



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-32-25 Miguel Ramos, III & Brandyn White

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: July 23, 2025.

CERTIFICATE OF SERVICE

This is to certify that on September 19, 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

Petitioners: Miguel Ramos, III & Brandyn White

Appeal No.: V-32-25

Subject Property: Lot 848, Cedar Heights Subdivision, being 900 CypressTree Drive, Capitol Heights, Prince George's County, Maryland

Heard: July 23, 2025 Decided: July 23, 2025

Board Members Present and Voting: Omar Boulware, Chair
Phillippa Johnston, Vice Chair
Dwayne A. 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 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 27-4202(e)(2) that prescribes that each lot shall have a minimum width of 65 feet measured along the front building line, a maximum lot coverage of 35%, a minimum front yard depth of 25 feet, and a minimum rear yard depth of 20 feet. Zoning Ordinance 27-11002(a) prescribes that no parking space, parking area, or parking surface other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling, except a "dwelling, townhouse" or "dwelling, multifamily", in the area between the front street line and the sides of the dwelling. Section 27-6603 prescribes that unless otherwise stated in Section 27-6600, fences and walls shall comply with the height standards will require a 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. Variances of 4.87 feet lot width, 4.3% lot coverage, 8 feet front yard depth (abutting K Street), 2 feet side street yard depth (abutting CypressTree Drive), 2 feet rear yard depth, a waiver of the parking area location requirement 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 1986, contains 6,500 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling, concrete driveway, and a porch. The subject property contains a 10' utility easement, and a drainage easement. Exhs. 3, 5, 7 (A) thru (G), 10, and 11.

2. The Petitioner proposes to validate an existing condition (lot width, front yard depth, side street yard depth, rear yard depth, lot coverage, driveway location) and obtain a building permit for the proposed 6-foot wooden fence. Variances of 4.87 feet lot width, 4.3% lot coverage, 8 feet front yard depth (abutting K Street), 2 feet side street yard depth (abutting CypressTree Drive), 2 feet rear yard depth, a waiver of the parking area location requirement and security exemption review for a fence 2 feet over the allowable height located in the front yard are requested. Exhs. 1, 2, 3, 4 (A) thru (B), and 12 (A) thru (F).

3. The Petitioners testified that they purchased the subject property in 2022 with the preexisting fence that is currently in disrepair. They desire to replace the fence with the same type of board-on-board six (6) foot wooden fence. Exhs. 3, 4 (A) thru (B), and 7 (A) thru (G).

4. Further, the Petitioners testified that the fence was there years before they moved in, and the hardship was not due to any actions on their behalf.

5. Chair Boulware asked the Petitioners to explain their need for a six (6) foot fence. The Petitioners testified that they have observed suspicious activity in their neighborhood, and their next-door neighbors experienced a carjacking incident. Ultimately, the fence would deter criminal activity on the subject property.

6. Vice Chair Johnston asked the Petitioners about the waiver of the parking location requirement. Board of Appeals Staff, Ms. Barlow, answered that the Petitioners' driveway extended in front of the house without leading to a garage and necessitated the variance request. Administrator Watson clarified that this request was needed to validate existing conditions. Exhs. 1 and 3.

7. Chair Boulware stated that the Petitioners satisfied the conditions for granting the variance requests and security exemption review and called for a motion.

8. Vice Chair Johnston made the Motion to Approve V-32-25. 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) and Section 27-6610(b)(1)(2) 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) and Section 27-6610(b)(1)(2), more specifically:

Due to the subject property containing utility and drainage easements, the particular uniqueness and peculiarity of the specific property would impede the Petitioner from validating existing conditions on her property and repairing a preexisting fence needed for safety. *See, North v. Saint Mary's County*, 99 Md. App. 502, 638 A.2d 1175 (1994). Additionally, the Board concluded that these variances are minimally necessary to overcome the exceptional physical conditions found on the property due to the orientation of the Petitioners' property caused by the location of the easements. 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. Lastly, the Board found the practical difficulty was not self-inflicted due to the Petitioner not commencing construction before seeking a variance.

The Board determined that the Petitioners' property was located in an area with a history of criminal 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 3-0 vote, that variances of 4.87 feet lot width, 4.3% lot coverage, 8 feet front yard depth (abutting K Street), 2 feet side street yard depth (abutting Cypresstree Drive), 2 feet rear yard depth, a waiver of the parking area location requirement and a security exemption review for a fence 2 feet over the allowable height located in the front yard on the property located at 900 Cypresstree Drive, Capitol Heights, 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 approved elevation plans, Exhibit 4 (A) thru (B).

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.

BOARD OF APPEALS

APPROVED JUL 23 2025

Ellis Watson

ADMINISTRATOR



A

EXHIBIT

4 (A-B)

V-32-25

Sample Photo of Fence to be Built

