



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-64-24 Sheldon Adams & Rosemarie Young

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 July 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

Petitioners: Sheldon Adams & Rosemarie Young

Appeal No.: V-64-24

Subject Property: Lot 3, Block C, Adelphi Knolls Subdivision, being 1904 Merrimac Drive, Hyattsville,
Prince George's County, Maryland

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

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

Board Member Absent: Phillippa 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) that prescribes that each lot shall have a minimum width of 65 feet measured along the front building line. Section 27-6603 prescribes that unless otherwise stated in Section 27-6600, fences and walls shall comply with the height standards set in Table 27-6603(a): Fence and Wall Height. Any fence or wall which does not comply with height standards will require a Security Exemption review and approval. A variance of 3 feet lot width and a security exemption review for a fence 2 feet over the allowable height located in the front yard are requested.

Evidence Presented

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

1. The property was subdivided in 1950, contains 9,384 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling, deck, and patio. Exhs. 2, 6, 10, and 11.
2. The Petitioner proposes to obtain a building permit for the unauthorized construction of a wooden 6-foot fence in the front yard. A variance of 3 feet lot width and a security exemption review for a fence 2 feet over the allowable height located in the front yard are requested. Exhs. 1, 2, 3, 4, 5, 7 (A) thru (F), and 13.
3. The Petitioner, Ms. Young, testified that her vehicle was burned before, and she does not want any confrontations with her neighbor(s). Exh. 8 (A) thru (B).
4. Further, Ms. Young testified that she is asking the Board for leniency as she was ignorant of the law and was not aware she needed a permit to build the fence.
5. Inspector Swain testified that the Petitioners received the original citation from the Department of Permitting, Inspection, and Enforcement (DPIE) in November of 2022; however, the Petitioners also received citations in 2023 and 2024 from DPIE for the same fence violation. Exh. 5.
6. Ms. Young explained to the Board the history of the violations received from DPIE, and stated that the Judge reduced her violation fine due to DPIE's inability to provide proof that the Petitioners' received a notice of violation in November 2022.

7. Board Member Stanton asked the Petitioners what was unique about their property. Ms. Young answered that her issues were with the neighbors' children throwing items onto her property, and the neighbor's grill being against the fence that potentially burned her car.

8. Chair Boulware asked the Petitioners who constructed the fence, and the Petitioner, Mr. Adams, stated he constructed the fence.

9. Additionally, Chair Boulware asked the Petitioners why they decided to construct a 6-foot fence instead of the allowable 4-foot fence per the Prince George's County Code. Ms. Young stated that the terrain of their property is hilly, and a 6-foot fence was needed so it would be tall enough to prevent the neighbors from throwing items onto their property. Exhs. 7 (A) thru (F), 8 (A) thru (B), and 12 (A) thru (F).

10. The Board Administrator, Mr. Watson, stated the Petitioners' application was being considered under Section 27.6610(b)(1)(2) Security Exemption Review of the Prince George's County Code.

11. Chair Boulware stated that the Petitioners' property was unique, and the criteria for the security exemption review were satisfied.

5. Board Member Stanton made the Motion to Approve V-64-24 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 27-6610(b)(1)(2) of the Prince George's County Zoning Ordinance are satisfied:

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 27-6610(b)(1)(2), more specifically:

The Board determined that the Petitioners' property was located in an area with a history of activity that placed it in greater danger of damage than surrounding properties, and a taller fence was warranted. Additionally, the Board found that there would not be any significant adverse effect on the security, functioning, appearance, or value of adjacent properties or the surrounding area as a whole.

BE IT THEREFORE RESOLVED, by a 2-0 vote, Vice Chair Johnston being absent, that a variance of 3 feet lot width and a security exemption review for a fence 2 feet over the allowable height located in the front yard on the property located at 1904 Merrimac Drive, 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 2.

BOARD OF ZONING APPEALS

By: 
Omar Boulware (Jun 25, 2025 17:04 EDT)
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.

