



# 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*

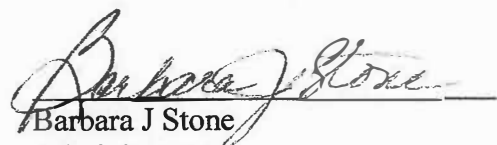
### *OF BOARD OF APPEALS*

RE: Case No. V-87-21 Alexander Iglesias Argueta

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: December 15, 2021.

## **CERTIFICATE OF SERVICE**

This is to certify that on June 1, 2022, 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: Alexander Iglesias Argueta

Appeal No.: V-87-21

Subject Property: Lot 1, Block B, Van Horn Estates Subdivision, being 5403 Odell Road, Beltsville,  
Prince George's County, Maryland

Heard and Decided: December 15, 2021

Spanish Language Interpreter: Ernesto Luna

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Albert C. Scott, Vice Chairman  
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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 100 feet measured along the front building line. Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 2 feet from any side or rear lot line. Section 27-442(c)(Table II) prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions (front building line width and rear lot line setback) and obtain a building permit for the construction of a gazebo. Variances of 19.5 feet front building line width<sup>1</sup>, 2 feet rear lot line setback (shed) and 0.6% lot coverage were requested.

Evidence Presented

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

1. The property was subdivided in 1965, contains 10,317 square feet, is Zoned R-R (Rural Residential), and is improved with a single-family dwelling, driveway, deck and two sheds. Exhibits (Exhs.) 2, 4, 7, 8 and 9(A) thru (F).

2. Petitioner proposes to validate existing property conditions (front building line width and rear lot line setback) and obtain a building permit for the construction of a gazebo. Variances of 19.5 feet front building line width, 2 feet rear lot line setback (shed) and 0.6% lot coverage are requested. Exhs. 2, 4, 7, 8 and 9(A) thru (F).

3. Petitioner Alexander Argueta testified that it is his intention to build a gazebo in the rear yard of the house.

4. He stated that there were two sheds in the rear yard. The smaller shed next to the proposed gazebo has been removed and the second one needs the requested variance for the 2-foot rear yard setback because of its preexisting location. The remaining shed will be used to store yard equipment and tools. Exh. 2.

5. The need for the gazebo is to enjoy the rear yard with his family, out of the elements. He opined the neighbors would not be opposed to the gazebo as it is located in the rear yard and would be 14-feet from

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<sup>1</sup> Per Section 27-442 (d)(Table III) Footnote #2 of the Zoning Ordinance. The minimum required front building line width is 100 feet in the zoned area.

left side property line. He described the gazebo as a circular structure and will be open on the sides. Exhs. 3 (a-c).

6. There is a slight slope in the rear yard from the house slopping down towards the rear property line. Exhs. 5 (A) thru (D).

#### 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

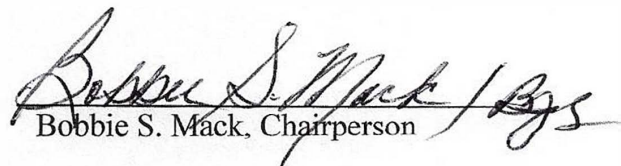
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the desire for a structure in the rear yard on slightly slope ground to allow the family to enjoy the rear yard out of the elements, the preexisting building line width of the lot and preexisting far rear shed lot line setback, the removal of the other shed, 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.

BE IT THEREFORE RESOLVED, unanimously, that variances of 19.5 feet front building line width, 2 feet rear lot line setback (shed) and 0.6% lot coverage in order to validate existing conditions (front building line width and rear lot line setback) on the property located at 5403 Odell Road, 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 revised plan, Exhibit 2 (B) and approved elevation plans, Exhibits 3 (a) thru (c).

BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson

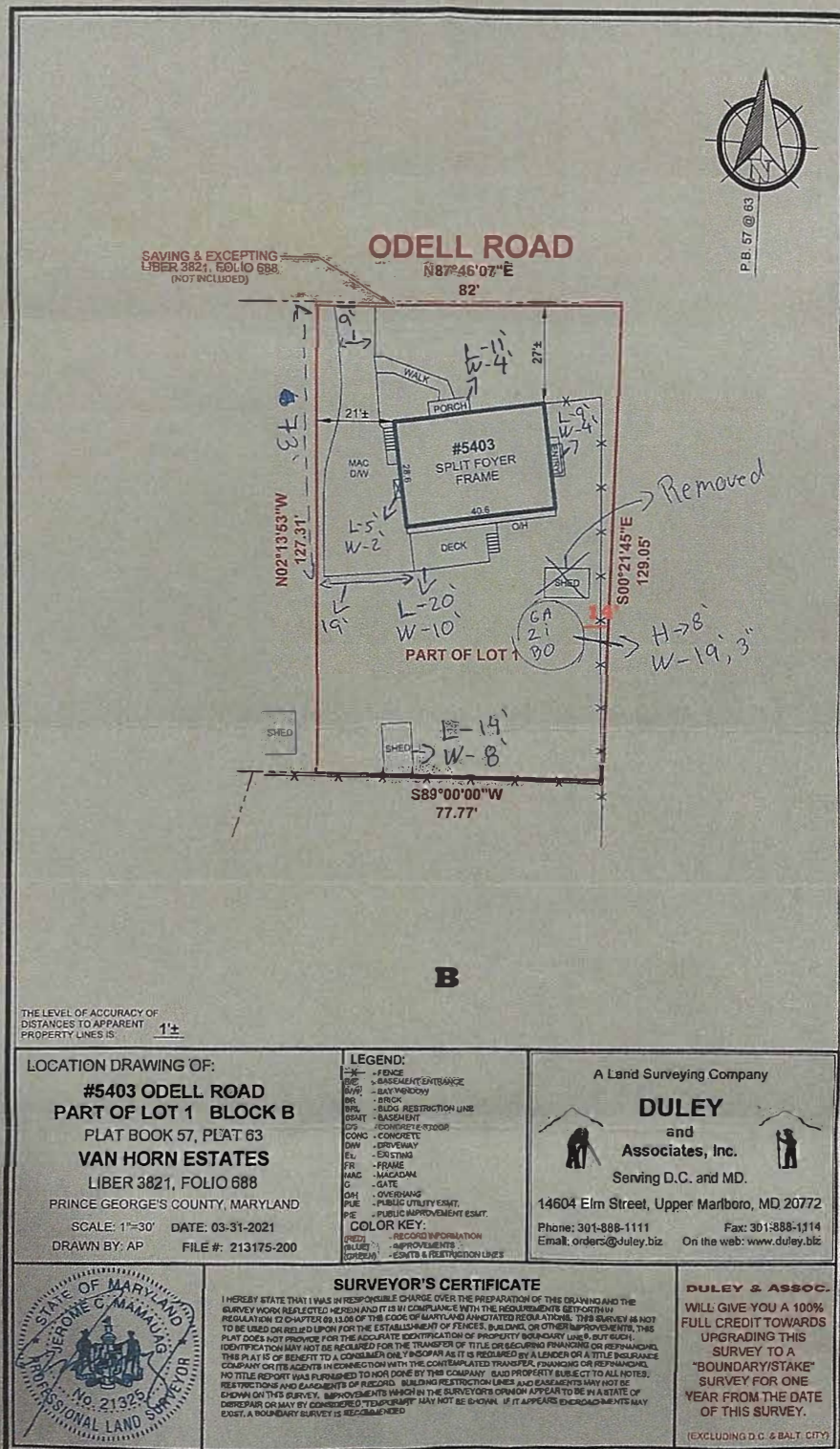
**NOTICE**

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.





## CONTACT INFORMATION:

ADDRESS:  
5403 ODELL RD  
BELTSVILLE MD, 20705

## MATERIALS SPECIFICATIONS:

FRAMING AND POST TO BE  
PRESSURE TREATED LUMBER WITH GROUND C  
ONTACT SUPPORT

ROOF FRAMING TO BE REGULAR 2X8 WOOD

## NOTES:

HEIGHT OF THE POST FROM THE GROUND TO THE HEADER BEAM  
APROXIMATELY 8' HEIGHT

## SCOPE OF THE WORK:

CONSTRUCTION OF NEW GAZEBO  
WITH ROOF ONLY.

