



# 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-138-21 Humberto Valencia Rubio

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: February 9, 2022

## **CERTIFICATE OF SERVICE**

This is to certify that on August 9, 2022, 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: Humberto Valencia Rubio

Appeal No.: V-138-21

Subject Property: Lot 38, Part of 39 thru 43, Block 36, Glenn Dale Heights Re-subdivision, being  
3223 Hiland Avenue, Glenn Dale, Prince George's County, Maryland

Witness: Ken Parsons, Architect

Heard and Decided: February 9, 2022

Board Members Present and Voting: Albert C. Scott, Vice Chairman

Anastasia T. Johnson, Member

Board Member Absent: Bobbie S. Mack, Chairperson

**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 variances from Section 27-442(e)(Table IV) which prescribes that each corner lot shall have a side yard along the side street at least 25 feet in depth and a rear yard at least 20 feet in depth/width. Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions (side street yard depth) and obtain a building permit for the construction of one-story addition and front porch w/roof. Variances of 4 feet side street yard depth, 3 feet rear yard depth/width and 2% net lot coverage are requested.

**Evidence Presented**

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

1. The property was subdivided in 1913, contains 11,949 square feet, is zoned R-R (Rural-Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The property is a corner lot with Dubarry Street being the legal front and Hiland Avenue (which the dwelling fronts) being the legal side street. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. The subject property is composed of whole or parts of Lots 38 through 43. The combined lots, due to their varying lengths, create an irregular shaped property, with the legal front yard (Lot 41-43) decreasing in length. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

4. The house is located on a steep hill on the legal front and right sides of the property where the proposed covered front porch will be located. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

5. Petitioner proposes to validate an existing condition (side street yard depth) and obtain a building permit for the construction of the one-story addition and front porch w/roof. He explained that the new porch will decrease the right-side street depth by 8-feet, therefore a variance of 4 feet is warranted. The rear yard has an existing condition that provides only 17 feet, requiring a variance for the rear yard setback of 3 feet. With the building of the covered front porch and rear addition, the net lot coverage increases to 27%.

Because the maximum allowable lot coverage in the R-R Zone is 25%, a variance for 2% net lot coverage is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

6. Architect Ken Parson testified that the house was constructed in the 1970s. He explained that the property contains a very steep hill not only on the front, but on the side yards, making it difficult to build in the side yard areas. In addition, a gas line runs along the right-side yard of the property. Exhs. 2, 3 (a) thru (i) and 5 (A) thru (D).

7. Humberto Valencia Rubio stated that the property was purchased in 2019. Exh. 7.

8. He further stated that the proposed porch will provide outdoor enjoyment for the family as well as improve the look of the dwelling (along Hiland Avenue). In regard to the proposed addition in the functional "rear", he would like to create an office area as well as increase the number of available bedrooms. Exhs. 2, 3 (a) thru (i) and 5 (A) thru (D).

9. He testified that his neighbors did not object to the proposed addition and improvements.

#### 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

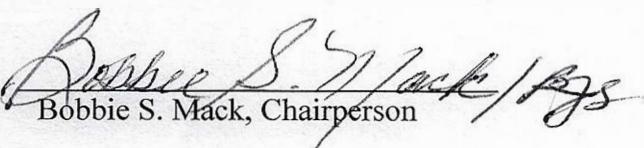
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the overall irregular shape of the property, the topography (steep grade of the property in the front and right side yard areas) of the property limit locations on which to build, the need to expand living space for the family, a gas line running along the right side prohibiting building the addition in that area, the location of the driveway already in the legal rear area of the property, the only suitable area for the addition is in the legal left side yard (but functional rear) of the corner 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.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Bobbie Mack absent, that variances of 4 feet side street yard depth, 3 feet rear yard depth/width and 2% net lot coverage in order to validate existing conditions (side street yard depth) and obtain a building permit for the construction of one-story addition, front porch w/roof on the property located at 3223 Hiland Avenue, Glenn Dale, Prince George's County, Maryland, be and is 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 (i).

BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson

**NOTICE**

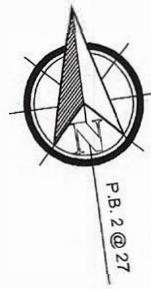
Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

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.

