



# 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-93-24 Alfred Thomas Diotte

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: March 26, 2025.

## **CERTIFICATE OF SERVICE**

This is to certify that on September 16, 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: Alfred Thomas Diotte

Appeal No.: V-93-24

Subject Property: Lot 38, Block 18, Queens Chapel Manor Subdivision, being Queens Chapel Road, Hyattsville, Prince George's County, Maryland

Heard: February 26, 2025, and Decided: March 26, 2025

Board Members Present and Voting: Omar Boulware, Chair  
Phillippa Johnston, Vice Chair  
Dwayne A. Stanton, Member<sup>1</sup>

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 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-11003(a)(1) Decks, Porches, and Balconies prescribes that decks, porches (screen or unscreened), stoops, or exterior stairways may extend up to five feet into any required yard, except those decks and porches on a dwelling, townhouse; dwelling, two-family; or dwelling, three-family may extend to a rear lot line that abuts permanent open space or to within three (3) feet of a rear lot line that abuts another Rural and Agricultural or Residential lot. Any stairs leading to the deck or porch shall be located at least (3) feet from the rear lot line. A variance of 6'.33" (sf) rear lot line is requested.

Evidence Presented

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

1. The property was subdivided in 1972, before the adoption of the *Prince George's County Zoning Ordinance and Landscape Manual*, contains 6,933 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a 2-story single-family dwelling, deck, concrete driveway, and shed. Exhs. 3, 6, 7, and 15.

3. The Petitioner proposes to obtain a building permit to replace the existing deck of 16' x 14'. A variance of 6'.33" (sf) rear lot line is requested. Exhs. 3, 4 (A) thru (D), 5 (A) thru (D), and 8 (A) thru (F).

4. The Petitioner, Mr. Diotte, testified that his proposal is to replace the current deck with a new deck. Additionally, Mr. Diotte testified that he was unaware that his deck was too close to the rear lot line. Mr. Diotte testified that he performed his due diligence by having two home inspectors inspect the subject property before purchasing. Exhs. 1, 2, 3, 4 (A) thru (D), and 5 (A) thru (D).

5. Further, Mr. Diotte testified that he spoke with the neighbors on the south and north sides of his property, and they were supportive of his proposal. Exh. 9 (A) thru (D).

6. Also, Mr. Diotte testified that he would utilize the existing footprint of the deck and construct a deck that is similar and smaller in size. Mr. Diotte explained to the Board that it is the orientation of his

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<sup>1</sup> Board Member Stanton was not present at the February 26, 2025, meeting; however, he reviewed the record and voted at the March 26, 2025, meeting.

house on the subject property that caused him to need a variance. Exhs. 3, 4 (A) thru (D), and 5 (A) thru (D).

7. Vice Chair Johnston made the Motion to Hold Open V-93-24, and the motion was seconded by Chair Boulware. Motion carried by a 2-0 vote.

8. On March 26, 2025, the Board considered V-93-24 under the "Discussion/Decision" section of the agenda. After confirming that the letter of approval from the City of Hyattsville was received, Vice Chair Johnston made the Motion to Approve V-93-24, and the motion was seconded by Board Member Stanton. Motion carried by a 3-0 vote.

#### Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(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 variance complies with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the subject property being subdivided in 1972, before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Manual*, the subject property is physically unique and unusual in a manner different from the nature of surrounding properties due to the property having a steep slope in the front of the subject property as compared with the surrounding neighborhood. *See, North v. Saint Mary's County*, 99 Md. App. 502, 638 A.2d 1175 (1994). The particular uniqueness and peculiarity of the specific property would cause, if applied, would cause the Petitioner the inability to construct a usable deck in the allowable footprint. Additionally, the Board concluded that these variances are minimally necessary to overcome the exceptional physical conditions found on the property due to the steep slope in the front of the subject property reduces the buildable space in the rear of 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 is no evidence in the record that the variances would substantially impair the use and enjoyment of adjacent properties. Lastly, the Board found the practical difficulty was not self-inflicted due to the Petitioner not commencing construction before seeking a permit.

