



# 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-77-23 Robert and Hyunsuk Erickson

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: January 10, 2024.

## **CERTIFICATE OF SERVICE**

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

A handwritten signature in cursive script, reading "Barbara J Stone", is written over a horizontal line.

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: Robert and Hyunsuk Erickson

Appeal No.: V-77-23

Subject Property: Lot 3, Burch Hill Acres Subdivision, being 12206 Brandywine Road, Brandywine,  
Prince George's County, Maryland

Witness: Ligia Pancarotto, Contractor

Heard and Decided: January 10, 2024

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Carl Isler, Vice Chairman  
Anastasia T. Johnson, Member

Board Members Absent: Renee Alston, Member  
Teia Hill, 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 27-3303 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-5202 (c)(5) of the Zoning Ordinance, which prescribes that that unless otherwise provided in Section 27-5203, Standards Specific to Accessory Uses and Structures, accessory uses or structures may be located in a required side yard or rear yard, provided an accessory structure that is more than ten feet in height is set back from the nearest side or rear lot line one foot for every foot (or fraction thereof) the structure's height exceeds ten feet. Petitioners propose constructing two 16 x 20-foot sheds in the front yard. A waiver of the side/rear yard location requirement for an accessory building (sheds) located in the front yard is requested.

**Evidence Presented**

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

1. The property was subdivided in 1986, contains 51,117 square feet, is zoned RE (Residential Estate), and is improved with a single-family dwelling, concrete driveway, wood deck, and two concrete pad foundations. Exhibits (Exhs.) 2, 4, 8, 9, and 10 (A) thru (F).
2. The subject property is on a unique, irregularly shaped corner lot, with the legal front being Burch Hill Road. Brandywine Road being the front side street. The house faces Brandywine Road. Exhs. 2 and 4.
3. Petitioners propose constructing two 16' x 20' sheds in the front yard. A waiver of the side/rear yard location requirement for an accessory building (sheds) are requested. Exhs. 2, 3 (A) thru (D), 5 (A) thru (H) and 6.
4. Petitioner Robert Erickson testified that they purchased this property as there was no Homeowners Association, and they could construct a main art studio for Hyunsuk, his wife. Hyunsuk is a professional Artist who just completed her MFA-Master Fine Arts Degree. Her artwork primarily includes large sculptures and other variance forms of artwork. Currently, her artwork is displayed in the house and the basement. The sheds are needed as a temporary area for her to work and store the artwork and supplies. It is important that the sheds are located in the proposed location, as just to the left of the garage, they plan on constructing the main art studio. They did hire a contractor, paying him the permit fees and initial deposit.



The original contractor began work and did not complete his contractual obligations, even providing a fictitious name. From this contractor's work, there was clearing and pouring a portion of the concrete for the main studio. This contractor did not pour the two concrete pads. The two concrete pads were done approximately eight months ago by another contractor who works with the shed manufacturer. They were told that the permits for the two sheds would incorporate the concrete pads. In order to support the current environment and get something on the ground so she can continue working, they elected to purchase "Tuff Sheds®." Currently, there are two concrete pads for the proposed "Tuff Sheds®" located in the legal front yard along Burch Hill Road. The sheds will be approximately sixty-seven (67) feet from the corner of the house. And approximately forty-five (45) yards from the neighbor. They are limited to this area as moving the shed closer, the ground is swampy slightly sloped, always being wet. The best value for these sheds is that it they are strategically located to the future art studio. Exhs. 2, 3 (A) thru (D), 5 (A) thru (H) and 6.

5. Administrator Stone noted that it looks as if the 16' x 20' sheds are very close to Burch Hill Road and questioned exactly how far are they from the road? Petitioner noted that there is an existing split-rail fence with wire that surrounds the property. The shed are approximately thirty-five (35) feet from the roadway (Burch Hill Road). Exh. 2.

