



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-60-24 Fabien Milord

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: October 9, 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
DPIE/Enforcement

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

Petitioner(s): Fabien Milord

Appeal No.: V-60-24

Subject Property: Lot 19, Block D, Snowden Oaks Subdivision, being 13009 Claxton Drive, Laurel, Prince George's County, Maryland

Witness: Inspector Kenneth Harrison, Department of Inspections, Enforcement, and Permitting (DPIE)

Heard: October 9, 2024; Decided: October 9, 2024

Board Members Present and Voting: Omar Boulware, Chair

Phillippa Johnston, Vice Chair

Dwayne Stanton, 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 variances 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 variances from Section 27-4202(e)(2), which prescribes that a lot shall have a maximum lot coverage of 35%. A variance of 10.4% lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1965, contains 8,880 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling, and wood deck. Exhs. 2, 4, 8, 9, 10 (A) thru (F), and 12.
2. The Petitioner proposes to validate existing conditions (lot coverage) and obtain a building permit for the unauthorized construction of a 6-foot fence, 8' x 20' shed and proposed 20' x 30' parking pad. A variance of 10.4% lot coverage is requested. Exhs. 2, 5 (A) thru (N), 6 (A) thru (C), 10 (A) thru (F), 12, and 15.
3. The Petitioner, Mr. Milord, testified that his property has environmentally sensitive areas, and his home has a wooded area that causes several snakes to reside on his property. Exhs. 3 and 6 (A) thru (C).
4. Mr. Milord continued to testify that the need for the parking pad centered around protecting his family from snakes found on his property. Exhs. 2, 3, 5 (A) thru (N).
5. In summary, Mr. Milord's testimony to the Board focused on the infestation of snakes and groundhogs which trigger episodes of Post-traumatic stress disorder (PTSD) from previous military service where snakes were prevalent. He also testified that he fears his children might be bitten by snakes in the backyard.
6. Further, Mr. Milord testified that he spent a significant sum of funds to redo his backyard and acknowledged he did not have a permit for the construction of the parking pad.
7. DPIE Inspector Harrison testified that the Petitioner, Mr. Milord, needs a permit for the work performed on the subject property.
8. Vice Chair Johnston asked if the proposed parking pad was already constructed. Mr. Milord replied in the affirmative.

9. Inspector Harrison testified that the concrete in the backyard of the subject property was not permitted.

10. Mr. Milord testified that the parking pad and fence were approved by Maryland-National Capital Park and Planning Commission (M-NCPPC), and he needs DPIE to complete the final inspection.

11. Inspector Harrison confirmed that inspectors wait until all permitted work contained in the application is complete in order to conduct their inspections.

12. Further, Inspector Harrison mentioned a “sea container” was on Mr. Milord’s property that is not permitted. In response, Administrator Watson asked Inspector Harrison and Mr. Milord not to mention issues contained in a previous appeal before the Board.

13. Board Member Stanton asked Administrator Watson to explain what variance requests were being considered today. Additionally, Mr. Stanton asked if the variance requests could be approved in part or if a “blanket” approval/denial was possible. Mr. Watson responded that the variance requests would have to be approved or denied in whole. Exh. 12.

14. Chair Boulware asked the Petitioner if the presence of snakes and groundhogs has been reduced since building the parking pad. Mr. Milord answered in the affirmative regarding the groundhogs. However, he testified that because his neighbors cut their trees and dump the debris in the woods, he has not experienced a reduction in snakes in his backyard.

15. Chair Boulware asked the Petitioner to explain how his property is unique from his neighbors. Mr. Milord testified that his neighbors do not have extensive tree coverage and slopes that cause snakes and groundhogs to be present on his property.

16. Vice Chair Johnston asked to see the Petitioner’s property on the subdivision plat. After the exhibit was presented, Chair Boulware stated the property is not unique in comparison with the surrounding properties. Exh. 4.

17. Chair Boulware asked if the Petitioner used a general contractor to complete the construction that was the subject of the variance request. In response, Mr. Milord testified that his contractor indicated to him that a permit is difficult to get through the County, and the contractor advised not to obtain a permit for the work performed.

18. Chair Boulware confirmed that the subject property was not in an area with a Homeowner’s Association (HOA) or Civic Association. Staff confirmed that the subject property was not in an area with a HOA or Civic Association.

19. Vice Chair Johnston asked staff to correct the record to reflect the parking pad has been constructed and is not “proposed.”

20. Vice Chair Johnson made the Motion to Deny V-60-24. The Motion was seconded by Board Member Stanton. The Motion carried 3-0.

21. Chair Boulware stated to the Petitioner that the Board found his property not to be unique, and the issues that came before the Board were self-inflicted.

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 variances do not comply with the applicable standards set forth in Section 27-3613(d), as follows: and the variance cannot be approved unless ALL criteria are met; however, the specific criteria that were not met are:

1. The Board found that Section 27-3613(d), criteria number one, was not met as the lot is not unique in shape or size from the surrounding properties. According to *Dan's Mt. Wind Force, LLC v. Allegany Cty. Bd. of Zoning Appeals*, 236 Md. App. 483, *493:

Variances should only be granted when the uniqueness or peculiarity of a subject property is not shared by the neighboring property and where the uniqueness of that property results in an extraordinary impact upon it by the operation of the statute.

2. Also, the Board determined that the practical difficulty was self-inflicted by the Petitioner by commencing construction for the requested work found in the variance application without a permit.

BE IT THEREFORE RESOLVED, by a 3-0 vote, that variance request of 10.4% lot coverage on the property located at 13009 Claxton Drive, Laurel, Prince George's County, Maryland, be and are hereby DENIED.

BOARD OF ZONING APPEALS

By:



Omar Boulware, Chair

Approved for Legal Sufficiency

By: *Keisha Garner*
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:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.