# BOARD OF APPEALS

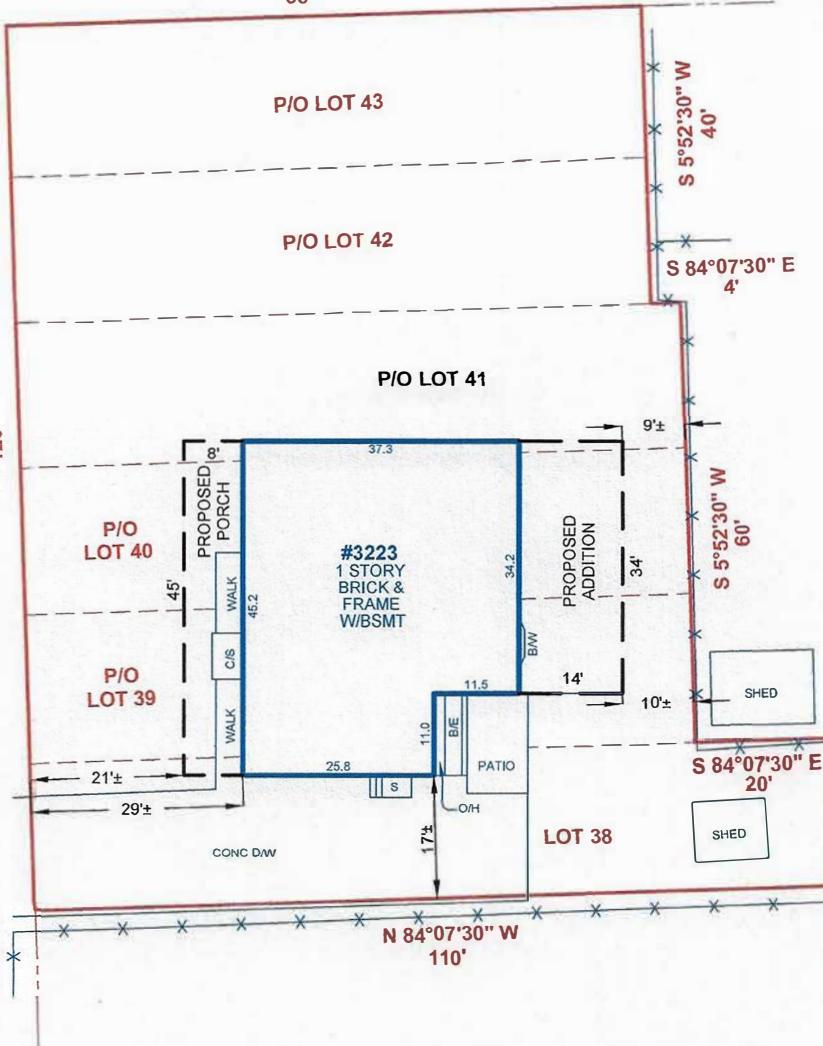
APPROVED FEB 9 2022



P.B. 2 @ 27

## HILAND AVENUE

N 55°23'30" E  
120'



THE LEVEL OF ACCURACY OF  
DISTANCES TO APPARENT  
PROPERTY LINES IS: 2±

LOCATION DRAWING OF:  
**#3223 HILAND AVENUE**  
**LOT 38 & PART OF 39 - 43 BLOCK 36**  
SHEET NO. 4  
**GLENDALE HEIGHTS**  
PLAT BOOK 2, PLAT 27

PRINCE GEORGE'S COUNTY, MARYLAND  
SCALE: 1"=20' DATE: 05-26-2021  
DRAWN BY: BG/AP FILE #: 215900-200

### LEGEND:

- FENCE
- BASEMENT ENTRANCE
- BAY WINDOW
- BLDG. RESTRICTION LINE
- BMT - BLDG. RESTRICTION LINE
- BMT - BASEMENT
- CONC - CONCRETE STOOP
- CONC - CONCRETE
- DAW - DRIVEWAY
- EX. - EXISTING
- MAC - MACADAM
- G - GATE
- OH - OVERHANG
- PUE - PUBLIC UTILITY ESMT.
- PIE - PUBLIC IMPROVEMENT ESMT.
- COLOR KEY:
- (RED) - RECORD INFORMATION
- (BLUE) - IMPROVEMENTS
- (GREEN) - ESMTS & R RESTRICTION LINES

A Land Surveying Company

**DULEY**  
and  
**Associates, Inc.**



Serving D.C. and MD.

14604 Elm Street, Upper Marlboro, MD 20772  
Phone: 301-888-1111 Fax: 301-888-1114  
Email: orders@duley.biz On the web: www.duley.biz



I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THE SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS, THIS PLAT DOES NOT ESTABLISH THE EXISTENCE OR LOCATION OF ANY OF THESE FEATURES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCIAL OR OTHER LENDING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY IN FAR AS IT IS REQUIRED BY A LENDER OR ATTLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

EXH. # **2**  
**V-138-21**

### DULEY & ASSOC.

WILL GIVE YOU A 100%  
FULL CREDIT TOWARDS  
UPGRADING THIS  
SURVEY TO A  
"BOUNDARY/STAKE"  
SURVEY FOR ONE  
YEAR FROM THE DATE  
OF THIS SURVEY.

(EXCLUDING D.C. & BALTIMORE CITY)

(240) 755-3766

# Humberto Valencia

## 3223 Hiland Ave, Glenn Dale, MD 20769

*34'x14' New Bedroom/Office on Rear of House & 45'x8' Front Porch*

GENERAL NOTES ARE ACKNOWLEDGED AND SHALL BE ADHERED TO DURING THE CONSTRUCTION

### Misc. Notes:

- 1 - All work including all structural, HVAC, electrical, plumbing among all other shall be performed in accordance with all applicable national, state and local codes regulations and will follow 2018 International Residential Code (IRC) Construction Guide Specifications.
- 2 - All dimensions should be read or calculated and never scaled
- 3 - All pre-fabricated materials, equipment, fixtures and etc. shall be installed per manufacturer's instructions and requirements.
- 4 - All wood exposed to air or in contact with masonry or concrete shall be treated as required.
- 5 - The presumptive bearing is 1500 psi in original undisturbed soil of bearing value. minimum 30 inches below finish grade to bottom of footing.
- 6 - Provide minimum 3" solid bearing on the foundation wall for all beams and headers.
- 7 - The bottom of all concrete footings shall extend 12" minimum into original undisturbed soil having a minimum safe bearing capacity as indicated above. Also to be a minimum of 30" below finished grade.
- 8 - Beams & Bandboards that are supported by Treated 6"x6" posts below them are bolted using two(2) - 1/2" Hex Head bolts using 3/4" Washers. All Joist Hangers must use min. 1 1/2" Hex Head Joist Hanger Bolts. Nails are NOT acceptable.