6. Petitioner Hyunsuk Erickson stated that because the case against the contractor is in court, and they cannot touch the work he started and did not complete. Meaning they cannot continue work on the main art studio. So, in order for her to keep working, this established the need for the sheds. The shed will be used for a work area, artwork, and storage of supplies for woodwork and the other will be used for the kiln. There will be electric and heat in the sheds. Her artwork is very large and heavy and cannot be carried through the house.

7. Petitioner Robert Erickson stated that it does look as if the sheds are far from the house, but once the art studio is constructed, it won't be that far. It will take a year or so to be able to complete the art studio because they have to completely start over as the contractor that did not complete the original work cost them approximately \$175,000. Because of the dollar amount and the court case, it will pose a significant delay to be in the position to have the funds to build the art studio. But, in the meantime, she will be able to continue her work within the sheds. The neighbors are aware of our proposed work and have no concerns with the project as presented.

8. Administrator Stone noted that both Burch Hill and Brandywine Road are both 80' right-of-way. How much traffic does Burch Hill Road get? Mr. Erickson stated that Brandywine Road is a major road, where Burch Hill is a side street and only get traffic from residents. Burch Hill Road connects Brandywine Road to Branch Avenue. Exh. 2.

9. In responding to Board Member Isler, the only variance needed is the location of the sheds. Exh. 11.

10. Mr. Erickson noted that the shed would not block any site lines at all, as the closest neighbor's driveway is around 100 feet away. Both sheds are under 14 feet at mid-peak. Exhs. 2 and 3 (A) thru (D).

11. Madam Chair questioned if the artwork will be sold commercially. The petitioner stated that there would be no sales on the property. The art is exhibited and shown in galleries in Washington DC, and to remove the artwork from the shed, there might be a walkway. They can only plan to construct the art studio and desire access to the shed once the court case is completed. Currently, the existing driveway will be the only access to the sheds.

A motion to approve the variance was made by Board Member Isler and seconded by Board Member Hill. Motion carried 2/1. (Approve-Isler, and Hill), (Denied-Mack)

#### Applicable Code Section 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.

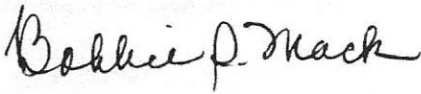
Findings of the Board

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 configuration of the lot being on a unique, irregular shaped corner lot, a limited area where the topography is dry and level, the need for storage or artwork and supplies, and the Petitioner's original proposal for an art studio being halted by a contractor that did not perform his contractual obligations, requiring an interim proposal 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. The neighbors did not object to the Petitioner's revised plans, and this project will not substantially impair the use and enjoyment of adjacent properties. Lastly, the need for the variance was not self-inflicted by the owner, as they had to revise the plans because the original contractor did not fulfill their contractual obligations.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Alston and Ms. Johnson absent, that a waiver of the side/rear yard location requirement for an accessory building (sheds) located in the front yard in order to construct two 16 x 20-foot sheds located in the front yard on the property located at 12206 Brandywine Road, Brandywine, 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 2 and approved elevation plans, Exhibits 3 (A) thru (D).

BOARD OF ZONING APPEALS

By:   
Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By: Ellis Watson  
Ellis Watson, 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.

Signature:   
Ellis F. Watson (Mar 5, 2024 14:38 EST)

Email: [efwatson@co.pg.md.us](mailto:efwatson@co.pg.md.us)





