



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-7-25 Rahimi Investments, Inc. (Owner)/Auto Zone Development, LLC (Tenant)

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 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
Matthew Tedesco, Esq., McNamee Hosea, P.A.

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

Petitioner: Rahimi Investments, Inc. (Owner)/Auto Zone Development, LLC (Tenant)

Appeal No.: V-7-25

Subject Property: Kentland Commercial Parcel Subdivision, Parcels A-C, being 7755 Landover Road, Landover, Prince George's County, Maryland

Counsel for Petitioner: Matthew C. Tedesco, Esq., McNamee Hosea, P.A.

Witness: Dominique Lockhart, Senior Land Use Planner

Heard: March 26, 2025, and Decided: March 26, 2025¹

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"), 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 27-1903 (c) of the current Edition of the Zoning Ordinance, and Sections 27-229 and 27-230 of the prior Edition of the Zoning Ordinance, Petitioner requests that the Board approve a variance from a requirement in Section 27-462(b)(Table 1) that structures be located at least 25 feet from the rear lot line abutting residentially zoned land, or the buffer required in the Landscape Manual, whichever is greater. A 40-foot-wide buffer is required by the Landscape Manual. A variance of approximately 21.4 feet rear lot line setback is requested to validate a portion of an existing building.²

Evidence Presented

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

1. The subject property, which consists of Parcels A-C (Plat Book WWW 66 at Plat 99) of the Kentland Commercial Subdivision, is currently improved with an AutoZone store located within a building on Parcel C that was constructed circa 1969. (Exhibits 1, 2, and 3). The property is currently in the CGO (Commercial, General and Office) Zone, and formerly in the C-S-C (Commercial Shopping Center) Zone. (Exhibit 9) The property is surrounded by similar commercial uses and a single-family development to the rear. (Exhibits 5 (a)-(k) and 10 (a)-(f))

2. The Petitioner, AutoZone Development, LLC., requests a variance, in order to validate the existing 19,287-square-foot building and associated parking on site. No new development is

¹ Case V-7-25 was on the September 24, 2025, Board of Appeals agenda as a "Discussion/Decision" item. The Administrator informed the Board of the mistake made and the corrective action performed.

² The Board inadvertently advertised a variance for the existing rear lot line setback of 18.6 feet instead of the approximately 21.4 feet needed. The variance was, therefore, readvertised to inform the public of the aforementioned mistake made. The Board adopts and incorporates herein the testimony and exhibits received into the record at the original hearing.

currently proposed, but the validation will facilitate opportunities for the future redevelopment and/or expansion of the site. (Exhibits 2, 3, 5 (a)-(k), and 10 (a)-(f)).

3. The Petitioner's Attorney, Mr. Tedesco, explained to the Board that his client was utilizing the prior Prince George's County Zoning Ordinance for its variance request as permitted by Section 27-1903 (c) of the current Edition of the Zoning Ordinance. (Exhibit 2)

4. The subject property was platted in 1967, and the building in which the AutoZone is located was constructed circa 1969. It has remained in the same configuration for over fifty-five (55) years. Sometime in 1968, the multifamily dwellings to the south of the site were razed. In 2001, single-family dwellings were constructed, triggering the requirement that the subject property satisfy the increased rear yard setback. (Exhibit 3)

5. The subject property has a unique L-shape, and only 6.5% of the subject lot located at the bottom left-hand corner of the lot requires the variance from the rear lot line abutting residentially zoned land. (Exhibits 2, 3, and 10 (A) thru (F))

6. At the original hearing, Vice Chair Johnston concurred with Mr. Tedesco's observation that the subject property is unique and has topographic issues. Board Member Stanton concurred with Mr. Tedesco and Vice Chair Johnston. Board Member Stanton made the Motion to Approve V-7-25, and the Motion was seconded by Vice Chair Johnston. 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 27-230(a) of the prior Edition of the Prince George's County Zoning Ordinance are satisfied:

Sec. 27-230. Criteria for granting appeals involving variances.

(a)

A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, 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 area master plan, sector plan, or transit district development plan affecting the subject property; and

(5)

Such variance will not substantially impair the use and enjoyment of adjacent properties.

(6)

Notwithstanding any other provision of this Section, 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 27-230(a), more specifically:

- The subject property was subdivided in 1967 and constructed in 1968, approximately 33 years before the single-family dwelling development was constructed to the south, and the increased setback is required due to the single-family dwelling development; and the subject property is physically unique and unusual in a manner different from the nature of surrounding properties due to its unique L-shape. (Section 27-230 (a)(1)).
- These unique and peculiar aspects of the specific property cause the 40-foot setback to impact the subject property disproportionately since the strict application of the law would result in a use, existing prior to the development that triggered the need for the variance, to cease operation or have to remove a portion of the existing building. (Section 27-230(a)(2)).
- The variance is the minimum necessary to allow the building to remain and allow the Applicant to continue its successful auto parts sales business within the County. (Section 27-230 (a)(3)).
- The variance can be granted without substantial impairment to the intent, purpose, or integrity of the General Plan or any other applicable plan since it is de minimis – only affecting a small corner of the building that has existed without negative impact on the site for over 33 years, and it the use on site is one permitted in the Zone. ((Section 27-230 (a)(4)).
- The variance would not substantially impair the use/enjoyment of adjacent properties, as it has successfully coexisted with its surroundings for over 33 years, and the adjacent uses are a mix of commercial and residential. (Section 27-230 (a)(5)).
- The practical difficulty of having a single-family dwelling development constructed behind a permitted building and use over 33 years after the building was legally constructed was not self-inflicted by the owner of the subject property.

BE IT THEREFORE RESOLVED, by a 3-0 vote, a variance of 21.4 feet rear lot line setback for property located at 7755 Landover Road, Landover, 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, Chair

APPROVED FOR LEGAL SUFFICIENCY

By: 
Ellis F. Watson, 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.