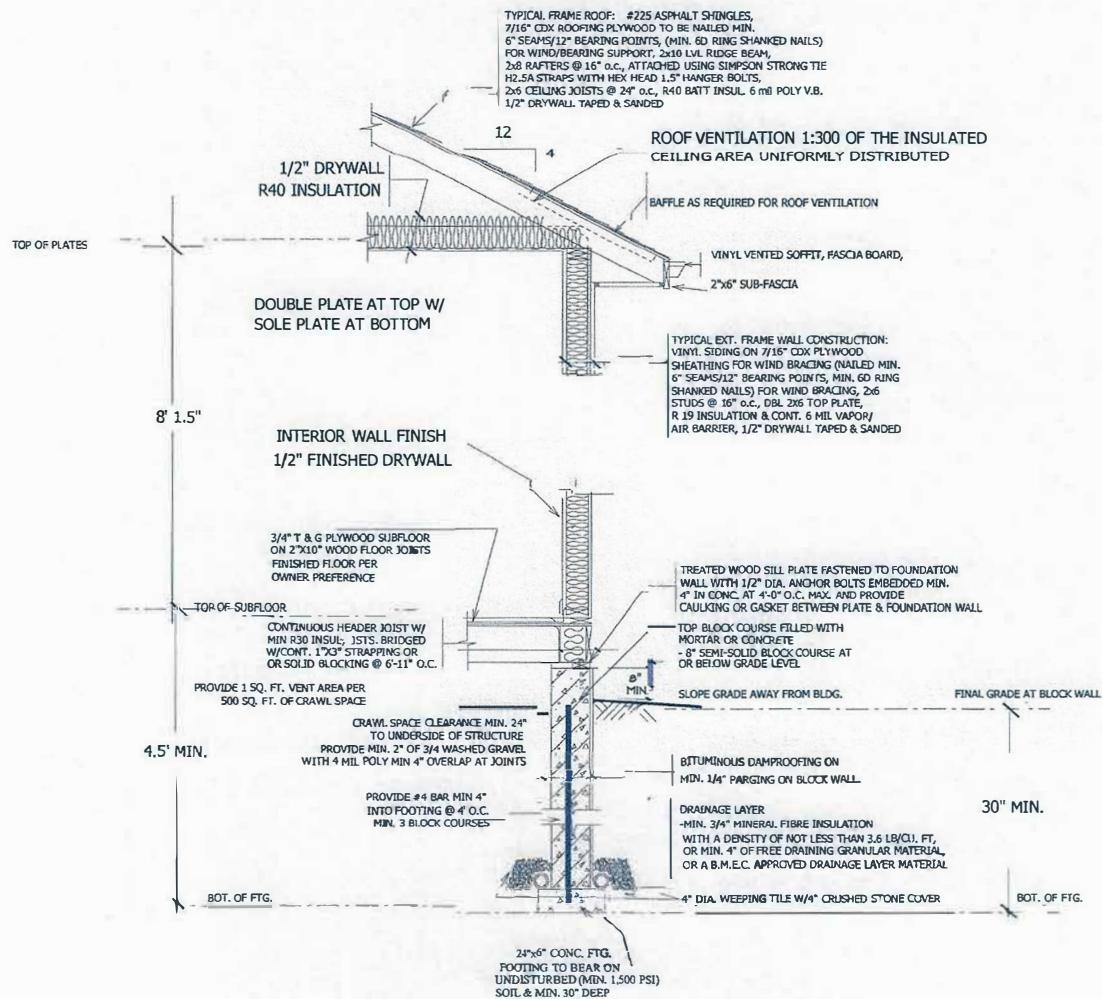
### Package Contents

- 1 - Front Cover& Contents Page
- 2 - Pictures of Lot/House
- 3 - Existing Plat
- 4 - Proposed Plat
- Existing House:  
5 - Existing 1st Floor
- 6 - Existing Front View
- 7 - Existing Left (Dubarry Street Side) View
- Proposed Changes:  
8 - New Footings Foundation
- 9 - New 1st Floor
- 10 - New Front Porch Detail
- 11 - New Rear Addition Sides Detail
- 12 - New Rear Addition Rear Detail
- 13 - New Roof Framing Plan
- 14 - Attachment Wall Section
- 15 - New Front Porch View
- 16 - New Right Rear View

EXH. # 3(a-I)  
V-138-21

*[Signature]*  
APPROVED FEB 9 2022  
ADMINISTRATOR

BOARD OF APPEALS



### FRAME WALL SECTION - CRAWL SPACE

SCALE: N.T.S.

PROVIDE CRAWL SPACE ACCESS  
WITH OPENING NOT LESS  
THAN 20" x 28"

#### NOTES:

- 1- FOUNDATION WALL WITH CONC. BLOCK  
TO BE 8" SEMI-SOLID BLOCK COURSE. BELOW GRADE  
USE WEEPHOLES EVERY 48" APART MAXIMUM,  
ON 8"X24" CONC. FOOTING REINFORCED WITH  
#4 STEEL BARS AS REQ'D.
- 2- INSTALL 2X6 TREATED SILL PLATE ABOVE FOUNDATION  
WALLS WITH 1/2"X16" BENT ANCHOR BOLT OR  
EQUIVALENT @ 4'-0" O.C.
- 3- MIN 2" 3/4 GRAVEL OVER 4 MIL VAPOR  
BARRIER IN CRAWL SPACE
- 4- ALL DIMENSIONS SHOULD BE READ OR CALCULATED  
AND NEVER SCALED
- 5- THE PRESUMPTIVE BEARING IS 1,500 PSI  
IN ORIGINAL UNDISTURBED SOIL OF  
BEARING VALUE
- 6- ALL WORK SHALL BE PERFORMED IN  
ACCORDANCE WITH THE APPLICABLE NATIONAL,  
STATE, AND LOCAL REGULATIONS

(a)

