



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-6-25 Joe Enemias & Iris Zuleyma Guevara

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: April 9, 2025.

CERTIFICATE OF SERVICE

This is to certify that on September 19, 2025, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

Ellis Watson

Ellis Watson
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: Jose Enemias and Iris Zuleyma Guevara

Appeal No.: V-6-25

Subject Property: Lots 11 and 12, Block O, Beltsville Heights Subdivision, being 4814 Lexington Avenue, Beltsville, Prince George's County, Maryland

Spanish Language Interpreter: Ruben Sotogomez

Heard: April 9, 2025 and Decided: April 9, 2025

Board Members Present and Voting: Omar Boulware, Chair

Phillippa Johnston, Vice Chair

Dwayne A. Stanton, Board 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 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(e) which 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. Section 27-4202(e)(3) prescribes that each lot shall have a side yard at least 8 feet in width. 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, other parking structure may be built in the front yard of a dwelling, except a "dwelling, townhouse" or "dwelling, multifamily", in the area between the front street line and the sides 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, 1-foot right side yard width, and a 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, before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, contains 5,040 square feet, is zoned RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling and a shed. Exhs. 3, 4, 7, and 8.
2. The Petitioners propose to validate existing conditions (net lot area, lot width at the building line, frontage width at front street line, side yard, and parking area location and obtain a building permit for the proposed driveway extension (10' x 18'). A waiver of the parking area location is requested. Exhs. 1, 3, and 11.
3. The Petitioners testified that their request is to extend the driveway in front of the subject property due to parking limitations. The Petitioners further testified that the parking limitations cause neighbors to park in front of their house and create a danger to them. Exhs. 1, 2, 5 (A) thru (D), and 9 (A) thru (F).
4. A picture of the front of the house was displayed, and Chair Boulware commented on the narrowness of the Petitioners' property. He also asked if there were any plans to utilize the back portion of

their property for parking. The Petitioners responded that it is not their intention to park in the back of the property, and parking would be located in front of their property. Exh. 3.

5. Chair Boulware expressed concern about the driveway being located in the front of the house given the shape of the lot. Exhs. 9 (A) thru (F) and 10 (A) thru (D).

6. Board Member Stanton asked the Petitioner(s) for the exact location of the driveway extension. The Petitioners responded that it would be a new 20' x 28' driveway on the right side of their property. Exhs. 3, 5 (A) thru (D), and 9 (A) thru (F).

7. Chair Boulware made clear to the Petitioner(s) that the Board is only considering the 10' x 18' driveway extension request and would not entertain any other request proffered. Further, Chair Boulware asked the staff to respond to the request contained in the Petitioners' application. Administrator Watson confirmed for the record that the apron permit received by the Petitioner(s) was approved by the Department of Permitting, Inspections, and Enforcement (DPIE). Exh. 3.

8. Chair Boulware and Vice Chair Johnston engaged in a conversation concerning the exceptional narrowness and topography of the property. Chair Boulware mentioned that the sloping contained on the Petitioners' property is unique as compared to the surrounding neighbors. Exhs. 5 (A) thru (D), 9 (A) thru (F), and 10 (A) thru (D).

9. Due to the topographic issues found on the subject property, Chair Boulware determined that the criteria for granting a variance were satisfied and called for a vote.

10. Vice Chair Johnston made the Motion to Approve V-6-25, and the Motion was seconded by Board Member Stanton. Motion carried by a 3-0 vote.

Applicable Code Sections 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 variance complies with the applicable standards set forth in Section 27-3613(d), more specifically:

Due to the subject property being subdivided in 1920, before the adoption of the *Prince George's County Zoning Ordinance and Subdivision Regulations*, the subject property is physically unique and unusual in a manner different from the nature of surrounding properties due to topographical issues and sloping found on the subject property. *See, North v. Saint Mary's County*, 99 Md. App. 502, 638 A.2d 1175 (1994). The particular uniqueness and peculiarity of the specific property, if applied, would not allow the Petitioners to park safely on their property. Additionally, the Board concluded that this variance is minimally necessary to overcome the exceptional physical conditions found on the property because the topography of the Petitioners' property does not allow for any other location for parking. The Board reviewed the record and found that granting the relief requested would not substantially impair the intent, purpose, and integrity of the General Plan or Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property. Moreover, there was no evidence presented or contained in the record that the variances would substantially impair the use and enjoyment of adjacent properties. Lastly, the Board found the practical difficulty was not self-inflicted due to the Petitioner not commencing construction before seeking a variance.

BE IT THEREFORE RESOLVED, by a 3-0 vote, 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, 1-foot right side yard width, and a waiver of the parking area location requirements on the property located at 4814 Lexington Avenue, Beltsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3.

BOARD OF ZONING APPEALS

By: 
Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By: 
Keisha A. Garner, 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.

EXH. # 3
V-6-25

ADMINISTRATOR