APROXIMATELY 19' 3" WIDE  
WITH OCTAGON SHAPE

## DRAWING INDEX:

EXH. # **3(a-c)**  
**V-87-21**

D1 -- ROOF FRAMING PLAN

D2 -- GAZEBO CROSS SECTION PLAN AND FOOTING

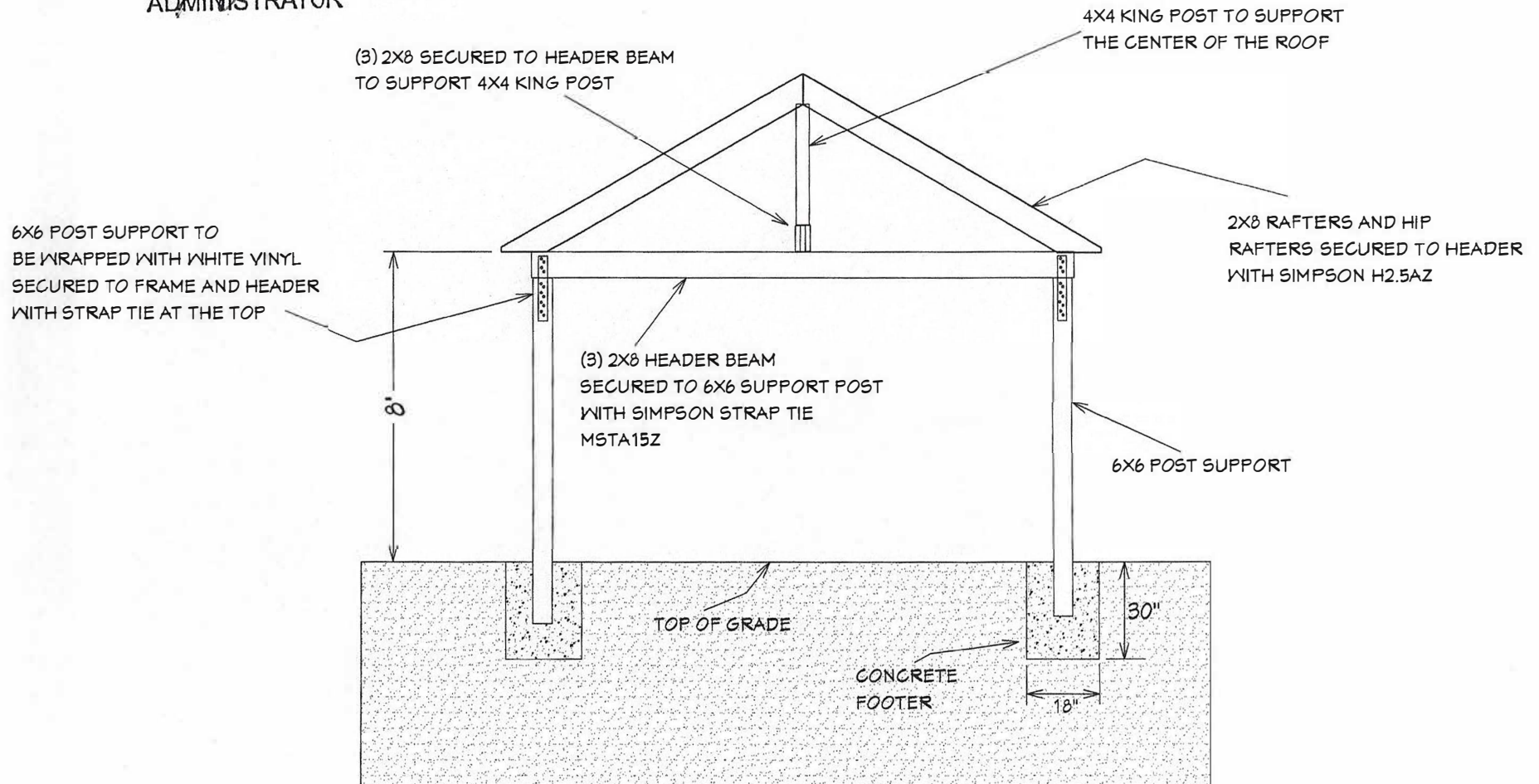
**(a)**

# BOARD OF APPEALS

APPROVED DEC 15 2021

*[Signature]*  
ADMINISTRATOR

## SIDE VIEW



ADDRESS:

5403 ODELL RD  
BELTSVILLE MD, 20705

DRAWING SCALE;  
1/4" = 1 FT

D2

(b)