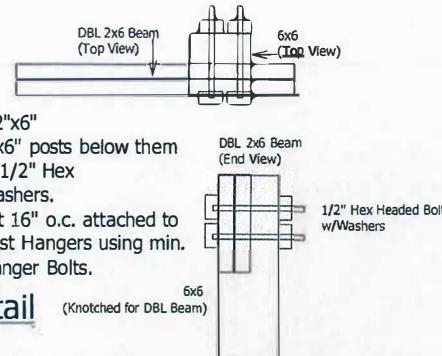
### FRAME WALL SECTION

Humberto Valencia  
3223 Hiland Ave (240) 755-3766  
Glenn Dale, MD 20769

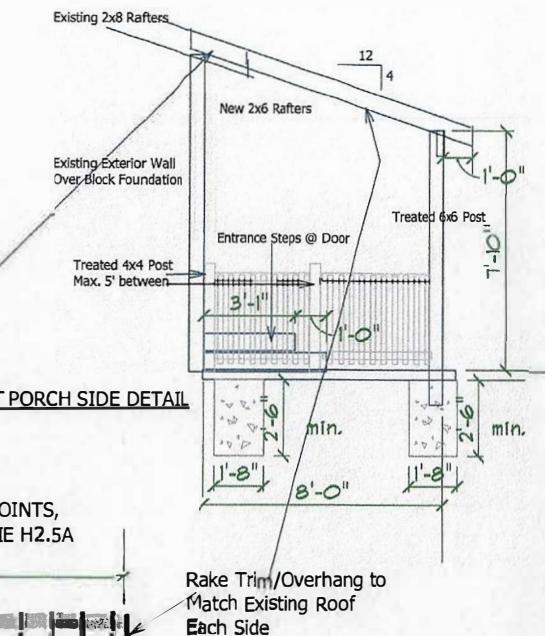
N.T.S.	Designed by:
DATE 10-23-2021	KKP

NOTE: Bandboards are DBL 2"x6"  
supported by Treated 6"x6" posts below them  
that are bolted using 2 - 1/2" Hex  
Head bolts using 3/4" Washers.  
Ceiling Joists are 2"x6" at 16" o.c. attached to  
DBL 2x6 Beams using Joist Hangers using min.  
1 1/2" Hex Head Joist Hanger Bolts.

### D1 - Hex Bolt Detail

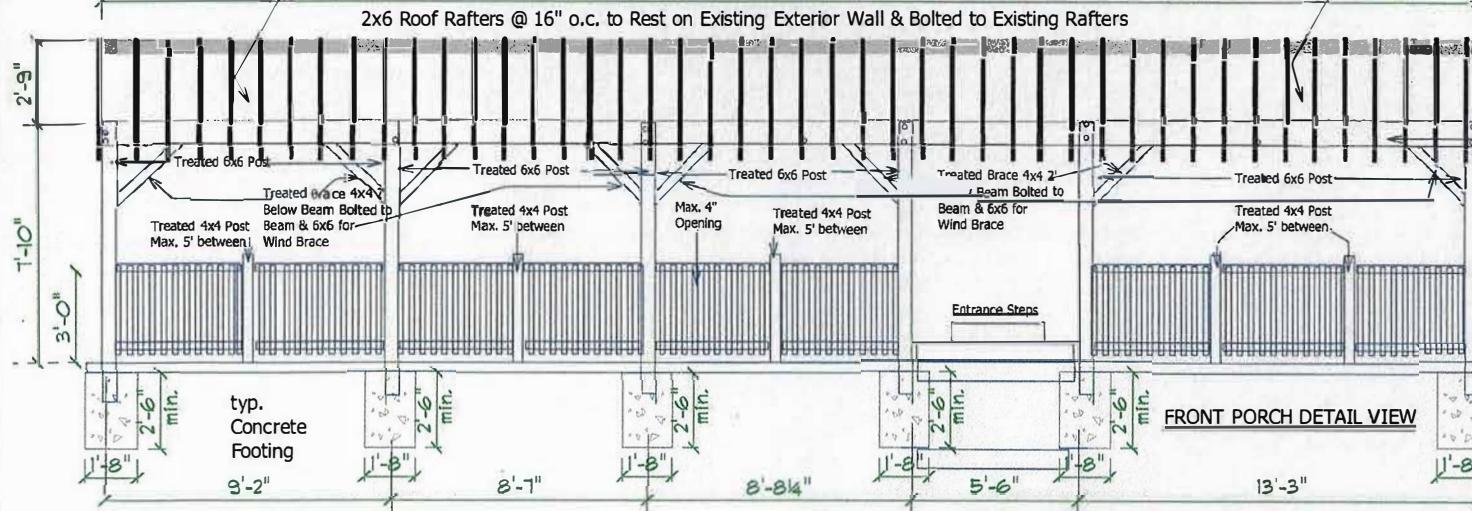


NOTE: All connectors, anchors  
and fasteners shall be either  
ZMAX or hot-dip galvanized  
steel.



### FRONT PORCH SIDE DETAIL

TYPICAL FRAME ROOF: #225 ASPHALT SHINGLES, 7/16" CDX ROOFING PLYWOOD TO BE NAILED MIN. 6" SEAMS/12" BEARING POINTS,  
(MIN. 6D RING SHANKED NAILS) FOR WIND/BEARING SUPPORT, 2x6 RAFTERS @ 16" o.c., ATTACHED USING SIMPSON STRONG TIE H2.5A  
STRAPS WITH HEX HEAD 1.5" HANGER BOLTS, UNFINISHED CEILING