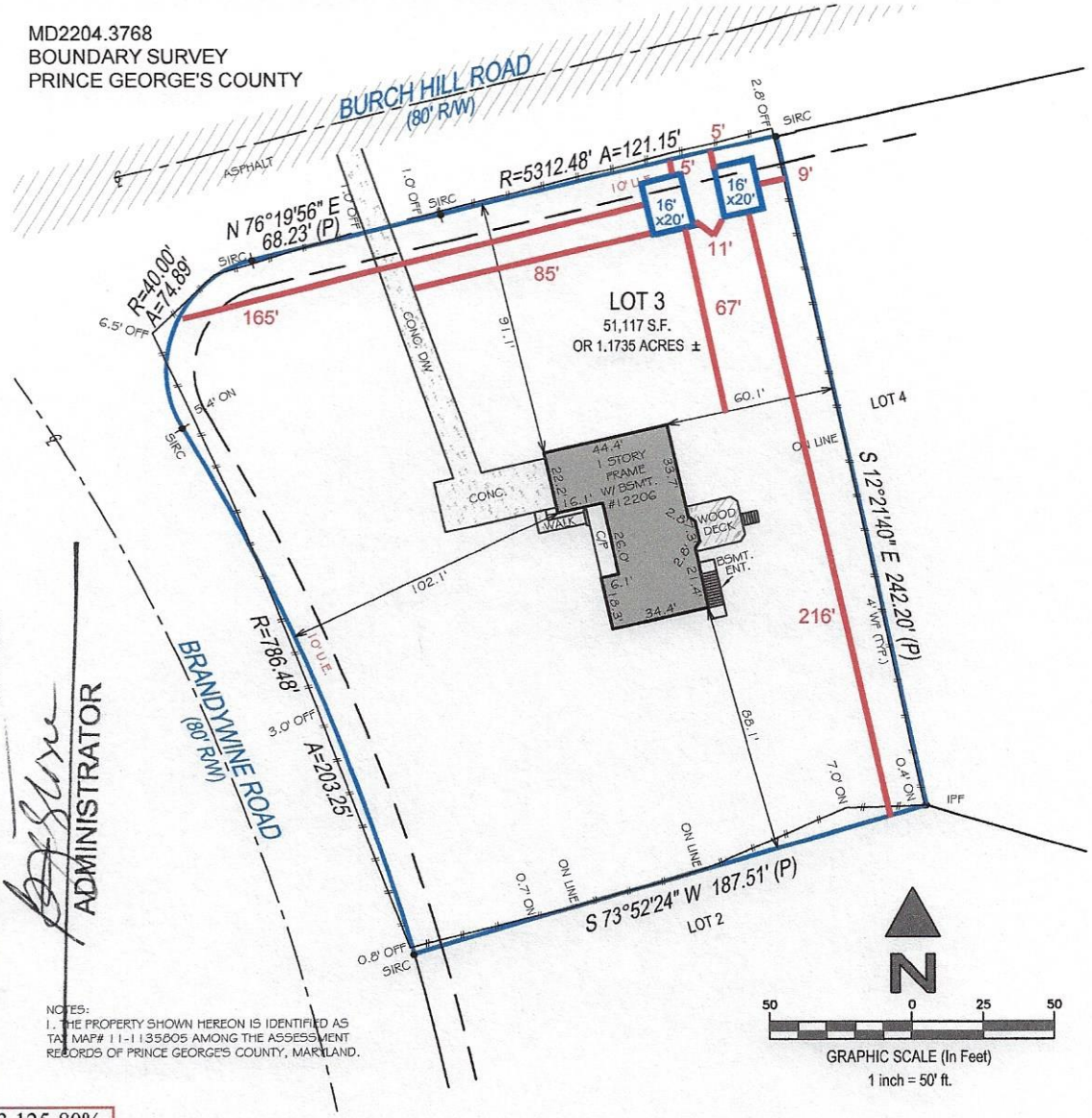
**HUTTON PATT**  
TITLE & ESCROW  
12505 Park Potomac Ave. Suite 530  
Potomac, MD 20854  
T - 240-575-6333



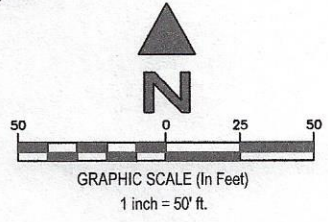
PROPERTY ADDRESS: 12206 BRANDYWINE ROAD, BRANDYWINE, MARYLAND 20613

SURVEY NUMBER: MD2204.3768

MD2204.3768  
BOUNDARY SURVEY  
PRINCE GEORGE'S COUNTY



NOTES:  
1. THE PROPERTY SHOWN HEREON IS IDENTIFIED AS TAX MAP# 11-1135005 AMONG THE ASSESSMENT RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND.