BE IT THEREFORE RESOLVED, by a 3-0 vote, that a variance of 6'.33" (sf) rear lot line on the property located at 6006 Queens Chapel Road, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3, and approved elevation plans Exhibit 4 (A) thru (D).

BOARD OF ZONING APPEALS

By:   
Omar Boulware (Sep 15, 2025 16:57:31 EDT)  
Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By:   
Ellis Watson (Sep 15, 2025 16:59:50 EDT)  
Ellis F. Watson, 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.



# CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

## Notes:

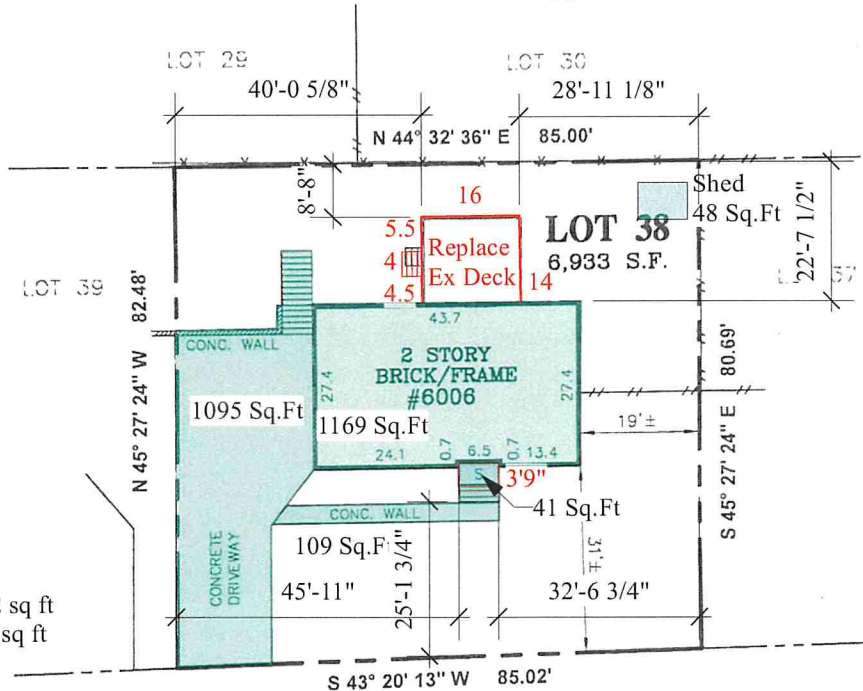
1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet.
2. Fences, if shown, have been located by approximate methods.

## BOARD OF APPEALS

APPROVED MAR 26 2025

*Ellis Watson*

ADMINISTRATOR



Impervious Area:  
 Shed: 48 sq ft  
 House: 1169 sq ft  
 Driveway: 1095 sq ft  
 Walkway: 109 sq ft  
 Covered Stair: 41 sq ft  
 Total Impervious Area: 2,462 sq ft  
 Total Area of Property: 6933 sq ft  
 % Impervious: 35.5%

**QUEENS CHAPEL ROAD**  
 (MD ROUTE No. 500)

LOCATION DRAWING  
 LOT 38, BLOCK 18  
 SECTION FIVE  
**QUEENS CHAPEL MANOR**  
 PRINCE GEORGE'S COUNTY, MARYLAND



### SURVEYOR'S CERTIFICATE

"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

*Jeffrey A. Foster*  
 MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587  
 Expires: 04-02-2021

### REFERENCES

PLAT BK. 78  
 PLAT NO. 88

EXH. # 3  
 V-93-24

**SNIDER & ASSOCIATES**  
 LAND SURVEYORS  
 19544 Amaranth Drive  
 Germantown, Maryland 20874  
 301/948-5100 Fax 301/948-1286  
 WWW.SNIDERSURVEYS.COM

LIBER  
 FOLIO

DATE OF LOCATIONS  
 WALL CHECK:  
 HSE. LOC.: 08-28-19

SCALE: 1" = 30'  
 DRAWN BY: D.M.L.  
 JOB NO.: 19-03422