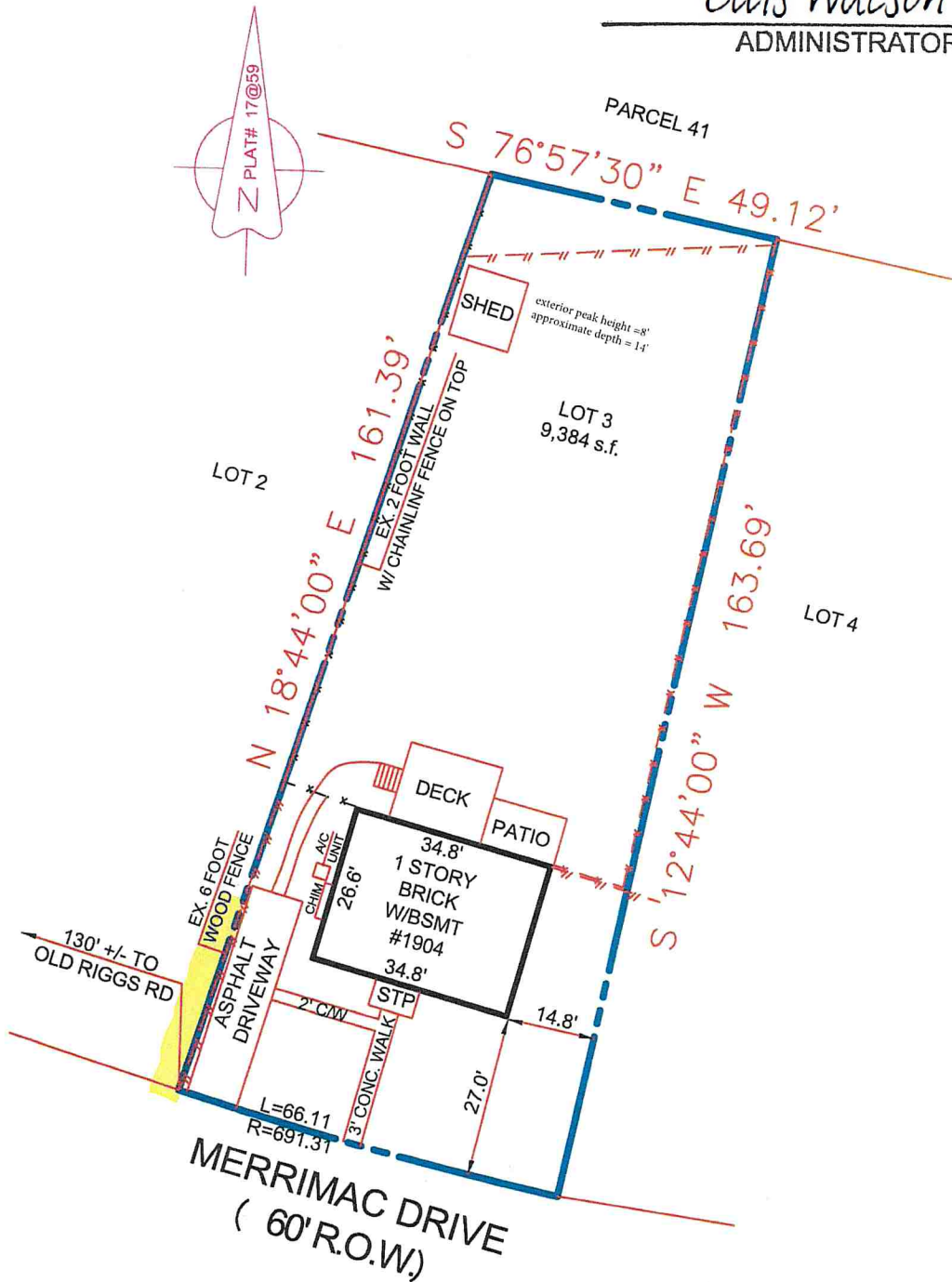
ADDRESS: 1904 MERRIMAC DRIVE
HYATTSVILLE, MD 20783

BOARD OF APPEALS

APPROVED NOV - 6 2024

Ellis Watson

ADMINISTRATOR



NOTES:
1. NO TITLE REPORT FURNISHED:

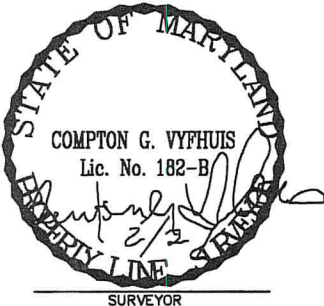
EXHIBIT
2

V-64-24

SCALE 1" = 30'

DRAWN BY: CE

I HEREBY CERTIFY THAT LOCATION DRAWING IS
LOCATED AS SHOWN HEREON IS TO THE BEST OF MY
INFORMATION, PROFESSIONAL KNOWLEDGE AND BELIEF,



SURVEYOR

7/8/24
DATE

LOCATION DRAWING
BLOCK C LOT 3
SUBDIVISION: ADELPHI KNOLLS
CHILLUM DISTRICT
ELECTION DISTRICT 17
PRINCE GEORGE'S COUNTY MARYLAND

PLAT # 17@59

PROPERTY OWNER: SHELDON ADAMS & ROSEMARIE YOUNG

SURVEYORS DEVELOPMENT & ASSOCIATES LLC

LAND SURVEYORS* ENGINEERS* PLANNERS*

WWW.SURVEYORSDALLC.COM

email: surveyorsdallc@gmail.com PHONE# 301-919-3639

3230 CHILLUM ROAD
MOUNT RAINIER MD, 20712