



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-46-23 Guillermo Martinez

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: September 13, 2023.

CERTIFICATE OF SERVICE

This is to certify that on October 18, 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", is placed 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: Guillermo Martinez

Appeal No.: V-46-23

Subject Property: Lots 37 and 38, Block N, Beltsville Heights Subdivision, being 4823 Lexington Avenue, Beltsville, Prince George's County, Maryland

Heard and Decided: September 13, 2023

Board Members Present and Voting: Carl Isler, Acting Vice Chair

Renee Alston, Member

Teia Hill, Member

Board Member Absent: Bobbie S. Mack, Chairperson
Anastasia T. Johnson, 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 27-4202(e) prescribes that each lot shall have a minimum net lot area of 6,500 square feet. Section 27-4202(e)(1) prescribes that a lot shall have a minimum width of 65 feet at the building line, a lot frontage a minimum width of 52 feet at front street line and no more than 35% of the net lot area shall be covered by buildings and off-street parking. 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. Petitioner proposes to validate existing conditions (net lot area, lot width at the building line, frontage width at front street line) and obtain a building permit for the proposed single-family dwelling and driveway located in front of the dwelling. Variances of 1,460 square feet net lot area, 25 feet lot width at the building line, 12 feet lot width at front street line, 4% net lot coverage 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 1920, contains 5,040 square feet, is zoned RSF-65 (Residential, Single-Family - 65), and is vacant land. Exhibits (Exhs.) 2, 4, 8, 9, and 10 (A) thru (G).

2. The subject property is rectangular in shape being long and narrow. (126 feet in length and 40 feet in width). Exhs. 2 and 4.

3. Petitioner proposes to validate existing conditions (net lot area, lot width at the building line, frontage width at front street line) and obtain a building permit for the proposed single-family dwelling and driveway located in front of the dwelling. Variances of 1,460 square feet net lot area, 25 feet lot width at the building line, 12 feet lot width at front street line, 4% net lot coverage and waiver of the parking area location requirement are requested. Exhs. 2, 3 and 6 (A) thru (D).

4. Guillermo (Gill) Martinez testified that the property is currently a vacant lot. He further stated that he owns a construction business, and he may reside on the property or sell the property. At this time, he is not sure. Because of the width of the lot and the total square footage, without the variance the lot would

be deemed unbuildable. There is no Homeowners Association. The majority of the lots within the neighborhood are the same size as the subject lot. So, the development of this lot would not be out of character of the neighborhood. Exhs. 2, 3 and 6 (A) thru (D).

5. Administrator Stone noted that the subdivision was created in 1920, which was prior to the adoption of the Zoning Ordinance.

6. Mr. Martinez stated that the electrical pole that is located in front of the lot will be relocated by the public utilities company PEPCO. He has submitted the work order for the record. Exh. 18.

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 created in 1920 prior to the adoption of the Zoning Ordinance, without a variance the property would be unbuildable rendering the property useless for its intended purpose, the small size of the lots when created 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 the lot would have no value to the owner.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Bobbie Mack and Ms. Anastasia Johnson absent, that Variances of 1,460 square feet net lot area, 25 feet lot width at the building line, 12 feet lot width at front street line, 4% net lot coverage and waiver of the parking area location requirement in order to validate existing conditions (net lot area, lot width at the building line, frontage width at front street line) and obtain a building permit for the proposed single-family dwelling and driveway located in front of the

dwelling on the property located at 4823 Lexington Avenue, Beltsville, 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 2 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:

Bobbie S. Mack
Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency:

By:

Ellis F. Watson

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 (Oct 18, 2023 08:34 EDT)

Email: efwatson@co.pg.md.us

SITE DEVELOPMENT CONCEPT PLAN

GENERAL NOTES:

1. CONTRACT PURCHASER / APPLICANT: MARTINEZ GUILLEN

2. LOCATIONS OF PROJECT: 1423 LEXINGTON AVE, SILVER SPRING, MD 20906
1620 GLORIA AVE, SILVER SPRING, MD 20906
1423 LEXINGTON AVE, SILVER SPRING, MD 20906

PROJECT NARRATIVE:

THE PROPERTY IS LOCATED IN A RESIDENTIAL NEIGHBORHOOD AND IS CURRENTLY IN A VOID OF A NEW SINGLE-FAMILY HOUSE. IT IS PROPOSED TO BE BUILT USING THE NEW FOUNDATION AS PRESENTED IN THIS ARCHITECTURAL DRAWINGS. ADDITIONALLY, A TWO-CAR CONCRETE DRIVEWAY IS PROPOSED. THE SITE DEVELOPMENT CONCEPT PLAN IS ENVOLVED IN THE BUILDING PERMIT CASE NO. 3227685.

