



# 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-56-22 Andres Quintanilla

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: November 9, 2022.

## **CERTIFICATE OF SERVICE**

This is to certify that on February 22, 2023, 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 positioned above the printed name and title. The signature is fluid and cursive.

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***

Petitioners: Andres Quintanilla

Appeal No.: V-56-22

Subject Property: Lots 26 and 27, Block II, Beltsville Heights Subdivision, being 4626 Quimby Avenue, Beltsville  
Prince George's County, Maryland

Witness: Joseph Gonzalez, Architect,

Heard: September 14, 2022; Decided: November 9, 2022

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

Anastasia T. Johnson, Member

Renee Alston, Member

Teia Hill, Member

Carl Isler, Member

Board Member Absent:

**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, Petitioners request that the Board approve a variance from Section 27-4202(e) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 6500 square feet, a minimum width of 65 feet measured along the front building line and a side yard at least 8 feet in width. Petitioner proposes to construct an 8 x 26.3-foot driveway and obtain a building permit to construct a 6' x 11' porch, 12' x 25' addition and 9' x 25' covered porch. Variances of 830 square feet net lot area, 20 feet lot width, 7 feet lot frontage, 16 feet side street yard width and 3 feet side yard width are requested.

**Evidence Presented**

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

1. The property was subdivided in 1920, contains 5,670 square feet, is zoned RSF-65 (Residential, Single Family-65) and is improved with a single-family dwelling, driveway, carport, and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).

2. The subject property is a narrow (45 feet wide), rectangle shape corner property that comprise of Lots 26 and 27. The legal front of the property is on Quimby Avenue and the side street is fronting on Elizabeth Street which is a dead-end street with only one home on each side of the street. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. On September 14, 2022, Mr. Joseph Gonzales testified that there are three proposed new constructions to upgrade the property: (a) an open porch on the left side of the house, (b) an addition toward the front of the dwelling and (c) a screened porch on the side of Quimby Avenue. Exhs. 2, 3 (A) thru (C) and 5 (A) thru (G).

4. It was determined at the September hearing that the subject property is a corner lot and because the setback from Elizabeth Street is only at 9 feet, a setback of 25 feet is required. Accordingly, the appeal must be readvertised to include an additional variance of 16 feet side street yard width.

5. The new hearing date would be October 12, 2022<sup>1</sup>. A motion was made and passed to readvertise this case.

6. On November 9, 2022, at the rehearing, Petitioners proposed to construct an 8 x 26.3-foot driveway and obtain a building permit to construct a 6' x 11' porch, 12' x 25' addition and 9' x 25' covered porch. Variances of 830 square feet net lot area, 20 feet lot width, 7 feet lot frontage, 16 feet side street yard width and 3 feet side yard width were requested, respectively. Because the property was subdivided prior to the current Zoning Ordinance, and the dwelling was constructed in 1969, the net lot area, lot width, lot width at the street, side street yard width and side yard width conditions require validation under the current law. Exhs. 2, 3 (A) thru (C) and 5 (A) thru (G).

7. Mr. Joseph Gonzales testified that the Site Road application for the subject property has been approved. Exh. 20.

#### 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 subject property being a corner lot, the property was subdivided in the 1920s and the dwelling was built in 1969, Petitioner desire to upgrade the dwelling, certain variances are attributed to the validation of preexisting conditions of 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.

BE IT THEREFORE RESOLVED, by majority vote, Mr Carl Isler absent, that variances of 830 square feet net lot area, 20 feet lot width, 7 feet lot frontage, 16 feet side street yard width and 3 feet side yard width in order to construct an 8 x 26.3-foot driveway and obtain a building permit to construct a 6' x 11' porch, 12' x 25' addition and 9' x 25' covered porch on the property located at 4626 Quimby Avenue, Beltsville, 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 (C).

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<sup>1</sup> Re-advertised from October 12, 2022, to September 14, 2022, and again to November 9, 2022.

BOARD OF ZONING APPEALS

By:

*Bobbie S. Mack /BS*  
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

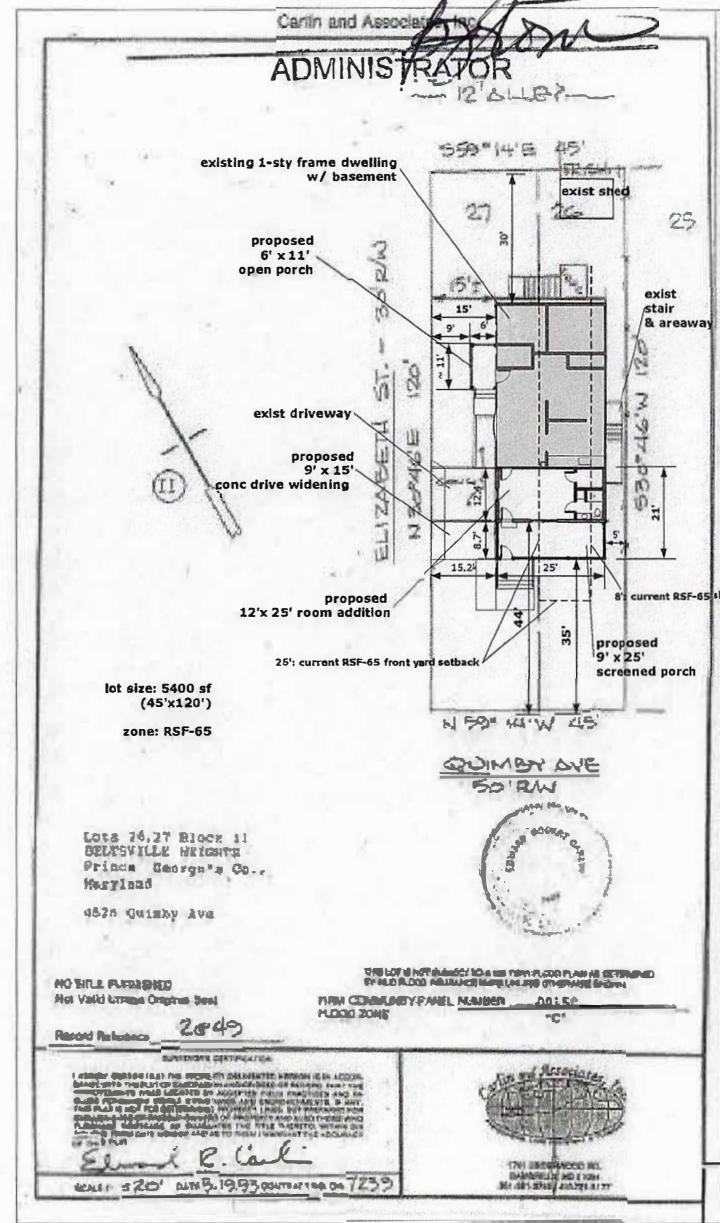
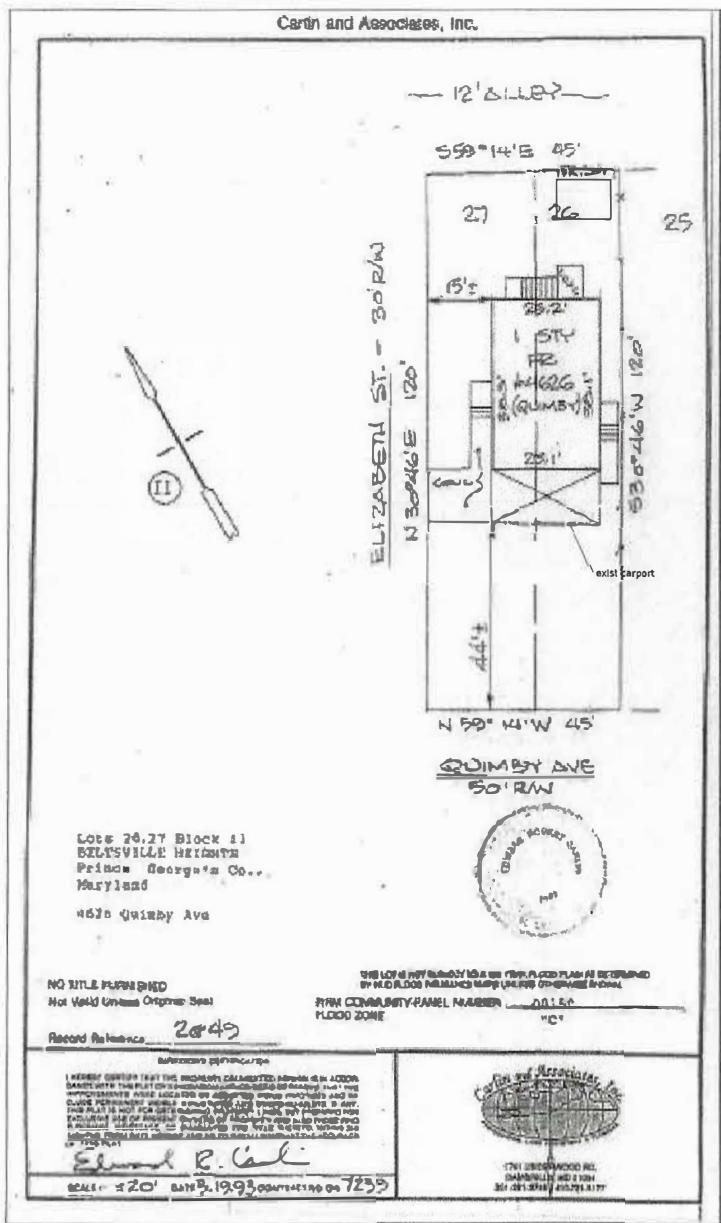
APPROVED NOV 09 2022

Joseph Gonzalez AIA  
2021 Cascade Rd  
Silver Spring, MD 20902  
240 281 83376



Addition and Alterations  
4626 Quimby Ave  
Beltsville MD 20705

## Site Plan



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APPROVED NOV 09 2022

