



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-73-24 Jacqueline M. Holland Revocable Trust

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: January 15, 2025.

CERTIFICATE OF SERVICE

This is to certify that on July 25, 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
Lynette Brunson, Brunson Designs LLC

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

Petitioner: Jacqueline M. Holland Revocable Trust

Appeal No.: V-73-24

Subject Property: E 16 feet of S 1/4 of Lot 2, S 1/4 of Lots 3 and 4, Block 6, Mt. Rainier Rogers 1st Addn. Subdivision, being 4224 29th Street, Mount Rainier, Prince George's County, Maryland

Witness: Lynnette Brunson, Principal Designer

Opposition: None

Heard: November 20, 2024 and Decided: January 15, 2025

Board Members Present and Voting: Omar Boulware, Chair
Phillippa Johnston, Vice Chair
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"), wherein Petitioner requests several variances from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

The subject property is located within the RSF-65 (Residential, Single-Family-65) Zone. In this appeal, a proceeding pursuant to Sections 27-3303 and 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from several provisions pertaining to the RSF-65 Zone found in Section 27-4202(e), for the construction of a new rear and partial side addition for her home, and for the existing driveway and home. Section 27-4202 (e)(2) prescribes that each lot shall have a minimum net lot area of 6,500 square feet; a minimum width of 65 feet at the building line; a lot frontage minimum width of 45 feet at the front street line; no more than 35% of the net lot area covered by buildings and off-street parking; a front yard depth minimum of 25 feet; and a side yard at least 8 feet in width. Variances of 1,387 square feet net lot area, 20.9 feet lot width at the building line, 7.9 feet lot width at the front street line, 7% net lot coverage, 10 feet front yard depth, and 1-foot left side yard width are requested.

Evidence Presented

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

1. The property was subdivided in 1904, before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*. It contains 5,113 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a 1,140 square foot, 1.5-story single-family dwelling. (Exhibits 2, 6, and 9)
2. The Petitioner proposes to obtain a building permit for the construction of a one-story addition. Variances of 1,387 square feet net lot area, 20.9 feet lot width at the building line, 7.9 feet lot width at the front street line, 7% net lot coverage, 10 feet front yard depth, and 1-foot left side yard width are requested. (Exhibits 2, 3, and 4)
3. Chair Boulware asked the Petitioner, Ms. Holland, if she was representing the trust or had legal representation. Board Attorney Ms. Garner stated that the trust's owner (trustee) could represent the trust in front of the Board, and Petitioner was allowed to proceed with the appeal.

4. Petitioner's witness, Ms. Lynette Brunson, the designer of the proposed addition, testified that the variances should be granted because the property is unique as it is comprised of smaller portions of three (3) shared lots, and since the variances are required from lot lines the site is disproportionately impacted by the setback requirements in Section 27-4202(e). (Exhibits 2 and 4) Evidence in the record indicates that the four properties sharing the remainder of the lots all own at least half of Lots 2, 3, and 4, and are therefore larger than the subject property. (Exhibits 6 and 8 (A)-(F))

5. Additionally, Ms. Brunson noted that "[o]n 29th Street, where the property is located, parking is prohibited for houses with even-numbered addresses", an extraordinary circumstance requiring the lot coverage variance for the existing driveway. (Exhibits 2, 5(B), and 5(E))

6. Photographs of adjoining homes in the neighborhood were provided, as well as elevations of the addition proposed by the Petitioner. (Exhibits 4(A)-(B) and 8(A)-(F)) If the variances are approved, the subject property will remain in character with the surrounding single-family homes.

7. Vice Chair Johnston advised that the City of Mt. Rainier requested that the Board's November 20, 2024, hearing be postponed. (Exhibit 13) Chair Boulware stated that it has been a long-held Board practice to consider the municipalities' comments before voting on a Petitioner's application.

8. Vice Chair Johnson made a motion to Hold Open, and it was seconded by Board Member Stanton. The motion carried by a 3-0 vote.

9. The Hearing resumed on January 15, 2025, and Chair Boulware reoriented the Board to the current status of the case and stated that the Board received a letter recommending approval of the variances from the City of Mt. Rainier on December 18, 2024. (Exhibit 18)

10. Vice Chair Johnston made the Motion to Approve V-73-24, and it was seconded by Board Member Stanton. The motion carried by a 3-0 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.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-3613(d), for the following reasons:

- Due to the subject property being subdivided in 1909 before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, and due to the fact that it is made up of less than one-quarter of three (3) separate lots, whereas the remaining owners of those lots all own at least one-half of said lots, it can be found physically unique and unusual in a manner different from the nature of surrounding properties. (See, North v. Saint Mary's County, 99 Md. App. 502, 638 A.2d 1175 (1994); Section 27-3613(d)(1))
- The setback provisions in Section 4202(e)(2) will impact the subject property disproportionately, such that the strict application of that provision would make it difficult for the Petitioner to improve her property or to maintain the existing conditions, absent approval of the variances. (Section 27-3613(d) (2))
- The requested variances are the minimum reasonably necessary to validate existing conditions on this site that predate zoning requirements, to allow a relatively small expansion to the home, and to retain the driveway, which will then allow compliance with the parking provisions. (Section 27-3613(d)(3))
- Granting the relief requested would not substantially impair the intent, purpose, and integrity of the General Plan or applicable Master Plan, since the variances are minimal, and will not detract from the residential character of the neighborhood, since the variances are primarily for existing conditions and the proposed addition will be in keeping with surrounding homes. (Section 27-3613 (a)(4))
- For similar reasons, the Board finds that the variances will not substantially impair the use and enjoyment of adjacent properties. (Section 27-3613 (a)(5))
- Lastly, the Board finds that the practical difficulty was not self-inflicted as the Petitioner has not commenced the proposed work on her property, and she did not play a role in its unique shape and topography. (Section 27-3613 (a)(6))

BE IT THEREFORE RESOLVED, by a 3-0 vote, variances of 1,387 square feet net lot area, 20.9 feet lot width at the building line, 7.9 feet lot width at the front street line, 7% net lot coverage, 10 feet front yard depth, and 1-foot left side yard width on the property located at 4224 29th Street, Mount Rainier, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 3, and elevation plans, Exhibits 4 (A) and (B).