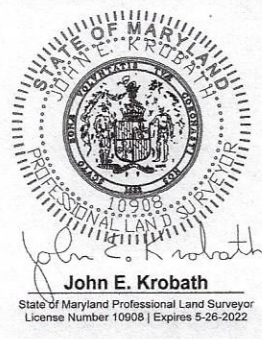


BOARD OF APPEALS

APPROVED JAN 10 2024

*[Signature]*  
ADMINISTRATOR

3.125-80%



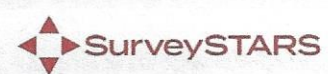
**SURVEYORS CERTIFICATION:**  
A LICENSEE EITHER PERSONALLY PREPARED THIS DRAWING OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN REGULATION .12 OF CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS.

**EXHIBIT**  
**2**  
**V-77-23**

**POINTS OF INTEREST:**  
**NONE VISIBLE**



Exacta Land Surveyors, LLC  
LB# 21535  
office: 443.819.3994  
1220 E. Churchville Rd, Suite 100 | Bel Air, MD 21014



DATE SIGNED: 05/04/22  
FIELD WORK DATE: 4/28/2022  
REVISION DATE(S): (REV.0 5/5/2022)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION  
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES







## JOB SPECIFIC SURVEYOR NOTES:

THE DIMENSIONS AND DIRECTIONS SHOWN HEREON HAVE BEEN REFERENCED TO A PLAT AS RECORDED IN PLAT BOOK NLP 125 AT PAGE 75 AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND

ACCURACY EQUALS ONE FOOT PLUS OR MINUS

## LEGAL DESCRIPTION:

LOT 3, BURCH HILL ACRES AS RECORDED IN PLAT BOOK NLP 125 AT PLAT 75, AMONG THE LAND RECORDS OF PRINCE GEORGES COUNTY, MARYLAND

## GENERAL SURVEYOR NOTES:

- This plat is of benefit to the consumer insofar as it is required by a lender or title insurance company or its agent in connection with contemplated transfer, financing or refinancing.
- If this is a House Location Drawing, it is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- If this is a House Location Drawing, it does not provide for the accurate identification of the property boundary lines, but this identification might not be required for the transfer of title or securing financing or refinancing.
- Unless otherwise noted, no title report was reviewed by the surveyor. Easements, restrictions, and/or right-of-way may exist that are not shown.
- Underground facilities not shown, may exist.
- This survey does not address wetlands, contaminated waste or toxic soil conditions, nor have any reports, studies or information regarding such been provided to this surveyor.
- The information contained on this survey has been performed exclusively, and is the sole responsibility, of Exacta Surveyors. Additional logos or references to third party firms are for informational purposes only.
- Structures are measured at ground level.
- Points of Interest (POI's) are selected above-ground improvements which may be in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. There may be additional POI's which are not shown, not called-out as POI's, or which are otherwise unknown to the surveyor. These POI's may not represent all items of interest to the viewer.
- Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
- Building measurements should not be used for new construction or planning. Measurements should be verified prior to such activity.
- If this is a House Location Drawing, it is for informational purposes only. Per Maryland State code it may NOT be relied upon to determine boundaries and may NOT be used for building permits or construction.

