



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-3-23 Cristian Fuentes

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: July 12, 2023.

CERTIFICATE OF SERVICE

This is to certify that on September 13, 2023, 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

Petitioner: Cristian Fuentes

Appeal No.: V-3-23

Subject Property: Lot 25, Block B, Newton Village Subdivision, being 4919 Newton Street, Bladensburg, Prince George's County, Maryland

Witness: Dane Crawford, Neighbors

Heard: April 26, 2023, May 24, 2023; Decided: July 12, 2023

Spanish Language Interpreter: Ernesto Luna

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Anastasia T. Johnson, Member
Carl Isler, Member
Teia Hill, Member
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 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, Petitioner requests that the Board approve Section 27-4202(e) prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-4202(e)(1) prescribes that not more than 35% of the net lot area shall be covered by buildings and off-street parking and shall have a minimum lot width of 65 feet. Section 27-4202(e)(3) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-4202(e)(4) prescribes that each lot shall have a rear yard at least 20 feet in depth. Petitioner proposes to validate existing conditions (net lot area, lot width, net lot coverage, side yard and rear yard) and obtain a building permit for the construction of a two-story addition in the rear yard. Variances of 1,429 square feet net lot area, 14% net lot coverage, 6.9 feet lot width, 4 feet right side yard width and 9 feet rear yard depth are requested.

Evidence Presented

1. The property was subdivided in 1940, contains 5,071 square feet, is RSF-65 (Residential, Single-Family-65) zoned, and is improved with a single-family dwelling, driveway, and covered patio. Exhibits (Exhs.) 2, 4, 7, 8, and 10 (A) thru (F).

2. The subject property is relatively small at 5,071 square feet. The lot is 58 feet in width and 87.88 feet in length. Exhs. 2, 4, 8, and 10 (A) thru (F).

3. Petitioner proposes to validate existing conditions (net lot area, lot width, net lot coverage, side yard, and rear yard) and obtain a building permit for the construction of a two-story addition in the rear yard. Variances of 1,429 square feet net lot area, 14% net lot coverage, 6.9 feet lot width, 4 feet right side yard width, and 9 feet rear yard depth are requested. All variances are needed to validate the property in order to obtain a building permit. Exhs. 2, 4, and 13.

4. Petitioner Christian Fuentes testified that he would like to build an addition to the rear of the house as his family is large. He purchased the property 5 years ago, and there is no Homeowner's Association. The proposed addition is two-story, there is an access door on the first floor to exit and enter

the addition. He explained that in order to access the second-floor addition a staircase will be provided on the interior of the home. There will not be any exterior access to the second floor.

5. Board Member Alston questioned Inspector Swann regarding the Stop Work Order. Mr. Swann responded that this addition has been under construction since 2021. He does not recall the origin of the complaint.

6. Board Member Isler questioned the Petitioner as to whether he had permits to construct the addition that expired? Mr. Fuentes responded that the reason he enclosed the porch was due to the coronavirus pandemic. His wife contracted the virus, so he enclosed the area to isolate her. So then when the Inspector came, he found that the porch had been enclosed. The Petitioner decided that even after he was given the warning to add the addition on the rear and that is the current impetus behind this application.

7. Board Member Isler questioned the Petitioner if the addition was preexisting when he purchased the home. The Petitioner, Mr. Fuentes responded that there was a roof over the rear porch, but it was not completely enclosed. Additionally, there was a screen around it in order to keep the mosquitos from coming in and there were 48 inches of plywood that did not cover the entire back.

8. Mr. Fuentes explained that he has not built the second-floor addition yet. Only the porch was enclosed due to his wife having contracted COVID-19. Now as my children are growing his intention is to build a bedroom for them on the second floor.

9. Administrator Stone noted that the elevation does not demonstrate a second floor. The elevations need to be revised to demonstrate exactly what he intends to construct. Exhs. 2 and 18 (a) & (b).

