



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

## *OF BOARD OF APPEALS*

RE: Case No. V-56-21 Cristobal Ayala 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: July 14, 2021

## **CERTIFICATE OF SERVICE**

This is to certify that on 9/7/2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
\_\_\_\_\_  
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: Cristobal Ayala Martinez

Appeal No.: V-56-21

Subject Property: Lot 27, Block A, South-Lawn Subdivision, being 737 Carson Avenue, Oxon Hill,  
Prince George's County, Maryland

Witness: Roberto Ayala

Heard and Decided: July 14, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson - Absent  
Albert C. Scott, Vice Chairman - Present  
Anastasia T. Johnson, Member- Present

**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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) which prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings. Petitioner proposes to validate existing conditions (front yard depth, side yard width and lot net coverage) to obtain a building permit for the construction of a covered deck/porch. Variances of 7.17 front yard depth<sup>1</sup>, 7.2 feet left side yard width, 6.1 right side yard width and 7% net lot coverage is requested.

**Evidence Presented**

1. The property was subdivided in 1953, contains 10,312 square feet, is zoned R-55 (One Family Detached Residential) and is improved with a single-family dwelling, driveway, carport, covered porch, covered patio, and frame shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The width of the lot is only 55 feet, and the dwelling was constructed sideways on the lot in the 1955. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioner proposes to validate existing conditions (front yard depth, side yard width and lot net coverage) to obtain a building permit for the construction of a covered deck/porch. Because the covered porch will be located 17.88 feet from the front yard setback along Carson Avenue and the required front yard setback is 25 feet, a variance of 7.17 feet is required. Because the existing covered deck on the left side yard of the house sits only .8 inches from the property line, a variance of 7.2 feet is required. The covered carport encroaches the required 8 feet right side setback by 1.9 feet and will require a variance of 6.1 feet. The maximum allowable percentage of net lot coverage is 30%. The net lot coverage, with the new construction, will be 37%, requiring a variance of 7%. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

4. Roberto Ayala, Petitioner's brother, testified that because the house sits sideways on the lot, the entrance of the house is on the left side of the house and Petitioner would like to create a front entrance on the street side of the house where the proposed covered porch would be placed.

<sup>1</sup> Correction of variance required. Hearing Notice stated 16.2 feet front yard setback. Because the corrected variance is less than advertised, no re-hearing is required.

5. Mr. Ayala stated that currently the house does not look esthetically pleasing because of its sideways appearance on the lot. He opined that having the front entrance and the covered porch on the house will help blend the house appearance with the other houses in the neighborhood. Exhs. 2, 3 (a) thru (d), 5 (A) thru (X) and 10 (A) thru (B).

#### Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

#### Findings of the Board

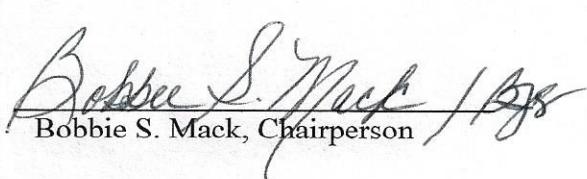
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the lot width being 55 feet, the preexisting construction of the house in 1955, being sideways on the lot and the other existing construction, the need to enhance the frontal appearance of the house to be in character with the neighborhood by the proposed construction, 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.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Bobbie Mack, absent, that variances of 7.17 feet front yard depth, 7.2 feet left side yard width, 6.1 right side yard width and 7% net lot coverage in order to validate existing conditions (front yard depth, side yard width and lot net coverage) to obtain a building permit for the construction of a covered deck on the property located at 737 Carson Avenue, Oxon Hill, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (d).

#### BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson

**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 27-233(a) 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.

Lot Coverage

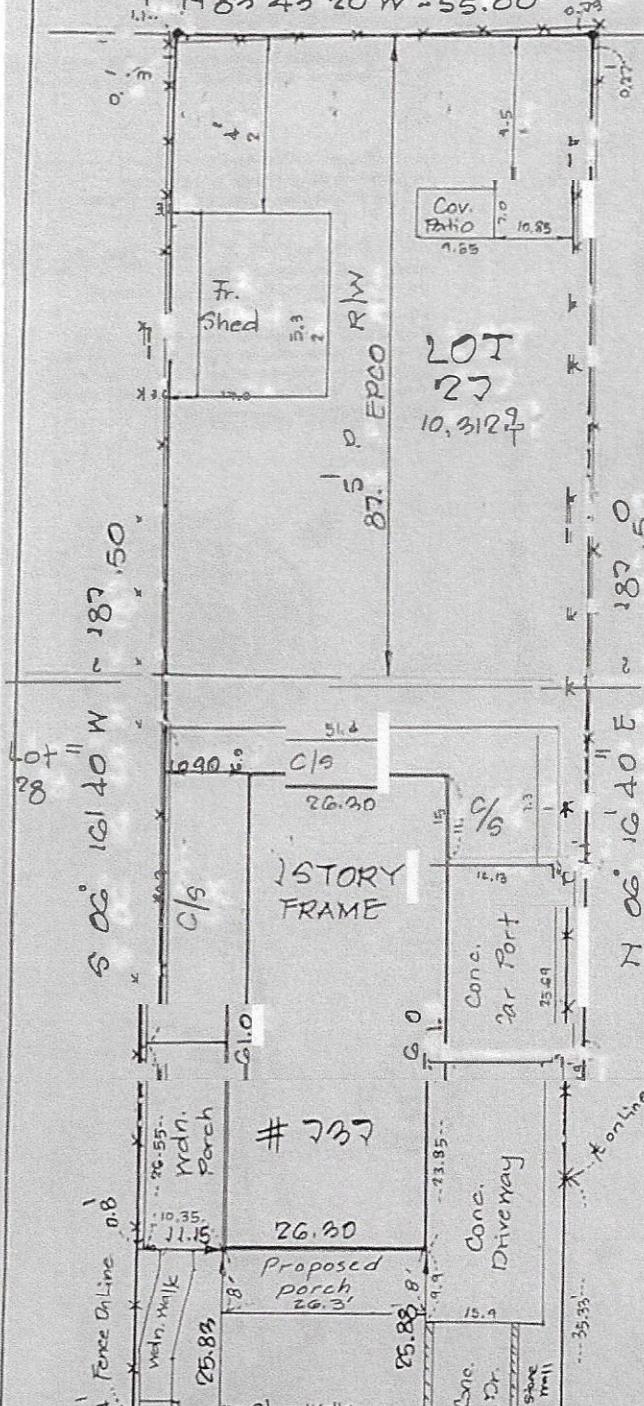
House  $26.3 \times 61.0 = 160.4$   
 Wooden Porch  $10.35 \times 26.55 = 275$   
 Conc. Drive  $16.0 + 37.9 = 53.9$   
 Carport  $16.15 \times 25.69 = 415$   
 Shed  $17.0 \times 25.3 = 430$   
 Cov. Patio  $7.0 \times 9.55 = 67$   
 Pp. Porch  $8.0 \times 26.3 = 210$

11.  $183.43 \text{ 20 W} \approx 55.00$

LOCATION DRAWING

LOT 27, BLOCK "A", PLAT NO. THREE  
 SOUTH - LAWN

PLAT BOOK WWW 21 @ PLAT NO. 65  
 12<sup>th</sup> ELECTION DISTRICT  
 PRINCE GEORGE'S COUNTY, MD.



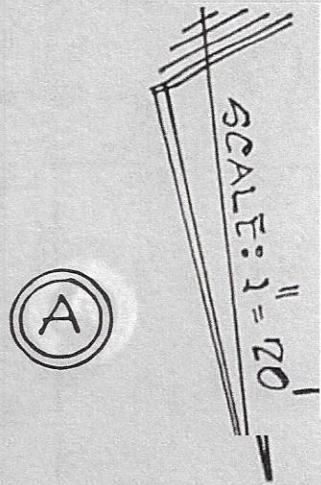
5 83° 43' 20" E  $\approx 55.00$

CARSON [50W] AVENUE

$35.40 \div 10,312 = .3433$

Lot Coverage is 34.33%

EXH. # 2  
 V-56-21



Lot 26



SURVEYOR'S CERTIFICATES

I hereby certify that the position of the existing improvements on the above described property has been established by a field survey and that unless otherwise shown, there are no visible encroachments, if any.

