



# 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-71-23 Juan Pablo Urey Fernandez

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: January 10, 2024.

### **CERTIFICATE OF SERVICE**

This is to certify that on March 5, 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", 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: Juan Pablo Urey Fernandez

Appeal No.: V-71-23

Subject Property: Lot 4, McDaniel's Subdivision, being 608 Salisbury Drive, Oxon Hill, Prince George's County, Maryland

Heard and Decided: January 10, 2024

Spanish Language Interpreter: Ernesto Luna

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

Carl Isler, Vice Chairman

Teia Hill, Member

Board Members Absent:

Renee Alston, Member

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 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 27-3303 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-4202(h)(1) which prescribes that a lot shall have a minimum width of 65 feet at the building line. Section 27-4202(h)(3) prescribes that each lot shall have a side yard at least 8 feet in width. Petitioner proposes to validate existing conditions (lot width at the building line and side yard setback) and obtain a building permit for the proposed one-story addition on existing structure and two-story addition in the rear yard. Variances of 10 feet lot width at the building line and 3 feet left side yard width are requested.

**Evidence Presented**

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

1. The property was subdivided in 1954, contains 13,130 square feet, is zoned RMF-20 (Residential, Multifamily-20), and is improved with a single-family dwelling, gravel driveway, and remains of a shed. Exhibits, (Exhs.) 2, 4, 6, 7, and 8 (A) thru (F).

2. The subject property has a unique long and narrow irregular shape. Length being 276.28 feet and width being 49 feet. The lot also sits at an angle. The existing structure being built in 1941, was existing when the subdivision was recorded. Exhs. 2, 4, 6, 7, and 8 (A) thru (F).

3. Petitioner proposes to validate existing conditions (lot width at the building line and side yard setback) and obtain a building permit for the proposed one-story addition on top of an existing structure and two-story addition in the rear yard. Variances of 10 feet lot width at the building line and 3 feet left side yard width are requested. Exhs. 2, 3 (a) thru (c), and 5 (A) thru (C).

4. Petitioner Juan Pablo testified that he purchased the property two years ago, and he is proposing to repair the house. The existing house will become a full two-story house. The proposal is to construct a second story addition on the existing house which has a basement and then add a two-story addition (1<sup>st</sup> and 2<sup>nd</sup> floor only) at the rear of the house, so the entire house will be a 2-story home. The existing house has a 7-foot setback on the left side. The addition will align with the existing house, but he believes the new

required setbacks are more than 7-feet and with the addition it will encroach further into that setback. The house is in poor condition, which is why they desire to fix the house and complete the addition at the same time. This property will be his residence once it is repaired, and construction is complete. The existing house structure again will remain. The roof will be removed as it is in extremely poor condition. Since the roof must be removed due to its condition, this is why they are adding the second story to the existing portion of the house. Exhs. 2, 3 (a) thru (c), and 5 (A) thru (C).

5. Board Member Isler stated that it appears that the lot is at an angle. Petitioner agreed and stated that when designing the house, it was difficult as they were trying to maintain the existing house line. Since the lot is at an angle, and with the location of the house, a corner of the house is very close to the property line. Currently, the house is inhabitable. The proposal on the right side of the house will follow the same footprint as the existing house, but on the left, the addition is setback back further from the property line in an attempt to meet the setback requirements. Exhs. 2 and 4.

6. Administrator Stone noted that on the aerial photo, there seems to be a structure in the rear of the property, but only walls. Will this remain? The Petitioner stated, that yes, there was an existing shed that was also in bad condition, this will be removed. Exhs. 8 (A) thru (F).

7. Madam Chair questioned the Petitioner if this proposal is in character of the neighborhood. Petitioner stated that next door, to the right of the subject property, there is abandoned house (in his opinion). He opined that his proposal is in character of the neighborhood.

8. Administrator Stone noted that the elevations show a covered front porch. The Petitioner agreed, yes, the porch will be covered. Exhs. 3 (a) thru (c).

A motion of APPROVAL was made by Board Member Isler and seconded by Ms. Hill. Motion carried 3/0. (Mack, Isler, and Hill.)

