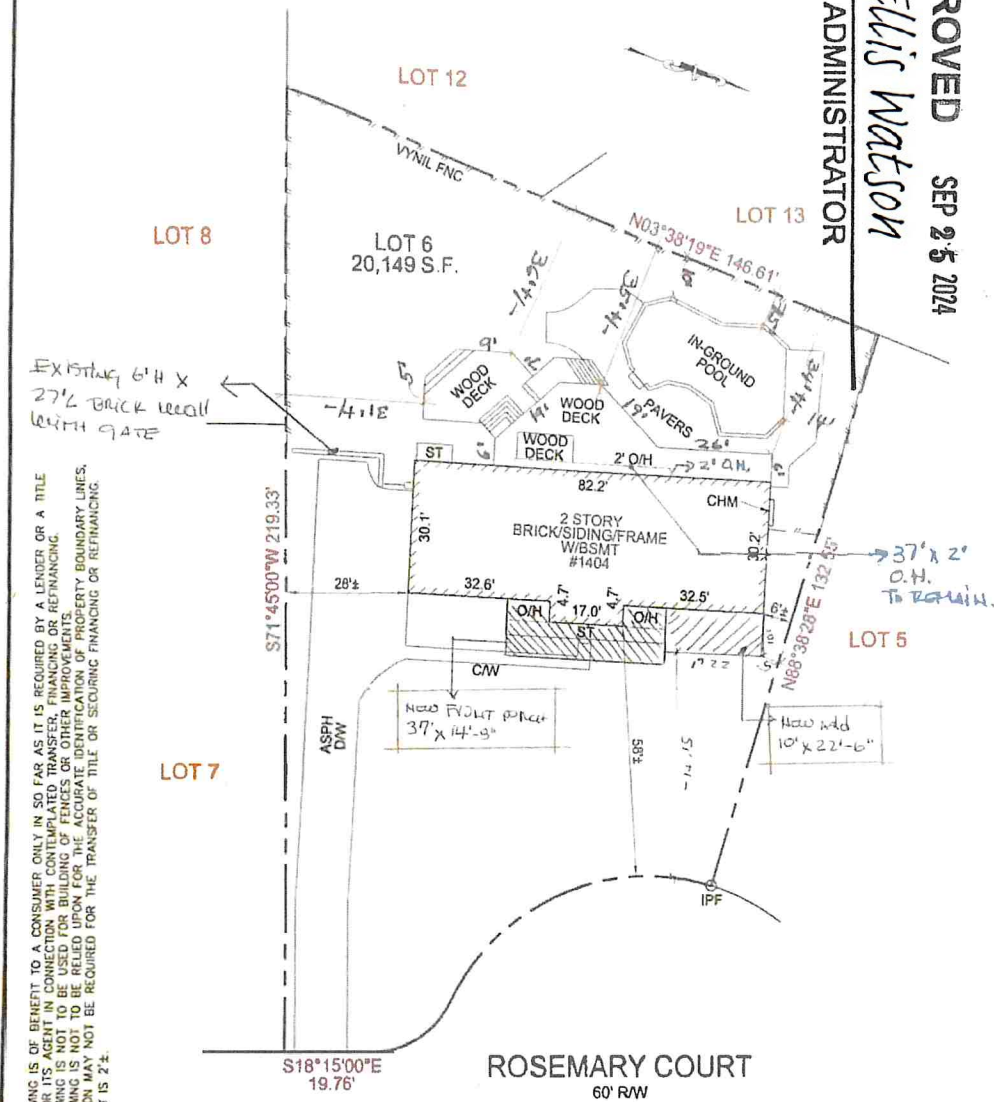
LOCATION DRAWING

ADDRESS 1404 ROSEMARY COURT

BOARD OF APPEALS

APPROVED SEP 25 2024

ADMINISTRATOR
Elis Watson



NOTES:
1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTINGENT TRANSFER, FINANCING OR REFINANCING.
2. THIS LOCATION DRAWING IS NOT TO BE USED FOR BUILDING OR OTHER IMPROVEMENTS.
3. THIS LOCATION DRAWING IS NOT TO BE RELIED UPON FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES.
4. BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
5. LEVEL OF ACCURACY IS 2".

DRAWN BY: RR

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, UNLESS OTHERWISE NOTED. WE ASSUME NO RESPONSIBILITY, OR LIABILITY FOR ANY RIGHT-OF-WAYS ON THE RECORD OR EASEMENTS RECORDED OR UNRECORDED NOT APPEARING ON THE RECORDED PLAT OR MENTIONED IN THE DEED REFERRED TO HEREON. NO TITLE REPORT WAS FURNISHED.



PROFESSIONAL SEAL

DATE

EXH. # 3
V-59-24

11/28/2021

LAND PRO & ASSOCIATES, LLC.

8843 GREENBELT ROAD, SUITE 334
GREENBELT, MD 20770
PHONE 301-380-1944
FAX 301-794-8751
LANDPRO@MAIL.COM

LOCATION DRAWING
PLAT TWO
PARADISE ACRES
LOT 6, BLOCK C
BOOK 41559 PAGE 591
PLAT BOOK 96@58

V-

PRINCE GEORGE'S COUNTY, MARYLAND
SCALE 1" = 30' DATE 1/28/2021

FILE: #1404 ROSEMARY COURT

CASE: # 21 5915MD

Ellis Watson

ADMINISTRATOR

NOTE: 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 1/2" SHEATHING CONTINUOUS
WOOD BOARDS
METHOD: CWSPS
"CONTINUOUS WOOD STRUCTURAL
PANEL SHEATHING."

HURRICANE CLIPS. (TYP)
@ TRUSS

CLOSED SOFFIT

Diagram illustrating the components and functions of a stepped parapet wall cross-section:

- APA RATED SHEATHING**: The outermost layer of the wall.
- Protect edges of sheathing against exposure to weather**: A detail showing the sheathing edge being protected.
- Any appropriate grade of exterior panels for soffit**: The underside of the parapet.
- Wall sheathing not shown for clarity**: A note indicating the internal sheathing is omitted for clarity.
- Continuous screened vent or louvered vent**: A ventilation feature at the base of the parapet.
- Leave 1/8" space at all panel end and edge joints. Support all panel edges**: A detail showing the required gap and support for the sheathing panels.
- Support Area**: The base of the wall where it meets the floor.

EXISTING FRONT ELEVATION

4(a)

EXH. # 4(a-b)
V-59-24

Professional Certification. I Hereby certify that these documents were Prepared or Approved by me, and that I am a duly license Professional Engineer under the Laws of the State of Maryland License No. 8541. Expiration Date: 05-18-2024

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

1404 ROSEMARY COURT
BOWIE MD. 20721
SIDE FAMILY ROOM
RENOVATION AND FRONT
PORCH RENOVATION

OWNER:	MR. LUIS GARCIA
TAX. ID.	1394378
BUILDER:	MR. LUIS GARCIA
OWNER	
DESIGN BY:	DAMAT SERVICES INC.
	JORGE VALVERDE
	240.535.0223

DATE: SEPTEMBER 21-2023
DRAWING BY: DAMAT Services Inc. Jorge Valverde

APPROVAL STAMP

NOTE: 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.

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