



# 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-21-20 Jorge Guacamaya Marroquin and Lidia Soberania

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 18, 2020

## **CERTIFICATE OF SERVICE**

This is to certify that on March 19, 2021, 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: Jorge Guacamaya Marroquin and Lidia Soberanis

Appeal No.: V-21-20

Subject Property: Lot 51, Block C, Palmer Park Subdivision, being 7730 Oxman Road, Hyattsville,  
Prince George's County, Maryland

Spanish Language Interpreter: Ruben Sotogomez

Heard: November 4, 2020; Decided: November 18, 2020

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 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 27-120.01(c) which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set 2 feet from any side or rear lot line. Petitioner requests to validate an existing condition (accessory building, shed) and obtain a building permit for the construction of a driveway partially in front of the house. A waiver of the parking area location requirement and 1.5 feet side lot line setback for an accessory building (shed) are requested.

**Evidence Presented**

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

1. The property was subdivided in 1954, contains 4,479 square feet, is zoned R-35 (One-Family Semi-Detached and Two-Family Detached Residential) and is improved with a single-family dwelling and Shed. Exhibits (Exhs.) 2, 3, 7, 8 and 9 (A) thru (F).
2. The property is very narrow at 35 feet with approximately 6 steps to reach the level walkway to the house. Exhs. 2, 3, 7, 8 and 9 (A) thru (F).
3. Petitioners would like to construct a driveway partially in front of the dwelling which requires a waiver of the parking area location requirement. In addition, Petitioners would like to validate the existing location of the shed (accessory bldg.), being .5 feet too close to the side property line. A variance of 1.5 feet is, therefore, required. Exhs. 2 and 4 (A) thru (F).
4. Petitioner Jorge Guacamaya testified that he would like to construct a driveway because his daughter and wife work in the evening, and they are unable to find a vacant parking space at night. The proposed driveway was to be 15' x 25'. He stated that there are several homes with driveways in the immediate area. He stated the shed was in existence when he purchased the property. Exhs. 2 and 4 (A) thru (F).

5. Petitioner further testified that there is a handicapped sign placed in front of the home (for the previous owners). So that is one space that is unavailable for their on-street parking. He stated that he has requested that the sign be removed by the County, but to no avail. Exhs. 2 and 4 (A) thru (F).

6. The shed is used for storage.

7. Petitioners agreed to reduce the parking space to a single-wide space at 10' x 20'. Exh. 14.

#### 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

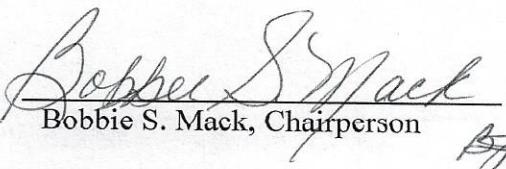
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the need for safety for his wife and daughter walking home at night, the existence of the handicap street parking prohibition directly in front of his house, the preexisting located of the shed and its current use for storage 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 owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a waiver of the parking area location requirement and 1.5 feet side lot line setback for an accessory building (shed) in order to validate an existing condition (accessory building, shed) and obtain a building permit for the construction of a driveway in front of the house on the property located at 7730 Oxman Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 14.

#### 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.

THIS DOCUMENT IS CERTIFIED TO

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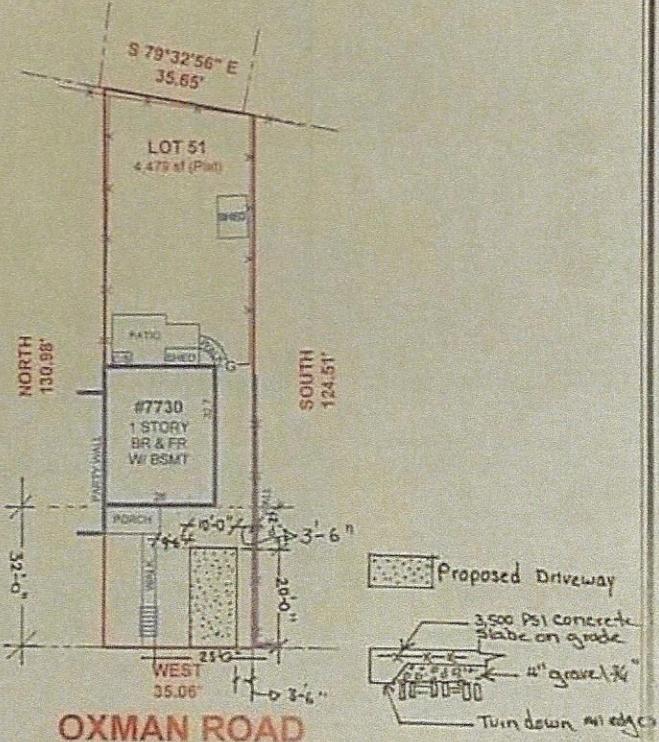


Mayra Pineda  
14526 Lee Road  
Chantilly, VA 20151  
703-598-8362

CASE # 2019-05-16



P.B. 23 © 02



**OXMAN ROAD**



LOCATION DRAWING OF:  
**#7730 OXMAN ROAD**  
**LOT 51 BLOCK C**  
**SECTION 1**  
**PALMER PARK**  
**PLAT BOOK 23, PLAT 62**  
PRINCE GEORGE'S COUNTY, MARYLAND  
SCALE 1"=30' DATE: 05-16-2019  
DRAWN BY CP FILE #, 193787-200

LEGEND

— FENCE  
— BASEMENT ENTRANCE  
— BAY WINDOW  
— BENCH  
— BUILDING RESTRICTION LINE  
— DOOR  
— GATE  
— CONCRETE STOOP  
— CONCRETE  
— DRAIN  
— EASEMENT  
— GRAVEL  
— GATE  
— GATE  
— PUBLIC UTILITY KIT  
— PUBLIC IMPROVEMENT LINE  
— COLOR KEY  
— MAILING INFORMATION  
— ENVELOPE  
— BOUNDARY  
— FENCE

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**SURVEYOR'S CERTIFICATE**

I HEREBY STATE THAT I AM 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 MARYLAND'S PLAT LAW OR CLERK'S CODE OF MARYLAND, APPROVED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT FURNISH THE SURVEYOR WITH THE INFORMATION OF ANY SURVEYOR'S BOUNDARY LINE, BUT SUCH CERTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER IMPROVEMENTS. THIS PLAT IS OF BENEFIT TO A CONVEYOR ONLY PROVIDED AS IT IS REQUIRED BY A LENDER FOR A TITLE INSURANCE COMPANY OR AGENT IN CONNECTION WITH THE INDETERMINATE TRANSFER OF A TITLE OR REFINANCING. THE LEVEL OF ACCURACY IS DEEMED TO BE +/- 10'. NO TITLE REPORT WAS FURNISHED TO THE OWNER BY THIS COMPANY. THIS PRECISE SURVEY IS FOR THE USE OF THE SURVEYOR. THE SURVEYOR IS NOT RESPONSIBLE FOR BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS SHOWN IN THIS SURVEY 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.

**DULEY & ASSOC.**

WILL GIVE YOU A 10% FULL CREDIT TOWARDS UPGRADING THIS SURVEY TO A "BOUNDARY SURVEY" FOR ONE YEAR FROM THE DATE OF THIS SURVEY  
EXCLUDING D.C. & BALT. CITY

**BOARD OF APPEALS**

APPROVED NOV 18 2020

  
ADMINISTRATOR

EXH. # 14  
V-21-20