



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-78-23 Domingo de Leon

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: November 29, 2023.

CERTIFICATE OF SERVICE

This is to certify that on December 20, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature of Barbara J. Stone is written over a horizontal line.

Barbara J Stone
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: Domingo de Leon, Jr.

Appeal No.: V-78-23

Subject Property: Lots 21, 22, and 23, Block 14, Highland Park Drive Subdivision, being 6607 Highland Park Drive, Landover, Prince George's County, Maryland

Heard and Decided: November 29, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Carl Isler, Acting Vice Chair

Renee Alston, Member

Teia Hill, Member

Anastasia T. Johnson, Member

Board Member Absent:

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 variances 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, Petitioner requests that the Board approve variances from Section 27-4202(e) which prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-4202(e)(1) prescribes that a lot shall have a minimum width of 65 feet at the building line. Section 27-6600(a) prescribes that fences more than 4 feet high shall not be located in any required yard, shall meet the setback requirements for main buildings and shall require a security exemption approval. Petitioner proposes to validate existing conditions (net lot area, lot width at the building line) and obtain a building permit for the proposed 6-foot white vinyl fence in front of the house along Java Place. Variances of 500 square feet net lot area, 5 feet lot width at the building line, and a security exemption for a new fence over 4 feet in height in the front yard (abutting Java Place) are requested.

Evidence Presented

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

1. The property was subdivided in 1925, contains 6,000 square feet, is zoned RSF-65 (Residential, Single-Family - 65) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 3, 5, 8, 9 and 10 (A) thru (F).
2. The subject property is rectangular in shape, located on a corner lot with unique steep slopes in the rear and side yards. The legal front yard is along Java Place. Exhs. 3, 5, 8, 9 and 10 (A) thru (F).
3. Petitioner proposes to validate existing conditions (net lot area, lot width at the building line) and obtain a building permit for the proposed 6-foot white vinyl fence in front of the house along Java Place. Variances of 500 square feet net lot area, 5 feet lot width at the building line, and a security exemption for a new fence over 4 feet in height in the front yard (abutting Java Place) are requested. Exhs. 3, 5, 8, 9 and 10 (A) thru (F).
4. Petitioner testified that he purchased the property in 2017, when the house was built, and is attempting to gain permission to construct a 6-foot fence around his "backyard" due to the orientation of his property, the corner lot, technically, per the Zoning Ordinance, the front of his house is considered a side yard. The problem is that the fence will be located in the legal front yard. The need is requested as his job, being a police officer for Metro Transit Police Department with hopes of getting a promotion as Explosive

Canine Handler to house a canine, that he is required to provide a 6-foot fence to house the canine for training purposes and the safety of his surrounding neighbors. He will be patrolling the Metro Station ensuring that there are no bombs or explosives, and his service animal is required to live on the Petitioner's property. This fence is proposed as a white vinyl fence, and the fence will not impede site lines as he lives on a "no outlet" street with minimal traffic. Also, it will be a setback from the property line. Exhs. 2, 3, 4 and 6 (A) thru (G).

5. He further stated that his property's topography is sloped significantly. The property slopes from the front of the house toward the rear yard and the yard abutting Java Place slopes upward. Exhs. 3 and 6 (A) thru (G).

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.

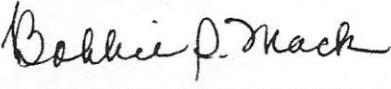
Findings of the Board

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

Due to the property being located on a unique significantly sloping corner lot with the legal front yard abutting Java Place, the configuration of the house on the lot with the house facing the a side yard, the topography being sloped and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property. Further, the Petitioner seeks proactive improvements to his property as to not substantially impair the use and enjoyment of adjacent properties.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Johnson absent, that variances of 500 square feet net lot area, 5 feet lot width at the building line, and a security exemption for a fence over 4 feet in height in the front yard (abutting Java Place) in order to validate existing conditions (net lot area, lot width at the building line), and security exemption for a fence over 4 feet in order to obtain a building permit for the proposed 6-foot white vinyl fence on the property located at 6607 Highland Park Drive, Landover, 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 approved elevation plan, Exhibit 4.

BOARD OF ZONING APPEALS

By: 
Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By: **Ellis Watson**
Ellis 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.