This location drawing is not to be relied for establishing boundary lines

DATE: 3<sup>rd</sup> May 2021 *WL*

I hereby certify that I have carefully surveyed the property as shown by this plot. Permanent Survey Markers are in place as shown

DATE

NOTE: Location drawing does NOT include setting Permanent Survey Markers at property corners

NO TITLE REPORT FURNISHED  
 PLAT SUBJECT TO RESTRICTIONS & EASEMENTS  
 OF RECORD OR OTHERWISE

W. L. MEEKINS, INC.

3101 RITCHIE ROAD  
 FORESTVILLE, MD 20747  
 TEL 301-736-6387 / 7115

email: [info@meekins.net](mailto:info@meekins.net)

web: [www.meekins.net](http://www.meekins.net)

REGISTRATIONS

MD # 10833

DCIS # 900860

APPROVED JUL 14 2021

*J. L. MEEKINS*  
 ADMINISTRATOR

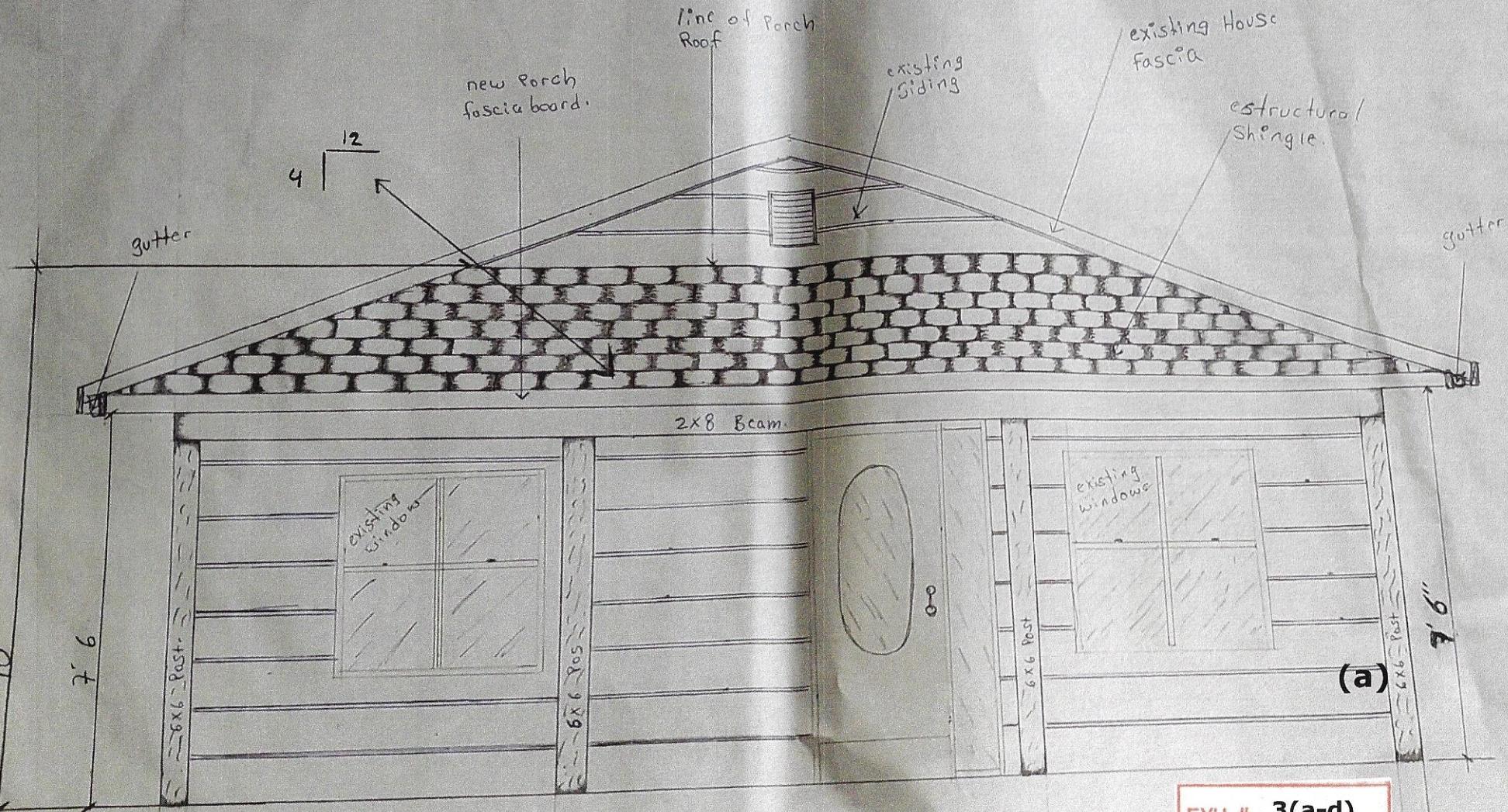
BOARD OF APPEALS

BOARD OF APPEALS

