



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-44-24 Percy L. Hill and Sharyn G. L. Jordan

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: June 20, 2024.

CERTIFICATE OF SERVICE

This is to certify that on November 22, 2024, 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
Wilbert Brinson Sr., Architect

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

Petitioners: Percy L. Hill and Sharyn G. L. Jordan

Appeal No.: V-44-24

Subject Property: Tax Map #146, Grid B-4, Parcel #29, being 10603 North Keys Road, Brandywine, Prince George's County, Maryland

Witnesses: Wilbert Brinson Sr., Architect

Charles Brooks, Neighbor

Heard: July 24, 2024; Decided: September 25, 2024

Board Members Present and Voting: Omar Boulware, Chairperson¹

Phillippa Johnston, Vice Chair

Dwayne 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 27-4201(c)(2) prescribes that each lot shall have a minimum width of 300 feet measured along the front building line (lot width) and 240 feet measured along the front street line (lot frontage), and a maximum lot coverage of 5%. Section 27-11002(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, except a "dwelling, townhouse" or "dwelling, multifamily", in the area between the front street line and the sides of the dwelling. Variances of 144 feet lot width at the building line, 74.42 feet lot frontage at the street line, and 1.2% net lot coverage are requested.

Evidence Presented

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

1. The property was originally deeded in 1982, contains 5.1 acres, and is zoned AG (Agriculture and Preservation) on a vacant lot. Exhibits (Exhs.) 2, 3, 5, 6, 8, 9, and 10.
2. The subject property has a uniquely long and narrow shape, and development on the property would be extremely difficult without the Petitioners seeking variances. Exhs. 2, 11 (A) thru (F), and 12.
3. Petitioners propose to validate existing conditions (lot width and lot frontage) and construct a one-story dwelling, 32' x 34' garage, and 6,400 square foot driveway. Exhs. 2, 3 (A) thru (D), 4, and 19.
4. The architect, Mr. Wilbert Brinson, Sr., testified on behalf of the Petitioners that the lot is large enough to support the proposed development, a single-family dwelling unit. He further testified, however, that without a variance, the front street lot requirement will prevent the Petitioners from building on the lot. He indicated that the site development and stormwater development concept have already been approved and the development is located on the lot in a manner that does not impact the privacy, function, or enjoyment of

¹ Board Member Stanton was present and voted at the July 24th Hearing; however, he was absent for the final vote of the Board at the September 25th Hearing.

adjoining property owners. Further, he indicated that the lot is non-conforming, and the Petitioners were unaware that it was not in compliance with the Zoning Ordinance.

5. Administrator Stone² clarified that Mr. Brinson was referring to the property not conforming to the Zoning Ordinance and not a “certified non-conforming use” as designated by the Maryland National Capital Park and Planning Commission (MNCPPC).

6. Vice Chair Johnston asked to see the exhibits that illustrated the parking on the property. Exh. 2.

7. Mr. Brooks, the Neighbor, expressed concerns that the surveyor included a portion of his property in the survey and wanted to ensure this was not the case. Specifically, he testified that the surveyor purposely moves markers on properties to obtain his desired outcome.

8. Sharyn Jordan, the Petitioner, testified that she has met with Mr. Brooks on several occasions to attempt to satisfy his concerns regarding the survey, and had her property surveyed again. Ms. Jordan further testified that Mr. Brooks refused to remove the “junk” from their property.

9. Chair Boulware asked the Petitioners if the “junk” was currently on their property, to which the Petitioners answered in the affirmative.

10. Administrator Stone stated that the site plan submitted to the Board is certified and any contentions with it would need to be handled in a civil matter that is outside the purview of the Zoning Board of Appeals. Board Attorney Garner agreed with her statement.

11. Karen Zavakos, Associate Council Administrator, questioned the necessity of the waiver of the parking area location as the driveway may not be considered in the front. Administrator Stone indicated she would seek a topography map to confirm.

12. Board Member Stanton made the motion to Continue V-44-24, and Vice Chair Johnston seconded the motion. Motion carried by a 3-0 vote.

13. V-44-24 reconvened on September 25, 2024, and Chair Boulware asked staff to provide an update.

14. Vice Chair Johnston made the motion to Approve, and Chair Boulware seconded the motion. Motion carried by a 2-0 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) 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.

² Administrator Stone was present at the July 24th Hearing; however, Administrator Stone announced her retirement before the September Hearing.

- (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 variance complies with the applicable standards set forth in Section 27-3613 (d), more specifically:


The Board determined that the Petitioners' property is physically unique and unusual in a manner different from the nature of surrounding properties due to its long and narrow shape. Further, the Board found that the particular uniqueness and peculiarity of the specific property would cause a zoning provision to impact disproportionately on the property causing the lot to be unbuildable. Additionally, the Board, through testimony and reviewing the files, determined this variance is the minimum reasonably necessary action to overcome the exceptional physical conditions found on the property. Further, there was no evidence in the file or testimony given that the variances, if granted, would substantially impair the intent, purpose, and integrity of the General Plan or any Functional Master Plan, Area Master Plan or Sector Plan affecting the property. Lastly, Mr. Brooks provided testimony voicing his concerns about the surveying of the property; however, it is determined those matters are outside the purview of the Board and are not under consideration plus the matter is not self-inflicted as no development has occurred to date.

BE IT THEREFORE RESOLVED, by a **2-0 vote**, Board Member Stanton being absent, that variances of 144, feet lot width, 74.42 feet lot frontage, and 1.2% lot coverage to obtain a building permit to construct a one-story dwelling, 32' x 34' garage, and 6,400 square foot driveway on the property located at 10603 North Keys Road, Brandywine, Prince George's County, Maryland, be and is hereby **APPROVED**. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibit 3 (A) thru (D).

BOARD OF ZONING APPEALS

By: 
Omar Boulware (Nov 20, 2024 13:10 EST)
Omar Boulware, Chairperson

Approval for Legal Sufficiency

By: 
Keisha 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.