# TOP VIEW

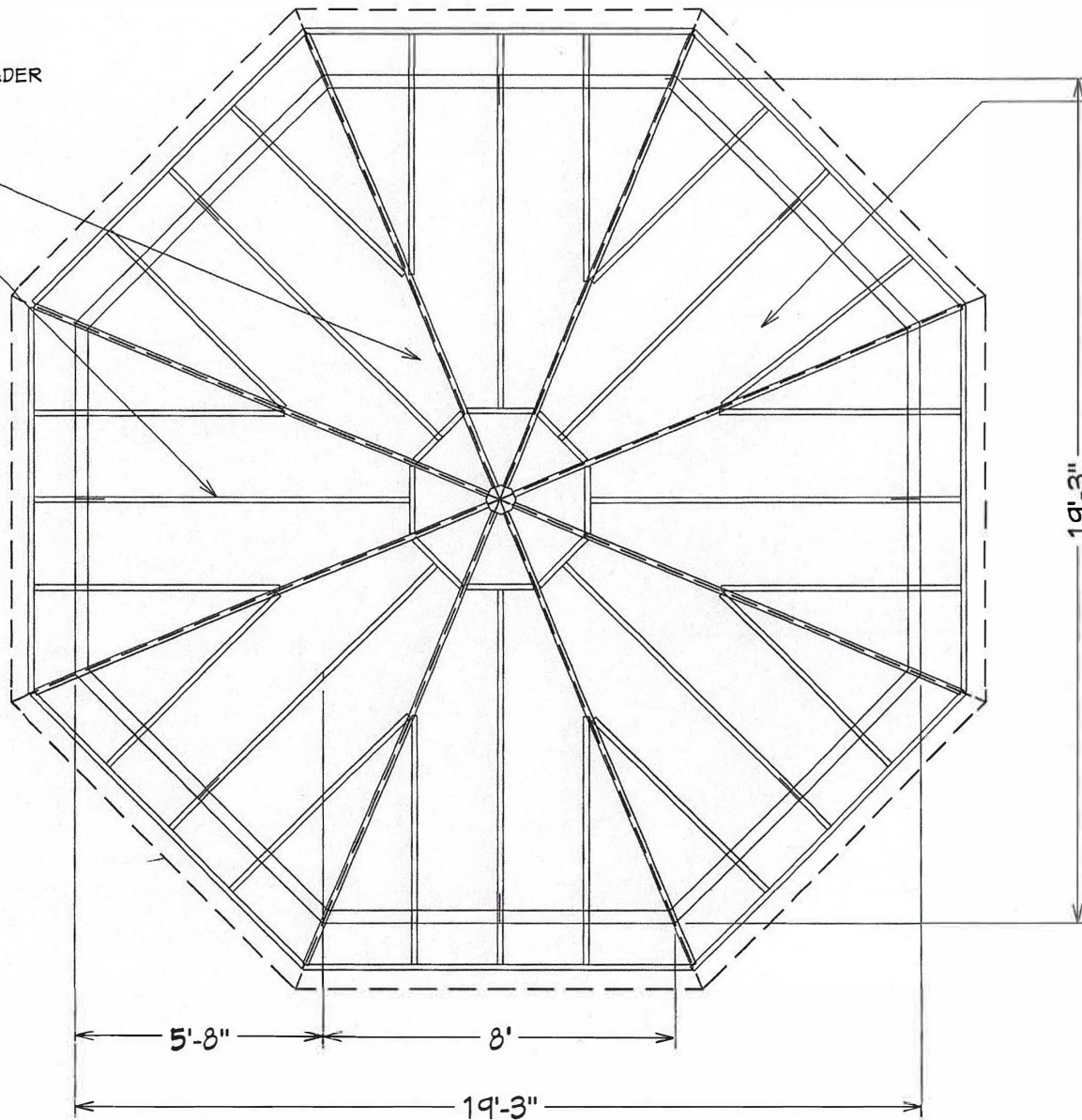
2X8 RAFTERS AND HIP  
RAFTERS SECURED TO HEADER  
WITH SIMPSON H2.5AZ

5/8 T-111 PLYWOOD FINISHED  
SIDE DOWN ON TOP

BOARD OF APPEALS

APPROVED DEC 15 2021

*B. Stone*  
ADMINISTRATOR



(c)

ADDRESS: 5403 ODELL RD  
BELTSVILLE MD, 20705

DRAWING SCALE;  
1/4" = 1 FT

D1