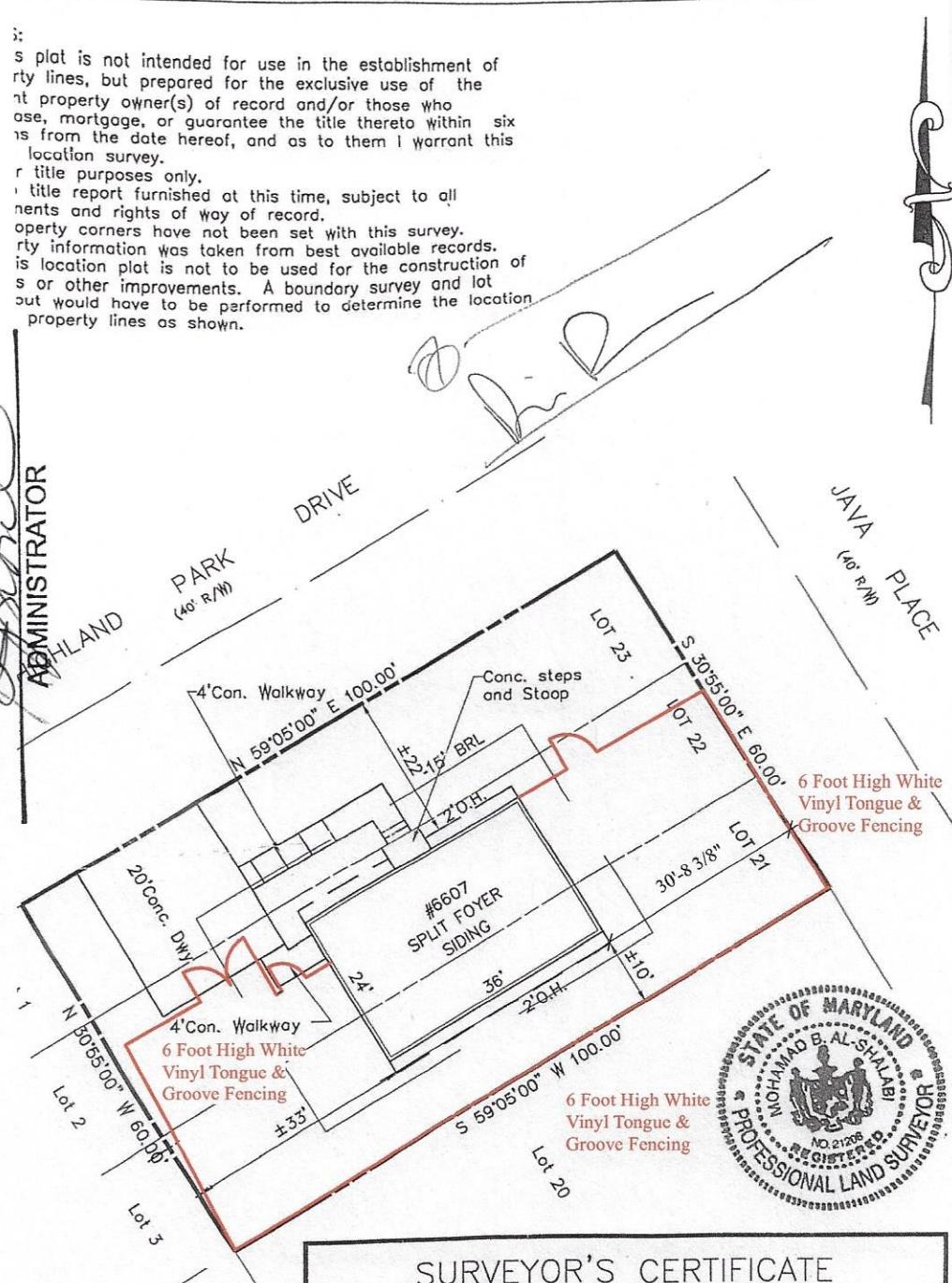
Signature: Ellis F. Watson
Ellis F. Watson (Dec 20, 2023 13:38 EST)

Email: efwatson@co.pg.md.us

BOARD OF APPEALS

APPROVED NOV 29 2023

Signature
ADMINISTRATOR



SURVEYOR'S CERTIFICATE

I hereby certify that the position of all the existing improvements on the above described property has been carefully surveyed by me or directly under my supervision and that they are located as shown.
THIS IS NOT A BOUNDARY SURVEY.

Signature 5/18/2018

DATE

by:	MS
ed by:	MS
5/18/2018	
1"=20'	
2018	

EXH. # 3
V-78-23

HOUSE LOCATION PLAT		
6607 HIGHLAND PARK DRIVE		
1-23	Block	Sec./Plet
HIGHLAND PARK		
13TH Election District		
PRINCE GEORGE'S County, Maryland		
3	Plat	12
Folio	Drawing #	

APPLIED CIVIL ENGINEERING
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BOARD OF APPEALS

APPROVED NOV 29 2023

[Signature]
ADMINISTRATOR

EXH. # 4
V-78-23