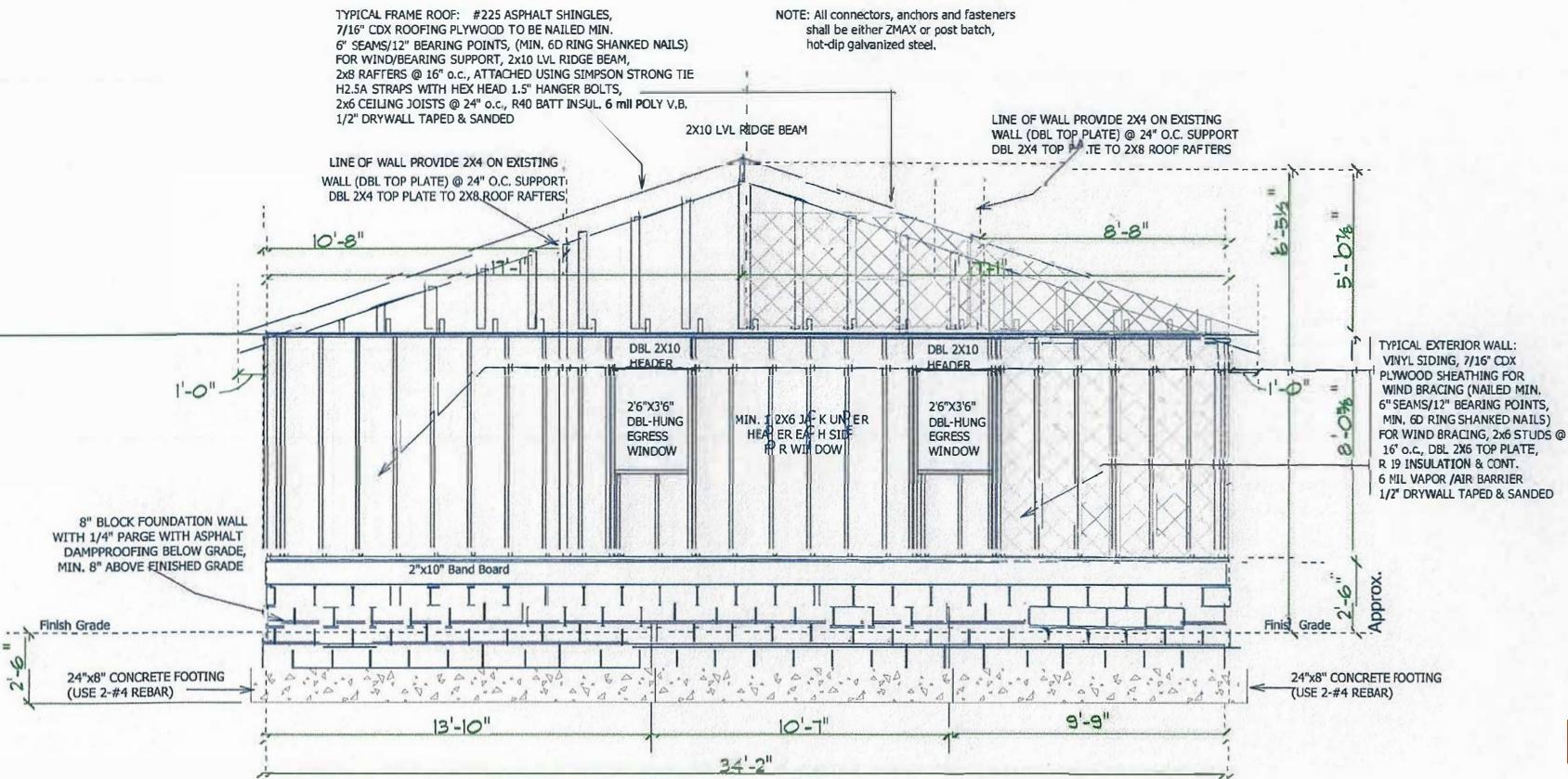
Support beams are Treated DBL 2"x10"  
Notched & Bolted (2- 1/2" bolts each)  
on 6"x6" posts for support. Joists are  
Treated 2"x6" at 16" o.c. Resting on  
Existing Exterior Wall & Attached using  
Steel Hangers (using Hex Head Min.  
1 1/2" Bolts on Hangers) As per Code

(b)

### FRONT PORCH FRAMING DTLS

Humberto Valencia  
3223 Hiland Ave (240) 755-3766  
Glenn Dale, MD 20769

1/4" = 1' SCALE	DATE 8-28-2021	Designed by: KKP
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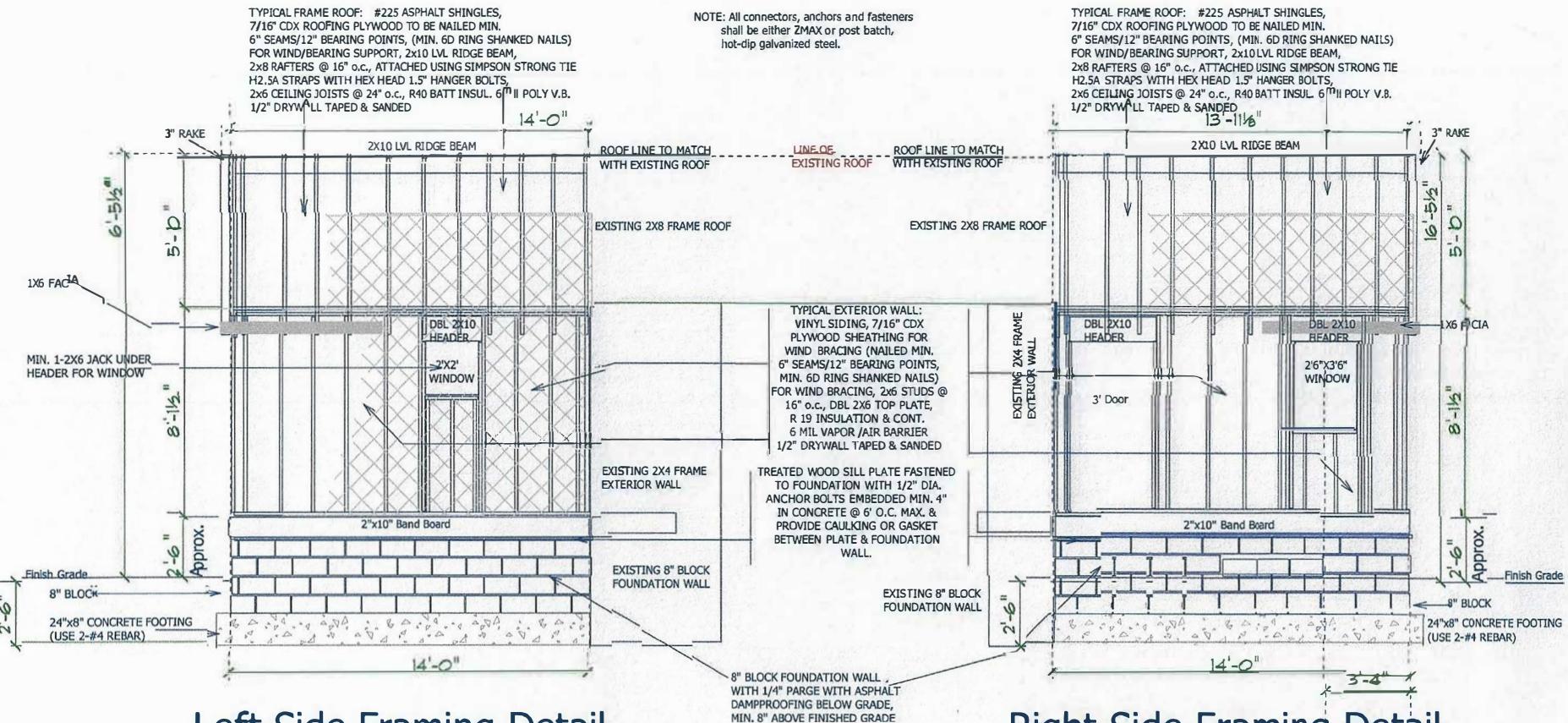


