



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-57-24 J. Rose Guzman Santiago

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: October 9, 2024.

CERTIFICATE OF SERVICE

This is to certify that on October 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

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

Petitioners: J. Roso Guzman Santiago

Appeal No.: V-57-24

Subject Property: Lot 1, Block 37, Lewisdale Subdivision, being 2250 Lewisdale Drive, Hyattsville, Prince George's County, Maryland

Witnesses: Leif Colon, Real Estate Agent

John Gold, Neighbor

Heard: October 9, 2024 Decided: October 9, 2024

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 52 feet measured along the front street line. Section 27-6603(a) prescribes that on corner lots, fences in the front yard or side street yard shall not be more than four (4) feet high without the approval of a variance. A variance of 2 feet lot frontage and a security exemption for a fence over 4 feet in height in the front yard and side street yard are requested.

Evidence Presented

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

1. The property was subdivided in 1952, contains 9,062 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling and driveway. Exhs. 2, 4, 10, and 13.

2. The Petitioner proposes to validate an existing condition (lot frontage) and obtain a building permit to construct a 6.38-foot fence in the front yard and side street yard (abutting Fordham Street and Lewisdale Drive). A variance of 2 feet lot frontage and a security exemption for a fence over 4 feet in height in the front yard and side street yard are requested. Exhs. 1, 2, 3, 5, 6, 7 (A) thru (P), 8 (A) thru (F), 12 (A) thru (D), and 13.

3. The Petitioner, Mr. Santiago, testified that he lives at the end of a street that abuts the Potomac Electric Power Company (PEPCO) property. Exhs. 7 (A) thru (P), 8 (A) thru (F), and 12 (A) thru (D).

4. Further, Mr. Santiago testified that there is dumping of trash, people parking on the subject property at night, and other unsavory activities that occur near or on the subject property.

5. Additionally, Real Estate Agent Mr. Colon, testified that the subject property is located next to PEPCO's power lines, and there are issues with trespassers. Also, Mr. Colon testified that the higher fence is needed to protect Mr. Santiago's children.

6. The Neighbor, Mr. Gold, testified that a large homeless population lives next to the subject property, and a number of criminal incidents have occurred there. Mr. Gold also testified that a number of syringes had been found close to the subject property, and massive piles of trash had been found on the

subject property before Mr. Santiago moved in. Further, Mr. Gold testified that the higher fence would serve as a deterrent to keep dangerous elements out of the neighborhood and prohibit trespassers from using the subject property as a cut-through to Langley Park.

7. Chair Boulware stated that Mr. Santiago has satisfied the conditions for granting the variance request and security exemption review and called for a motion.

8. Board Member Stanton made the Motion to Approve V-57-24. The motion was seconded by Vice Chair Johnston. 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 being a corner lot on a dead-end street that abuts the PEPCO property, the particular uniqueness and peculiarity of the specific property would impede the Petitioner from validating existing conditions on his property and constructing a 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 subject property abutting PEPCO's property and created a uniquely shaped corner lot. 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 variance 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 a variance of 2 feet lot frontage and a security exemption for a fence over 4 feet in height in the front yard and side street yard on the property located at 2250 Lewisdale 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, and approved elevation plans, Exhibit 3.

BOARD OF ZONING APPEALS

By: 
Omar Boulware (Sep 30, 2025 16:38:36 EDT)

Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By: 
Ellis F. Watson (Sep 30, 2025 16:39:15 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.

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THE PROPERTY OF
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IN PART WITHOUT
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CONTACT:

Menjor Kamara
5203 Wiley Street
Riverdale
Maryland 20737
+1 (301)-825-4411

PROJECT ADDRESS:

2250 Lewisdale
Dr, Hyattsville, MD
20783

Roso Guzman
Santiago
2250 Lewisdale
Drive Fence
ELEVATIONS

Project Number	A-002		
Date	Issue Date		
Drawn By	Menjor Kamara		
Checked By	Checker		
Scale	1" = 1'-0"		
XXX			

11012024321568

BOARD OF APPEALS

APPROVED OCT - 9 2024
Ellis Watson
A ADMINISTRATOR

ADMINISTRATOR

1/2" WROUGHT IRON BALUSTER; SPACED 4 1/2" O.C.

1" WROUGHT IRON BALUSTER; 4' - 4" FROM POST

1" WROUGHT IRON TOP & BOTTOM RAIL

BOARD OF APPEAL

APPROVED OCT - 9 2024

Ellis Watson

ADMINISTRATOR

A

10' - 0"

8' - 8"

4' - 4"

0' - 4 1/2"

6' - 4 1/2"

1' - 4"

1/2" WROUGHT IRON BALUSTER

1" WROUGHT IRON TOP & BOTTOM RAIL

BOARD OF APPEAL

APPROVED OCT - 9 2024

Ellis Watson

ADMINISTRATOR

A

EXHIBIT B

Architectural drawing of a gate structure. The overall width is 24'-0". The height of the gate is 8'-0". The drawing shows a central gate opening with a height of 7'-8". The gate is supported by two 1 1/2" x 1" steel posts. The top rail is labeled "G" and the bottom rail is labeled "F". The gate is made of vertical slats. A "GATE GUIDE" is shown at the bottom right. The drawing includes dimensions and labels for wrought iron balusters, steel posts, and a stop post.

24'-0"

8'-0"

7'-8"

GATE GUIDE

G

F

1 1/2" WROUGHT IRON BALUSTER; SPACED 4 1/2" O.C.

1 1/2" x 1" STEEL POST

1 1/2" x 1 1/2" STEEL STOP POST

GALVANIZED STEEL V-TRACK: 44' LENGTH

0'-3"

0'-3"

5'-6"

B

23'-4"

EXHIBIT
3 (A-B)

23' - 4"

100 200 300 400 500 600 700 800 900 1000

② Gate Elevation
1 = 14.5