10. Madam Chair questioned in aerial photo, 10 (F), is there currently a second story? Mr. Fuentes responded that no, that second story already existed when he purchased the property. He intends to construct a second story over the existing rear porch. The house is currently a 1½ story house. He will submit revised plans demonstrating the second-floor addition. Exhs. 10 (A) thru (F) and 18 (a) & (b).

11. Mr. Dane Crawford, (4917 Newton Street), testified that he is the Petitioner's next-door neighbor and lives on Lot 24. The addition did exist prior to him purchasing the property. It was an exterior porch as the Petitioner noted, but it was enclosed well before the coronavirus pandemic. Also, the covered patio that was built on after, that was not existing. It does show a 4-foot setback between the covered patio and his fence although, the roofline overhang is within inches of his fence line. That covered patio was constructed right before COVID-19. His concern is that the activities on the covered porch are that of a commercial kitchen, which is very concerning. He is not saying that it is a commercial kitchen, he is only saying there is daily cooking and that it "looks" to be a commercial kitchen. He does not have any problem with Mr. Fuentes proposed plans as long as it meets Code.

12. Board Member Alston questioned if the Petitioner intends to keep the covered porch with the addition or if the covered porch is to be removed? Mr. Fuentes stated that if the roof is an inconvenience for the neighbor, it will be removed. But the addition will line up with the side of the house, nothing will protrude past the side of the house.

13. On May 24, 2023, this case was heard and approved by the Board with revised elevations. Exhs. 18 (a) thru (b).

*NOTE: During the writing of this approved decision from revised elevation plans it was determined that the Petitioner did not submit the revised site plan. The site plan still demonstrates the covered porch although the elevations do not illustrate the covered porch. A reconsideration must be done in order to approve site and elevation plan that match. Therefore, this decision will be held for a reconsideration once site and elevation plans are submitted.

On July 12, 2023, a reconsideration was held before the Board with a congruent site plan and revised elevation plans demonstrating the covered patio area in the rear of the home. Exhs. 18 (a) thru (b) and Floor plans Exhs. 19 (a) thru (c).

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:

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 need for additional bedroom space for his children, to protect against health, safety, and welfare concerns, 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 as not receiving the variances would result in various safety issues for his family.

BE IT THEREFORE RESOLVED, by majority vote, the Board made the motion to rescind the original approval to grant variances of 1,429 square feet net lot area, 14% net lot coverage, 6.9 feet lot width, 4 feet right side yard width and 9 feet rear yard depth in order to validate existing conditions (net lot area, lot width, net lot coverage, side yard and rear yard) and obtain a building permit for the construction of a two-story addition in the rear yard on the property located at 4919 Newton Street, Bladensburg, Prince George's County, Maryland, be and is hereby RESCINDED.

BE IT THEREFORE FURTHER RESOLVED, by majority vote, variances of 1,429 square feet net lot area, 14% net lot coverage, 6.9 feet lot width, 4 feet right side yard width and 9 feet rear yard depth in order to validate existing conditions (net lot area, lot width, net lot coverage, side yard and rear yard) and obtain a building permit for the construction of a two-story addition in the rear yard on the property located at 4919 Newton Street, Bladensburg, Prince George's County, Maryland, be and is hereby APPROVED.

Approval of the variances is contingent upon development in compliance with the approved, Exhibit 2 and approved revised elevation plans, Exhibit 18 (A) thru (B) and 19 (a) thru (c).

BOARD OF ZONING APPEALS

By: 
Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

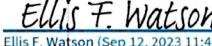
By: **Ellis Watson**
Ellis Watson, Esq. Associate Counsel

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 (Sep 12, 2023 11:46 EDT)

Email: efwatson@co.pg.md.us

ADDRESS: 4919 NEWTON STREET
BLADENSBURG, MD 20710

BOARD OF APPEALS

APPROVED JUL 12 2023

APPROVED JUL 12 2023

ADMINISTRATOR

NEWTON STREET

BOARD OF APPEALS

APPROVED *[Signature]*

Chairman [Signature]

LOT 26

LOT 24

LOT 25

LOT 3

LOT 2

Existing 75'x11' Asphalt driveway to remain.