## Rear Addition Rear Framing Details

Humberto Valencia  
3223 Hiland Ave (240) 755-3766  
Glenn Dale, MD 20769

1/4" = 1' SCALE  
DATE 8-28-2021

Designed by:  
KKP

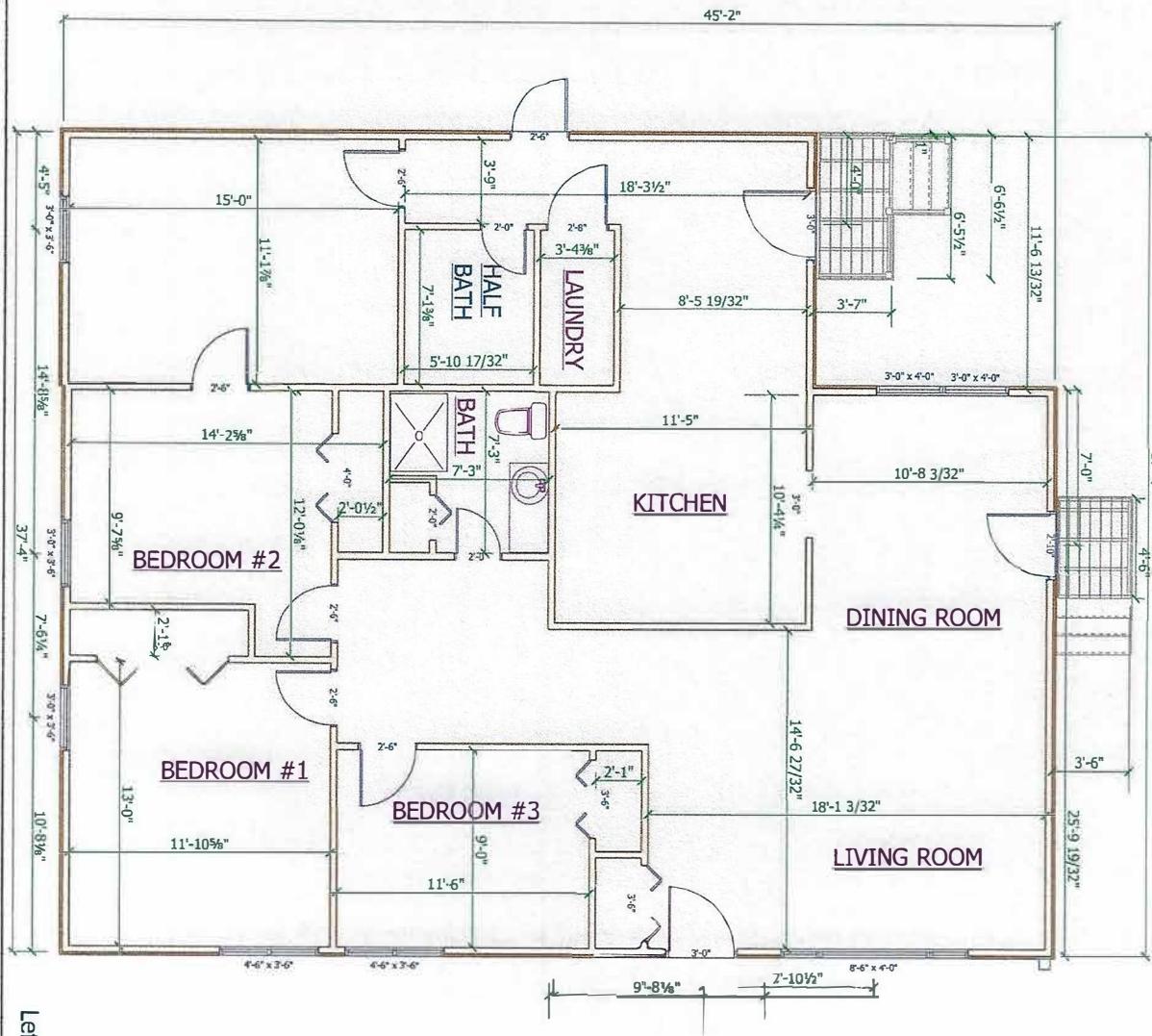


## Rear Addition Right/Left Framing Details

Humberto Valencia  
3223 Hiland Ave (240) 755-3766  
Glenn Dale, MD 20769  
1/4" = 1' SCALE  
DATE 8-28-2021

Designed by:  
KKP

(d)



Left Side of House (Dubarry Street)