## SURVEYOR'S LEGEND

<b>LINETYPES</b> Boundary Line Center Line Chain Link or Wire Fence Easement Edge of Water Iron Fence Overhead Lines Structure Survey Tie Line Vinyl Fence Wall or Party Wall Wood Fence	 Elevation  Fire Hydrant  Find or Set Monument  Guywire or Anchor  Manhole  Tree  Utility or Light Pole  Well	<b>ABBREVIATIONS</b> (C) - Calculated (D) - Deed (F) - Field (M) - Measured (P) - Plat (S) - Survey A/C - Air Conditioning AE - Access Easement ANE - Anchor Easement ASBL - Accessory Setback Line B/W - Bay/Box Window BC - Block Corner BFP - Backflow Preventer BLDG - Building BLK - Block BM - Benchmark BR - Bearing Reference BRL - Building Restriction Line BSMT - Basement C - Curve C/L - Center Line C/P - Covered Porch	C/S - Concrete Slab CATV - Cable TV Riser CB - Concrete Block CH - Chord Bearing CHIM - Chimney CLF - Chain Link Fence CME - Canal Maintenance Easement CO - Clean Out CONC - Concrete COR - Corner CS/W - Concrete Sidewalk CUE - Control Utility Easement CVG - Concrete Valley Gutter D/W - Driveway DE - Drainage Easement DF - Drain Field DH - Drill Hole DUE - Drainage & Utility Easement ELEV - Elevation EM - Electric Meter ENCL - Enclosure ENT - Entrance EOP - Edge of Pavement EOW - Edge of Water ESMT - Easement EUB - Electric Utility Box F/DH - Found Drill Hole FCM - Found Concrete Monument FF - Finished Floor FIP - Found Iron Pipe FIPC - Found Iron Pipe & Cap FIR - Found Iron Rod	FIRC - Found Iron Rod & Cap FN - Found Nail FN&D - Found Nail & Disc FRRSPPK - Found Rail Road Spike GAR - Garage GM - Gas Meter ID - Identification IE/E - Ingress/Egress Easement ILL - Illegible INST - Instrument INT - Intersection IRRE - Irrigation Easement L - Length LAE - Limited Access Easement LBE - License No. (Business) LBE - Limited Buffer Easement LE - Landscape Easement LME - Lake/Landscape Maintenance Easement LS# - License No. (Surveyor) MB - Map Book ME - Maintenance Easement MES - Mitered End Section MF - Metal Fence MH - Manhole MHWL - Mean High Water Line NR - Non-Radial NTS - Not to Scale NAV88 - North American Vertical Datum 1988 NGVD29 - National Geodetic Vertical Datum 1929 OG - On Ground ORB - Official Records Book	ORV - Official Record Volume O/A - Overall O/S - Offset OFF - Outside Subject Property OH - Overhang OHL - Overhead Utility Lines OHWL - Ordinary High Water Line ON - Inside Subject Property P/E - Pool Equipment PB - Plat Book PC - Point of Curvature PCC - Point of Compound Curvature PCP - Permanent Control Point PI - Point of Intersection PLS - Professional Land Surveyor PLT - Planter POB - Point of Beginning POC - Point of Commencement PRC - Point of Reverse Curvature PRM - Permanent Reference Monument PSM - Professional Surveyor & Mapper PT - Point of Tangency PUE - Public Utility Easement R - Radius or Radial R/W - Right of Way RES - Residential RGE - Range ROE - Roof Overhang Easement RP - Radius Point	S/W - Sidewalk SBL - Setback Line SCL - Survey Closure Line SCR - Screen SEC - Section SEP - Septic Tank SEW - Sewer SIRC - Set Iron Rod & Cap SMWE - Storm Water Management Easement SN&D - Set Nail and Disc SQFT - Square Feet STL - Survey Tie Line STY - Story SV - Sewer Valve SWE - Sidewalk Easement TBM - Temporary Bench Mark TEL - Telephone Facilities TOB - Top of Bank TUE - Technological Utility Easement TWP - Township TX - Transformer TYP - Typical UYE - Utility Easement UG - Underground UP - Utility Pole UR - Utility Riser VF - Vinyl Fence W/C - Witness Corner W/F - Water Filter WF - Wood Fence WM - Water Meter/Valve Box WV - Water valve
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## CERTIFIED TO:

ROBERT ERICKSON; HUTTON PATT;

DATE SIGNED: 05/04/22

BUYER: ROBERT ERICKSON

LENDER:

TITLE COMPANY: HUTTON PATT

COMMITMENT DATE: NOT REVIEWED

CLIENT FILE NO: 2022-4869

SEE PAGE 1 OF 2 FOR MAP OF PROPERTY  
PAGE 2 OF 2 - NOT VALID WITHOUT ALL PAGES

## FLOOD ZONE INFORMATION:



Exacta Land Surveyors, LLC  
LBP#21535  
office: 443.819.3994  
1220 E. Churchville Rd, Suite 100 | Bel Air, MD 21014