3' grass area (rush area).

Existing concrete slab (9'x12') to remain.

1 1/2 STORY BLDG. #4919

COVERED PATIO

RAMP

CONC. WALK

ASPHALT DRIVEWAY

11' 11" x 31' 8"

10' 11" x 31' 8"

11' 11" x 11' 11"

8' 0" x 11' 5"

8' 0" x 11' 5"

11' 11" x 23' 9"

11' 11" x 11' 11"

58.00' x 28' 4"

58.01' x 46' 98"

58.00' x 11' 11"

51' 10" x 59' 05" E

N 79°00'10" E

S 78°07'20" W

WALK

LOT 24

LOT 25

LOT 3

LOT 2

(115' x 14') covered patio

NOTE :

VARIANCE FOR TWO STORY ADDITION
ON BACK SIDE ($11.4' \times 31.8'$) 2 STORY.

NOTES:
1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.
2. THIS LOCATION DRAWING IS NOT TO BE USED FOR BUILDING OF FENCES OR OTHER IMPROVEMENTS.
3. THIS LOCATION DRAWING IS NOT TO BE RELIED UPON FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
4. LEVEL OF ACCURACY IS 1'.

DRAWN BY: ES

I HEREBY CERTIFY THAT IMPROVEMENTS ARE LOCATED AS SHOWN HERON AND TO THE BEST OF MY INFORMATION, PROFESSIONAL KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN.



KRIS CONSULTANTS, LLC

301 PIPING ROCK DRIVE, SILVER SPRING, MD. 20905

TELE: (301) 648-2649 FAX: (301) 439-5611

EXH. # 2
V-3-23

**LOCATION DRAWING
LOT 25 BLOCK B
NEWTON VILLAGE**

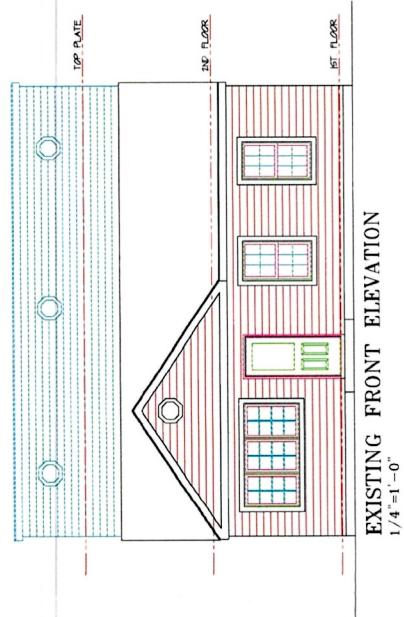
P.B. PG. 621
PRINCE GEORGE'S COUNTY, MARYLAND