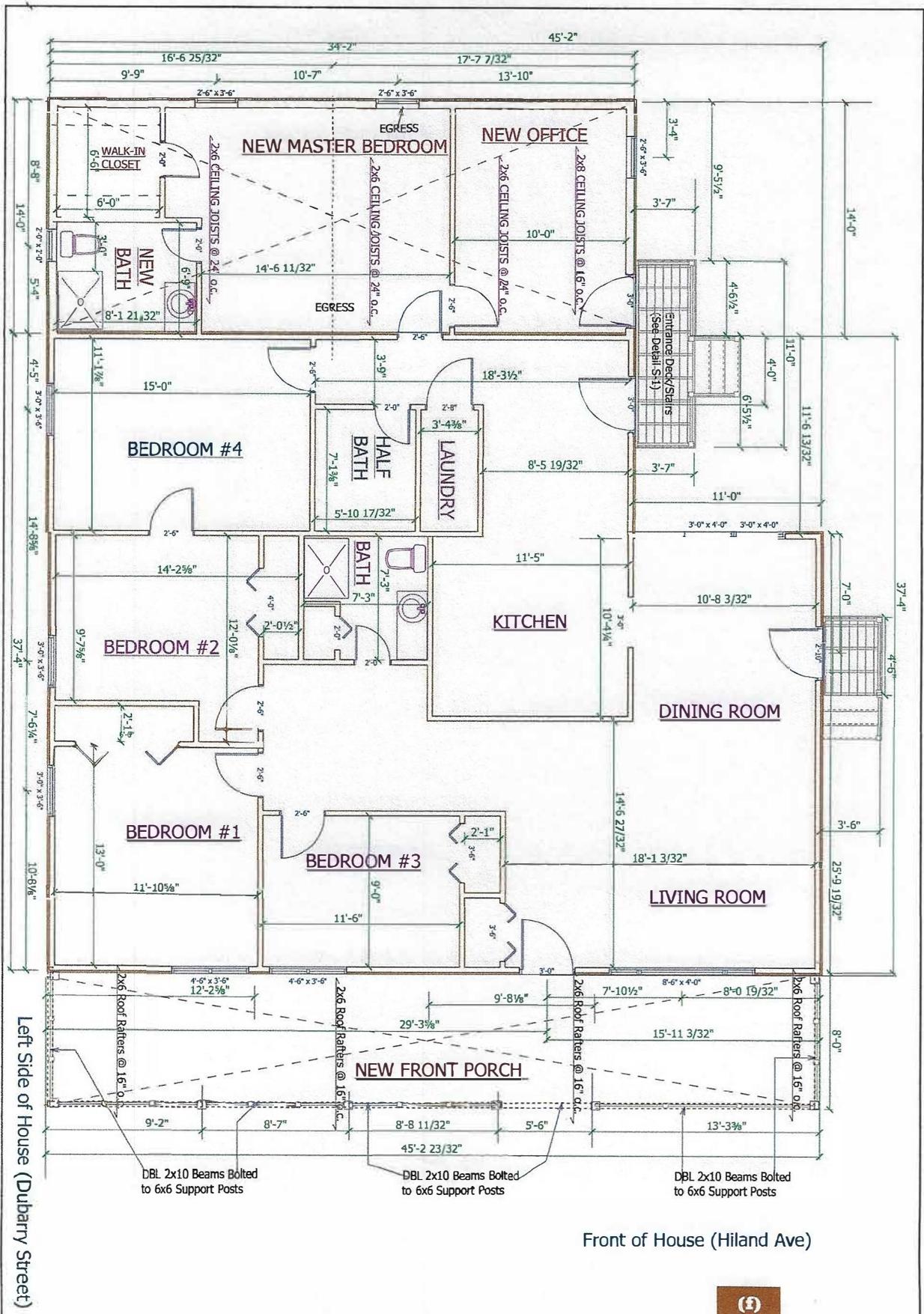
Front of House (Hiland Ave)

(e)

Humberto Valencia  
3223 Hiland Ave (240) 755-3766  
Glenn Dale, MD 20769  
SCALE 3/16" = 1'  
DATE 10-23-2021