BOARD OF ZONING APPEALS

By:



Omar Boulware (Jul 19, 2025 02:38 EDT)

Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By:



Maurene Epps McNeil (Jul 21, 2025 09:08 EDT)

Maurene E. McNeil, Esq.

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency that 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 JAN 15 2025

Ellis Watson

ADMINISTRATOR

1 STORY ADDITION
(908.20 SF)

44-075

53'-00" E

DR

50

27'-00" E

porch

50

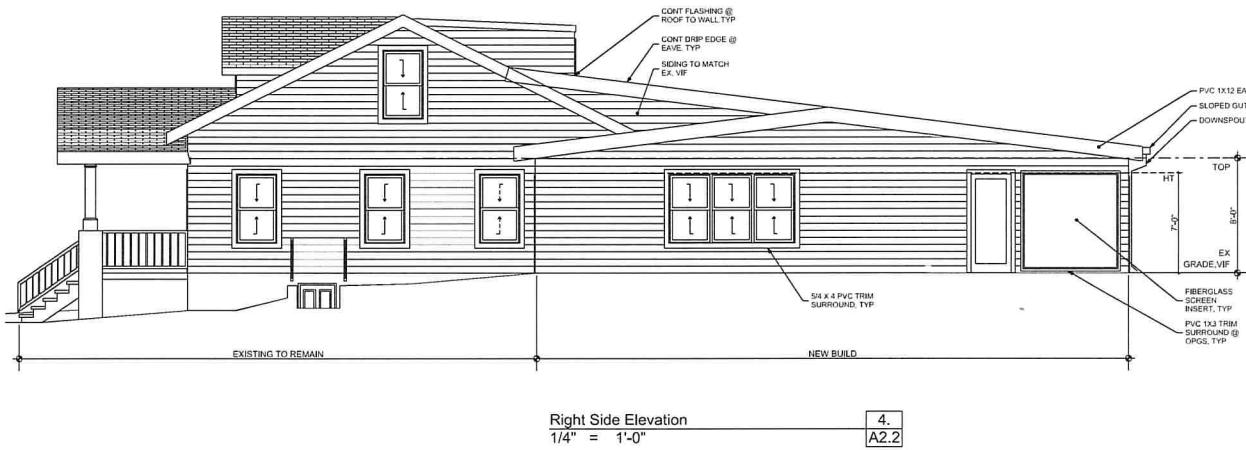
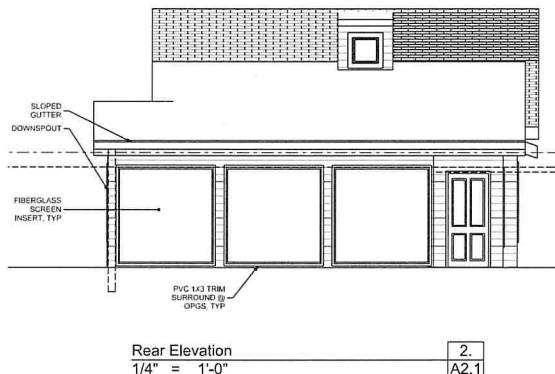
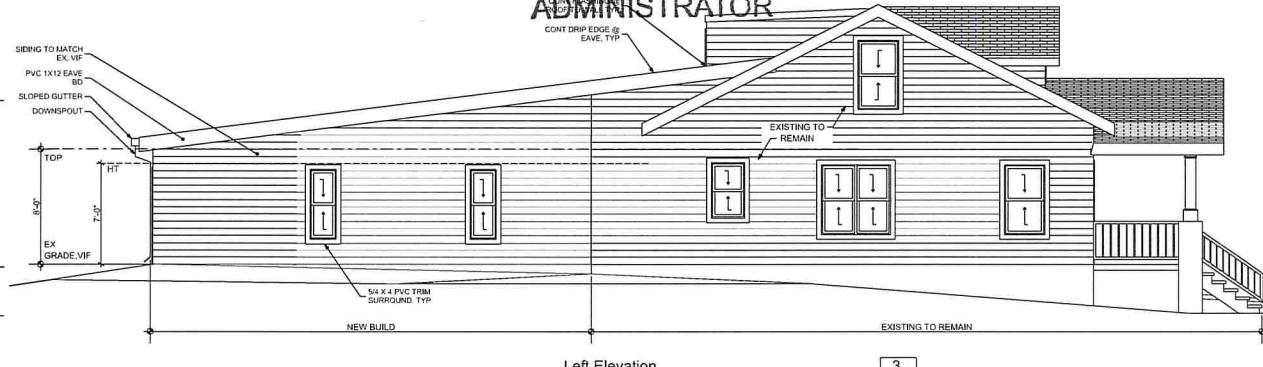
15'-00" E

BOARD OF APPEALS

APPROVED JAN 15 2025

Ellis Watson

ADMINISTRATOR



Ex. # 4
V73-24



4224 29th St
Mt Rainier Maryland 20712

Front Elevation, Rear Elevation, Right Side
Elevation, Left Elevation

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A2.1