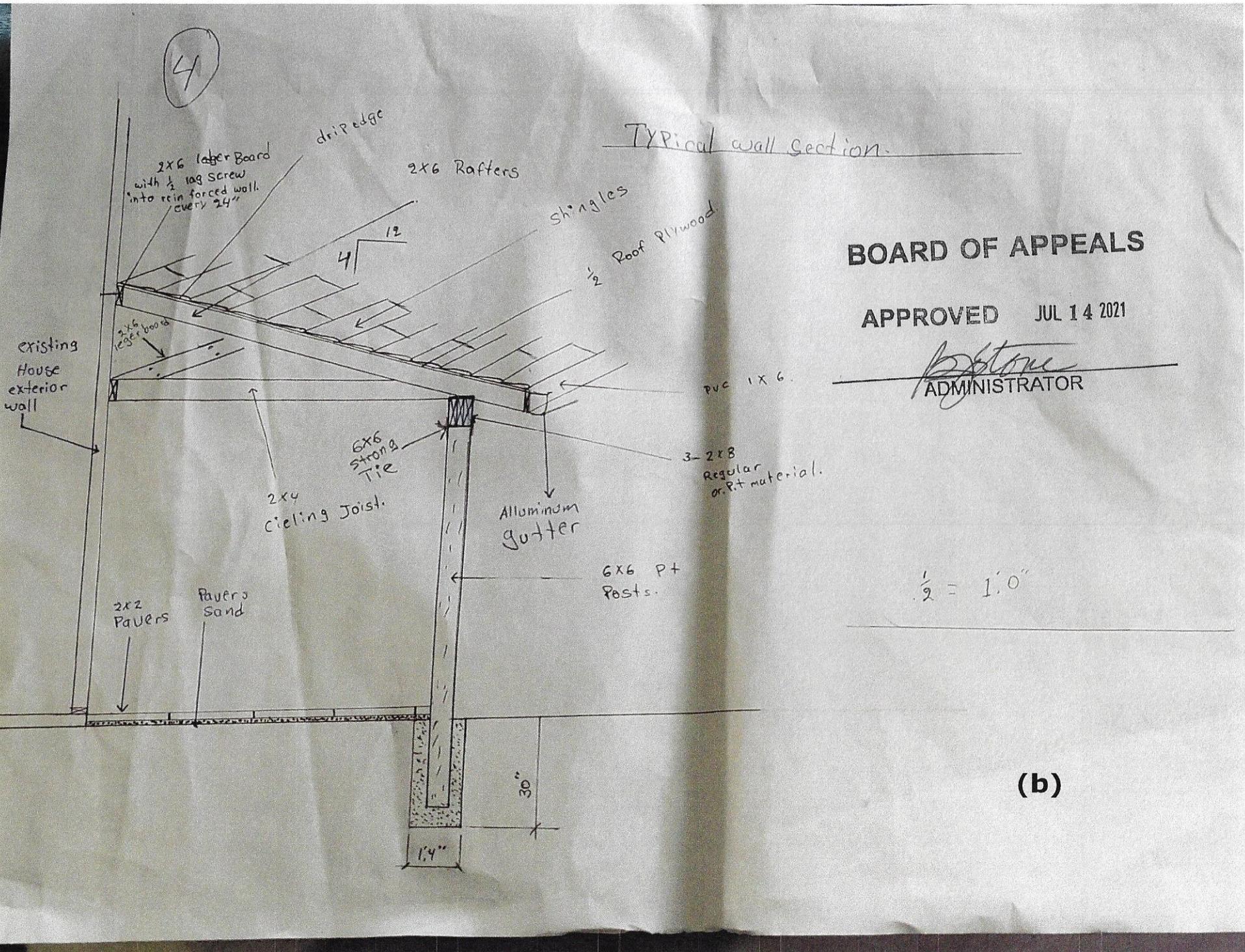
APPROVED JUL 14 2021

*B. Stom*  
ADMINISTRATOR

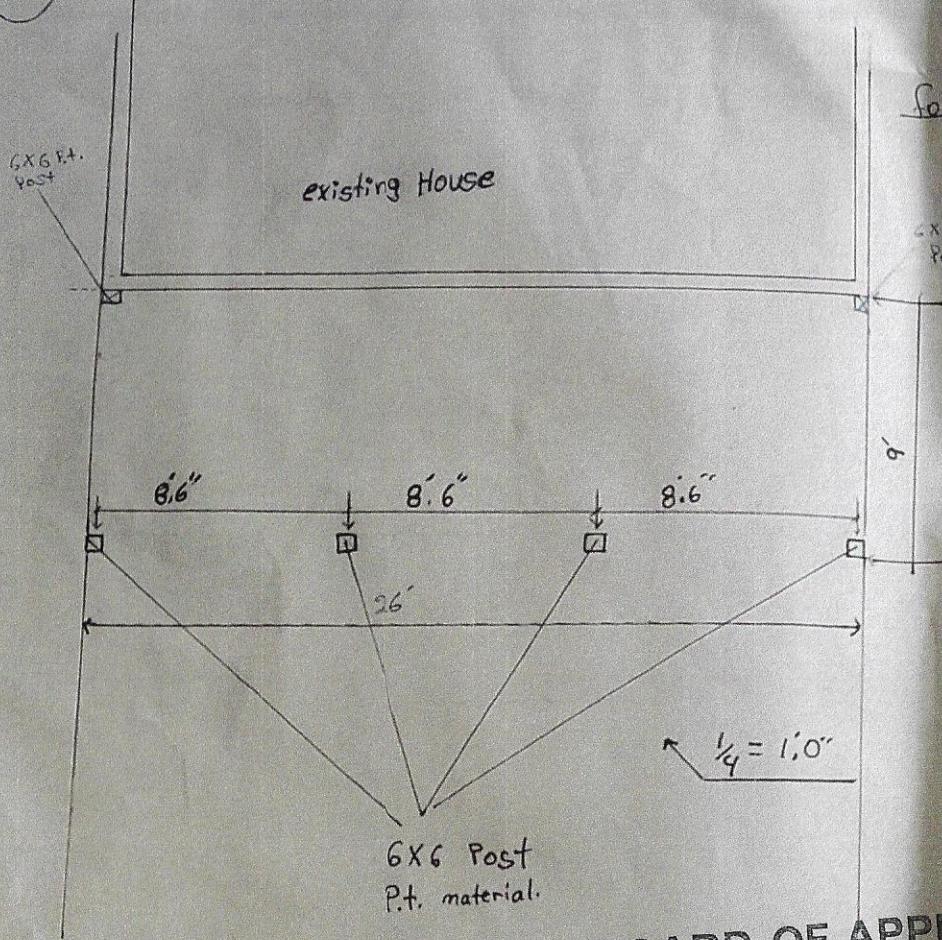
(3)



EXH. # 3(a-d)  
V-56-21



1

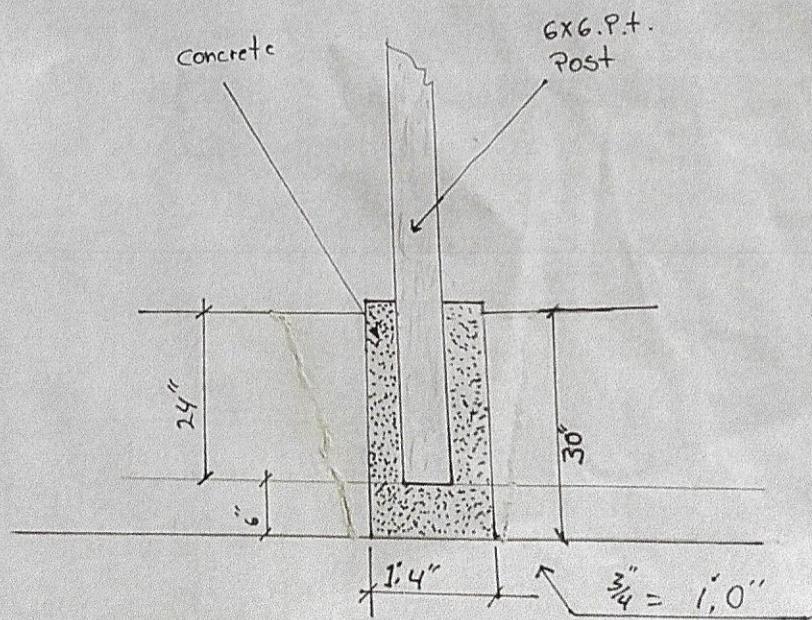


Foundation and footing Print

BOARD OF APPEALS

APPROVED JUL 14 2021

*B. Stou*  
ADMINISTRATOR



(c)

BOARD OF APPEALS

APPROVED JUL 14 2021

*B. Stone*  
ADMINISTRATOR

Roof framing print.