EXISTING 1ST FLOOR

Designed by:  
KKP



## Front of House (Hiland Ave)

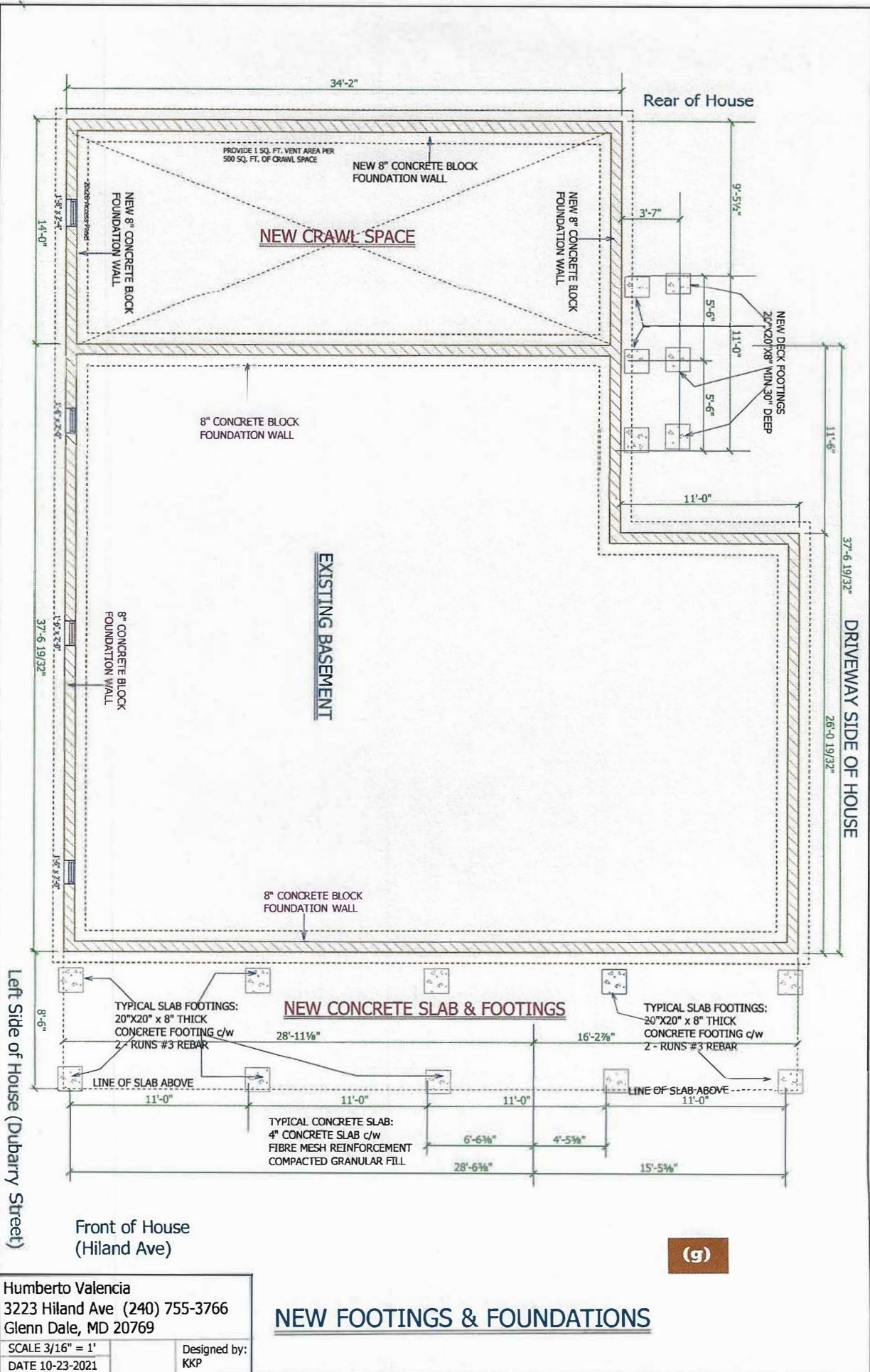


Humberto Valencia  
3223 Hiland Ave (240) 755-3766  
Glenn Dale, MD 20769

## PROPOSED 1ST FLOOR

SCALE 3/16" = 1'  
DATE 10-23-2021

Designed by:  
KKP

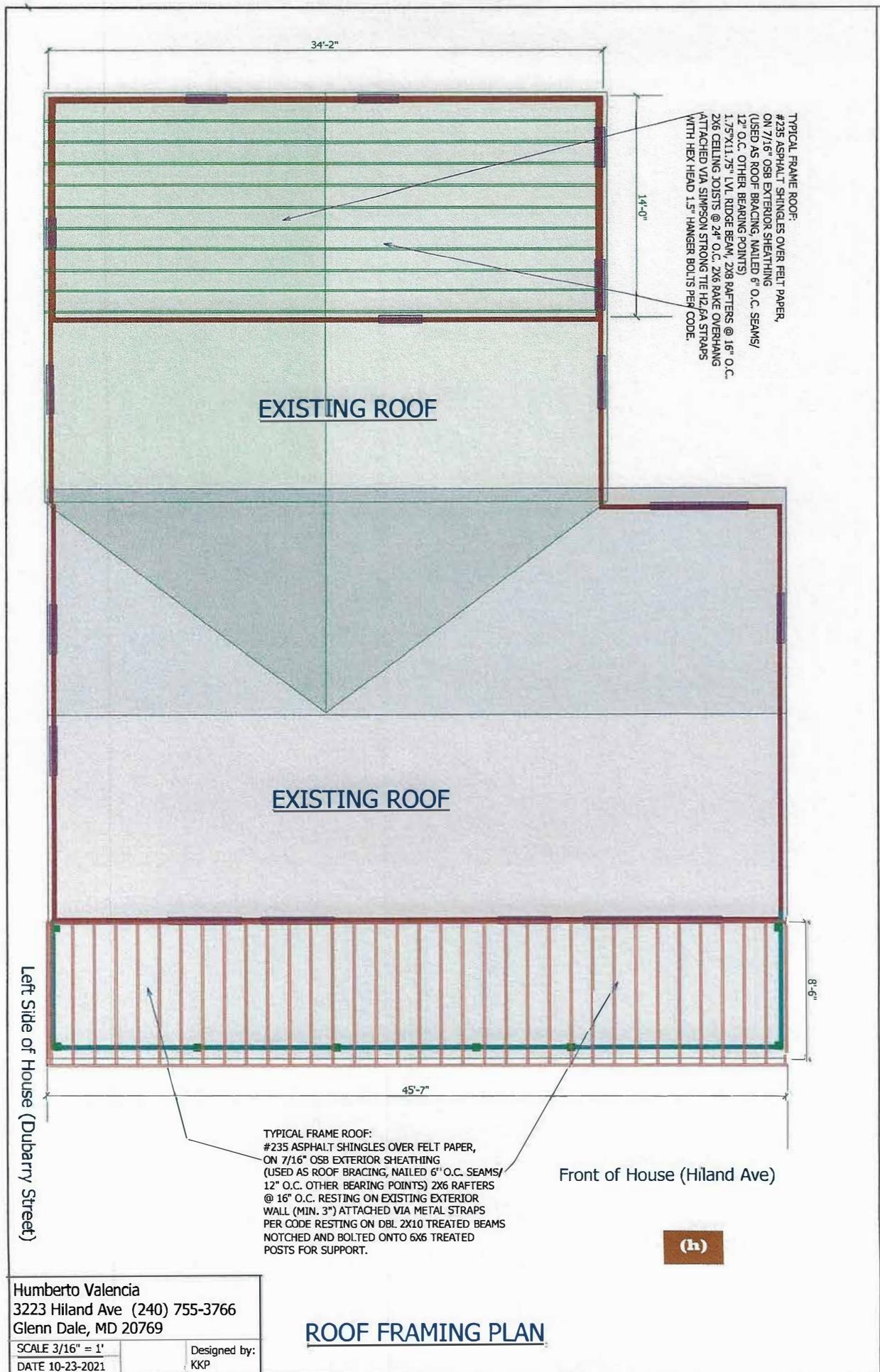


Humberto Valencia  
3223 Hiland Ave (240) 755-3766  
Glenn Dale, MD 20769

SCALE 3/16" = 1'  
DATE 10-23-2021

**NEW FOOTINGS & FOUNDATIONS**

Designed by:  
KKP





(i)



Existing Main Floor Left View (Dubarry Street Side)



**NEW FRONT VIEW**



NEW RIGHT REAR VIEW