DATE

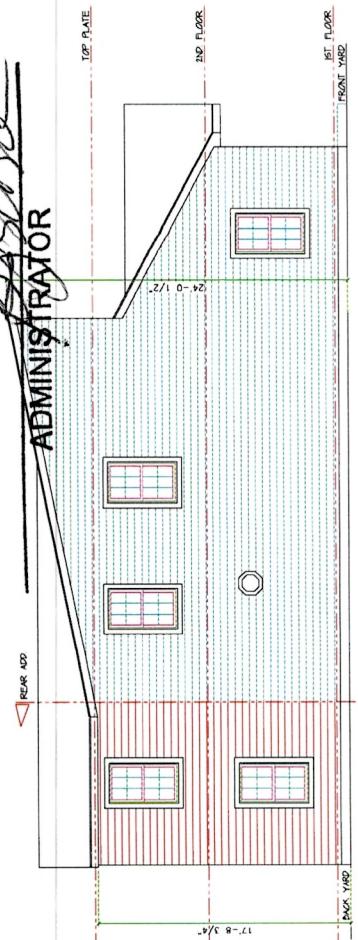
BOARD OF APPEALS

APPROVED JUL 12 2003

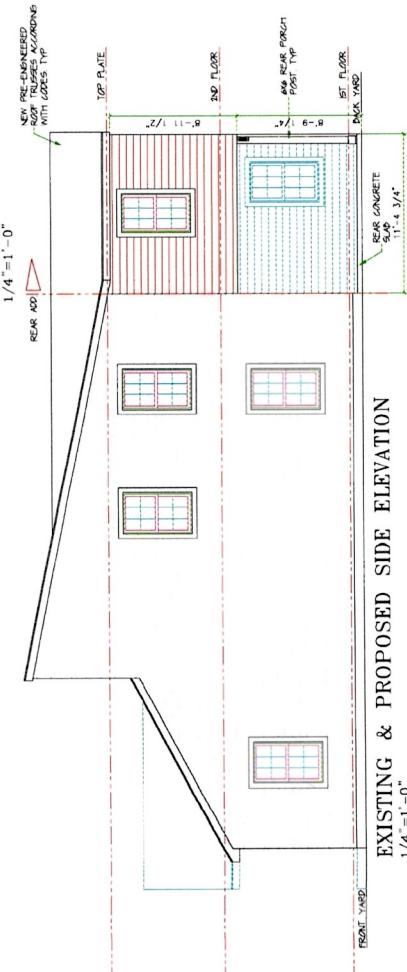
John Doe
ADMINISTRATOR



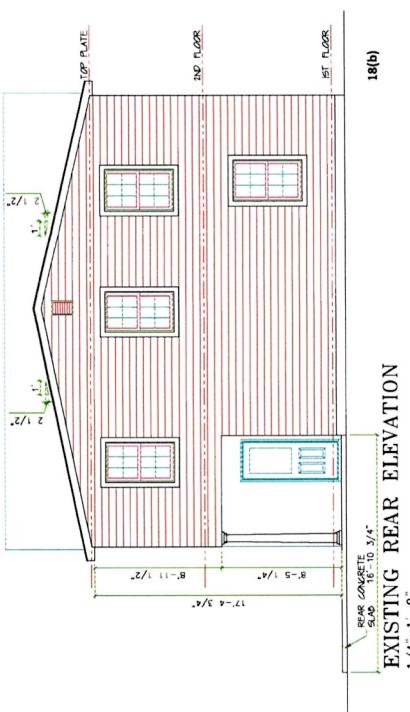
EXISTING FRONT ELEVATION
1/4" = 1'-0"



EXISTING & PROPOSED
SIDE ELEVATION (LEFT)
1/4" = 1'-0"



EXISTING & PROPOSED SIDE ELEVATION
1/4" = 1'-0"



EXISTING REAR ELEVATION
1/4" = 1'-0"

NOTE: ALL BRACING WALLS
ON $\frac{1}{2}$ " SHEATHING CONTINUOUS
WOOD BOARDS
METHOD: CS-WSP
"CONTINUOUS WOOD STRUCTURAL
PANEL SHEATHING."

NOTE: THESE PLANS ARE FOR THE USE OF
THE BUILDER IN FACILITATING
CONSTRUCTION.
ALL DIMENSIONS INDICATED ARE
APPROXIMATE AND MAY VARY, DUE TO
ADJUSTMENTS REQUIRED IN THE FIELD.
OPTIONAL FEATURES, FINISHES,
ELECTRICAL AND H.V.A.C. EQUIPMENT MAY
OR MAY NOT BE INDICATED ON PLANS.

<p>4919 NEWTON ST. BLADENSBURG MD. 20710 OWNER: MR. CHRISTIAN PUNNETS DATE: MAY 22-2023</p>		<p>REAR ADDITION (1 STORY) DAMAT SERVICES INC. DESIGN BY: DAVID VALVERDE DRAFTING BY: DAVID VALVERDE 240 55 0223</p>	<p>EXISTING & PROPOSED ELEVATIONS EXISTSING & PROPOSED</p>	<p>A4</p>

BOARD OF APPEALS

APPROVED JUL 12 2023

Signature
ADMINISTRATOR