RELATIONSHIP TO SITE PLAN:

① RELATE THE EXISTING PERCOP POWER POLE AND LIGHT POLE

N 501550

E 1335300

W 501550

S 1335300

13. BOUNDARY:

THE DOWNGEAD, SHOWN ON PLAN IS BASED ON A SURVEYING LINE ON OR ABOUT JANUARY 27, 2022.

14. TOPOGRAPHY:

NO SURVEY INFORMATION.

15. NUMBER OF LOTS:

1.

16. TAX MAP REFERENCE NUMBER:

16177.21, GRID: DOA, BLOCK: 0000, SUBDIVISION: BELTSVILLE HEIGHTS

17. TAX MAP REFERENCE NUMBER:

16177.21, GRID: DOA, BLOCK: N, PARCEL: 0000, SUBDIVISION: BELTSVILLE HEIGHTS

18. SEWER ASIN (WSSC): NORTHCAMP BRANCH SYSTEM

19. SEWER CATEGORY (CODE): A

20. ELECTRIC UTILITY PROVIDER:

TEL: 443-200-3044

21. WATER USE:

THE SITE IS NOT WITHIN THE WATER SYSTEM.

22. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

23. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

24. FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

25. ENGINEERS:

SUBRA DATS, P.E.

26. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

27. ZONING/PERMITTING:

THE SITE IS NOT WITHIN A WATERSHED.

28. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

29. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

30. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

31. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

32. ENGINEERS:

SUBRA DATS, P.E.

33. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

34. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

35. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

36. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

37. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

38. ENGINEERS:

SUBRA DATS, P.E.

39. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

40. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

41. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

42. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

43. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

44. ENGINEERS:

SUBRA DATS, P.E.

45. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

46. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

47. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

48. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

49. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

50. ENGINEERS:

SUBRA DATS, P.E.

51. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

52. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

53. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

54. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

55. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

56. ENGINEERS:

SUBRA DATS, P.E.

57. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

58. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

59. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

60. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

61. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

62. ENGINEERS:

SUBRA DATS, P.E.

63. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

64. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

65. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

66. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

67. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

68. ENGINEERS:

SUBRA DATS, P.E.

69. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

70. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

71. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

72. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

73. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

74. ENGINEERS:

SUBRA DATS, P.E.

75. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

76. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

77. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

78. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

79. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

80. ENGINEERS:

SUBRA DATS, P.E.

81. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

82. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

83. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

84. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

85. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

86. ENGINEERS:

SUBRA DATS, P.E.

87. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

88. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

89. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

90. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

91. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

92. ENGINEERS:

SUBRA DATS, P.E.

93. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

94. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

95. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

96. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

97. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

98. ENGINEERS:

SUBRA DATS, P.E.

99. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

100. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

101. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

102. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

103. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

104. ENGINEERS:

SUBRA DATS, P.E.

105. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

106. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

107. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

108. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

109. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

110. ENGINEERS:

SUBRA DATS, P.E.

111. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

112. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

113. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

114. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

115. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

116. ENGINEERS:

SUBRA DATS, P.E.

117. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

118. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

119. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

120. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

121. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

122. ENGINEERS:

SUBRA DATS, P.E.

123. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

124. OTHER:

THE SITE IS NOT WITHIN A WATERSHED.

125. SURVEY LINE:

WORLD CLAY ON STEVE AVE.

126. SURVEY LINE:

CHESAPEAK BAY CRITICAL AREA WITHIN SITE. N/A.

127. SURVEY LINE:

FOREST/CONSERVATION AREA/UNPAVED LAND:

N/A

128. ENGINEERS:

SUBRA DATS, P.E.

129. PLANNING/CONSTRUCTION:

TEL: 443-200-3044

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