#### 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 existing home being built in 1941 before the inception of the Prince George's County Zoning Ordinance and being in an uninhabitable condition, the shape of the lot being uniquely irregular and sitting at an angle, the location of the existing dwelling on the lot 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. Due to the long and narrow shape of the Petitioner's property, this variance is the minimum reasonably necessary to overcome the exceptional physical conditions of the property. Additionally, no adjacent neighbors testified that this variance would substantially impair the use and enjoyment of their properties. Lastly, the practical difficulty was not self-inflicted since the Petitioner did not make any repairs to the property before seeking a variance.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Alston and Ms. Johnson absent, that variances of 10 feet lot width at the building line and 3 feet left side yard width in order to validate existing conditions (lot width at the building line and side yard setback) and obtain a building permit for the proposed one-story addition on the existing structure and two-story addition in the rear yard on the property located at 608 Salisbury Drive, Oxon Hill, 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 plans, Exhibits 3 (a) thru (c).

## BOARD OF ZONING APPEALS

By: *Bobbie S. Mack*  
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 (Mar 4, 2024 16:36 EST)

**Email:** [efwatson@co.pg.md.us](mailto:efwatson@co.pg.md.us)

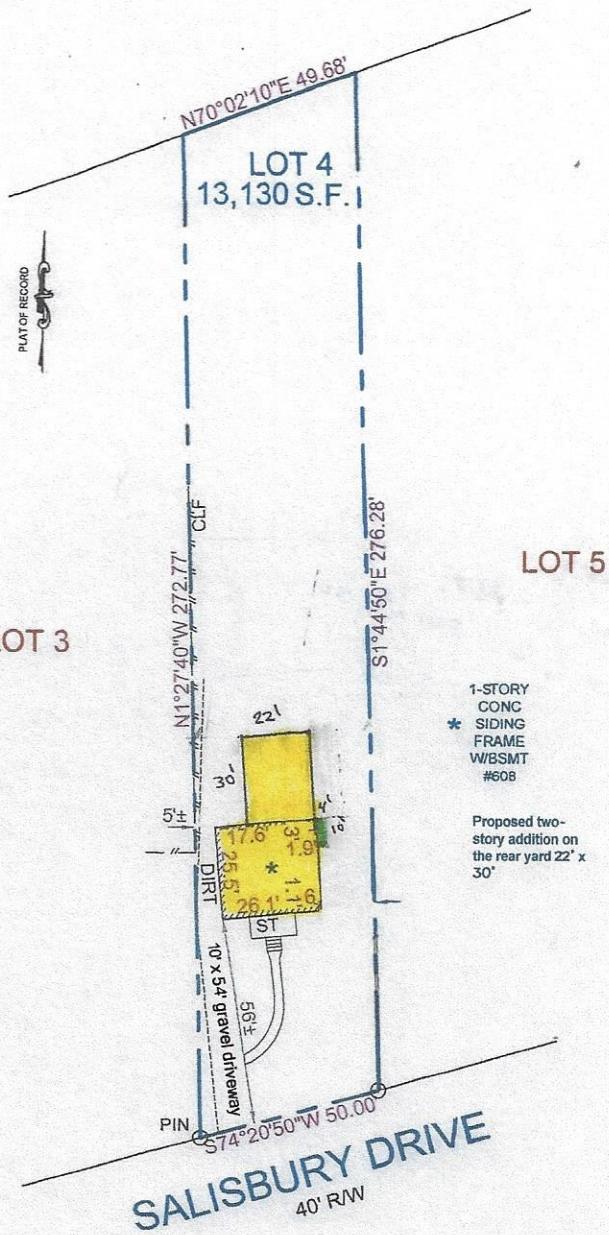
**BOARD OF APPEALS**

APPROVED JAN 10 2024

*B. B. B.*  
ADMINISTRATOR

ADDRESS: 608 SALISBURY DRIVE

## LOCATION DRAWING



**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 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.
3. LEVEL OF ACCURACY IS 4'.

DRAWN BY: RE

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE PROPERTY LINES AND THE PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET UNLESS OTHERWISE NOTED. WE ASSUME NO RESPONSIBILITY OR LIABILITY FOR ANY RIGHT-OF-WAYS ON THE RECORD OR EASEMENTS RECORDED OR UNRECORDED NOT APPEARING ON THE RECORDED PLAT OR MENTIONED IN THE DEED REFERRED TO HEREON. NO TITLE REPORT WAS FURNISHED.

