



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-86-23 Maudica Quashie

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: April 24, 2024.

CERTIFICATE OF SERVICE

This is to certify that on July 12, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

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

Petitioners: Maudica Quashie

Appeal No.: V-86-23

Subject Property: Lot 9, Block C, Adelphi Manor Subdivision, being 7917 24th Place, Hyattsville, Prince George's County, Maryland

Witness: Christopher Quashie, Grandson

Heard: April 10, 2024; Decided: April 24, 2024

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

Carl Isler, Vice Chairman

Teia Hill, Member

Board Member Absent: Renee Alston, 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 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 27-3303 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-4202(f)(1), which prescribes that a lot shall have a minimum width of 60 feet at the building line, a minimum width of 48 feet at front street line. Section 27-11002 (1)(a) prescribes that no parking space, parking area, or parking surface other than a driveway no wider than its associate garage, carport, or other parking structure may be built in the front yard of a dwelling, in the area between the front street line and the sides of the dwelling. The Petitioner proposes to validate existing conditions (lot width at the building line and frontage width at a front street line) and obtain a building permit for the proposed driveway (16' x 20') in front of the house. Variances of 24-foot lot width at the building line, 12-foot lot width at the front street line, and waiver of the parking area location requirement are requested.

Evidence Presented

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

1. The property was subdivided in 1951, contains 3,822 square feet, is zoned RSF-A (Residential, Single-Family - Attached), and is improved with a single-family dwelling, wood deck, fence, and shed. Exhibits (Exhs.) 3, 4, 7, and 8 (A) thru (F).
2. The subject property is rectangular in shape and is similar in shape and size to the surrounding properties. Exhs. 3 and 4.
3. The Petitioner proposes to validate existing conditions (lot width at the building line and frontage width at a front street line) and obtain a building permit for the proposed driveway (16' x 20') in front of the house. Variances of 24-foot lot width at the building line, 12-foot lot width at the front street line, and waiver of the parking area location requirement are requested. Exhs. 3, 4, 7, and 8 (A) thru (F).
4. The Petitioner, Maudica Quashie testified would like to construct a driveway in front of the house because of parking problems. She believes the neighborhood suffers from a lack of parking issues, but she allegedly needs a parking space because of a lack of parking when she returns from her daily travel. She does not actually drive, but her son must pick her up and drop her off from errands. Parking is always a

problem. She has to walk a long distance for food deliveries, etc. as she walks with a cane. Several other homes have driveways. Exhs. 2, 3, 5 (A) thru (E).

Chair Mack made the motion to take this item under advisement. Vice Chair Isler seconded the motion. Motion carried 3/0. (Mack, Isler, and Hill)

A hearing was held on April 24, 2024, as a Discussion/ Decision item.

1. The Board found that the lot is not unique in shape or size from the surrounding lots.

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.

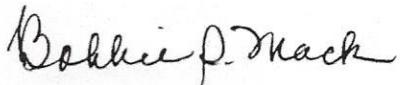
Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances do not comply with the applicable standards set forth in Section 27-3613(d), as follows: and the variance cannot be approved unless **ALL** criteria are met; however, the specific criterion that was not met is:

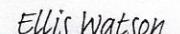
1. The Board found that Section 27-3613(d), criteria number one, is not being met as the lot is not unique in shape or size from the surrounding properties, and well-established Maryland case law states that the inquiry concerning a variance end when the aspect of uniqueness of the property cannot be fulfilled.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Alston absent, that variances of 24-foot lot width at the building line, 12-foot lot width at the front street line, and waiver of the parking area location requirement in order to validate existing conditions (lot width at the building line and frontage width at a front street line) and obtain a building permit for the proposed driveway (16' x 20') in front of the house on the property located at 7917 24th Place, Hyattsville, Prince George's County, Maryland, be and are hereby DENIED.

BOARD OF ZONING APPEALS

By: 
Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By: 
Ellis Watson (Jul 11, 2024 08:51 EDT)
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:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.