LAND PRO ASSOCIATES, LLC.  
8843 GREENBELT ROAD SUITE 334  
LANHAM, MD 20770  
PHONE 301-368-1944  
FAX 301-794-8751  
LANDPRO@MAIL.COM



**PROFESSIONAL SEAL**

10/6/2020  
DATE

EXH. # 2  
V-71-22

LOCATION DRAWING  
MCDANIEL'S SUBDIVISION  
LOT 4 DISTRICT 12  
BOOK 43394 PAGE 489  
PLAT BOOK 24@67  
INCE GEORGE'S COUNTY, MARYLAND  
SCALE: 1" = 40' DATE: 10/6/2020

FILE: #608 SALISBURY DR

CASE: # 0



3(a)

EXH. # 3(a-c)  
V-71-23

BOARD OF APPEALS

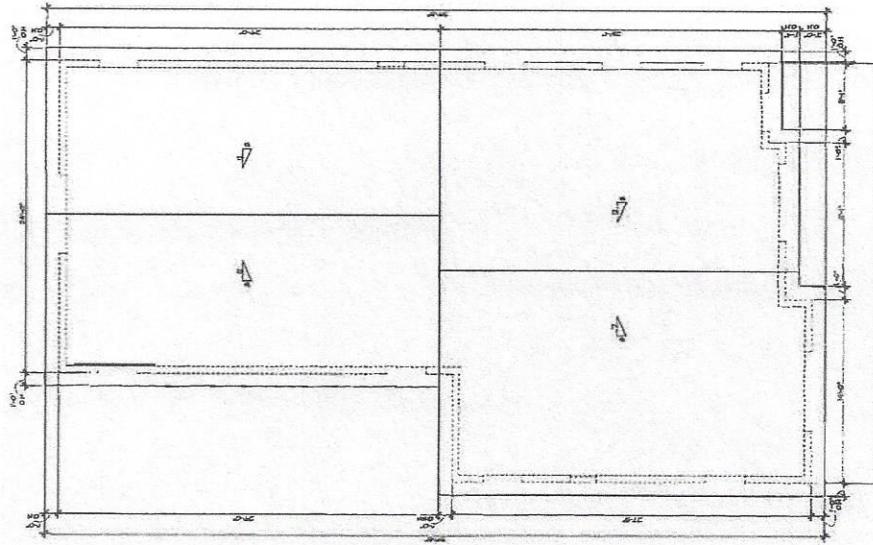
APPROVED JAN 10 2024

*[Signature]*  
/ ADMINISTRATOR

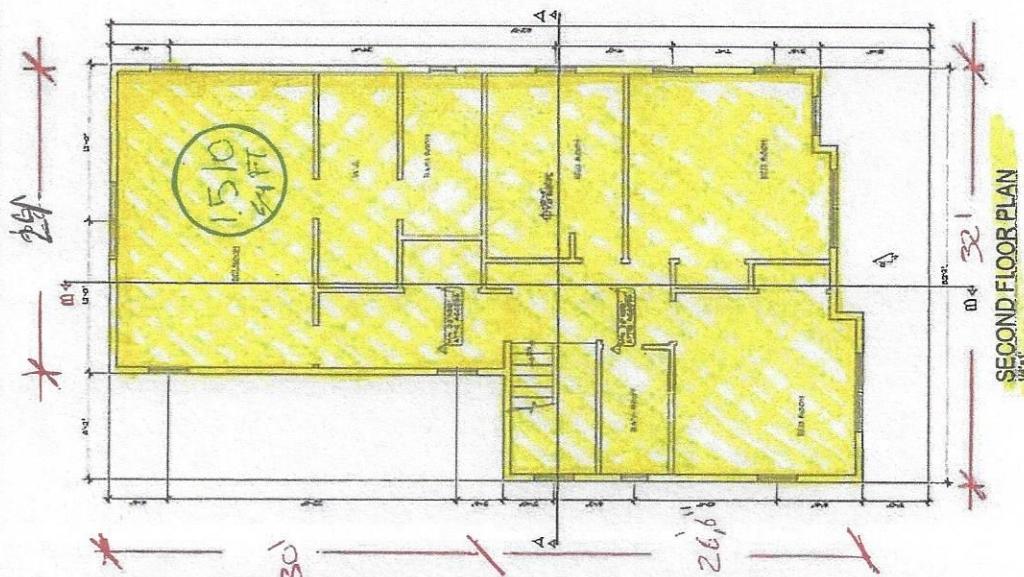


APPROVED JAN 10 2024

John Doe  
ADMINISTRATOR



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ROOF PLAN VIEW

DRAWING LEGEND

Green Energy