



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 black ink, appearing to read "Barbara J. Stone", is placed 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 F. Mack*
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*
Ellis F. Watson (Mar 5, 2024 14:38 EST)

Email: efwatson@co.pg.md.us

BOARD OF APPEALS

APPROVED JAN 10 2024

John E. Krobath
ADMINISTRATOR

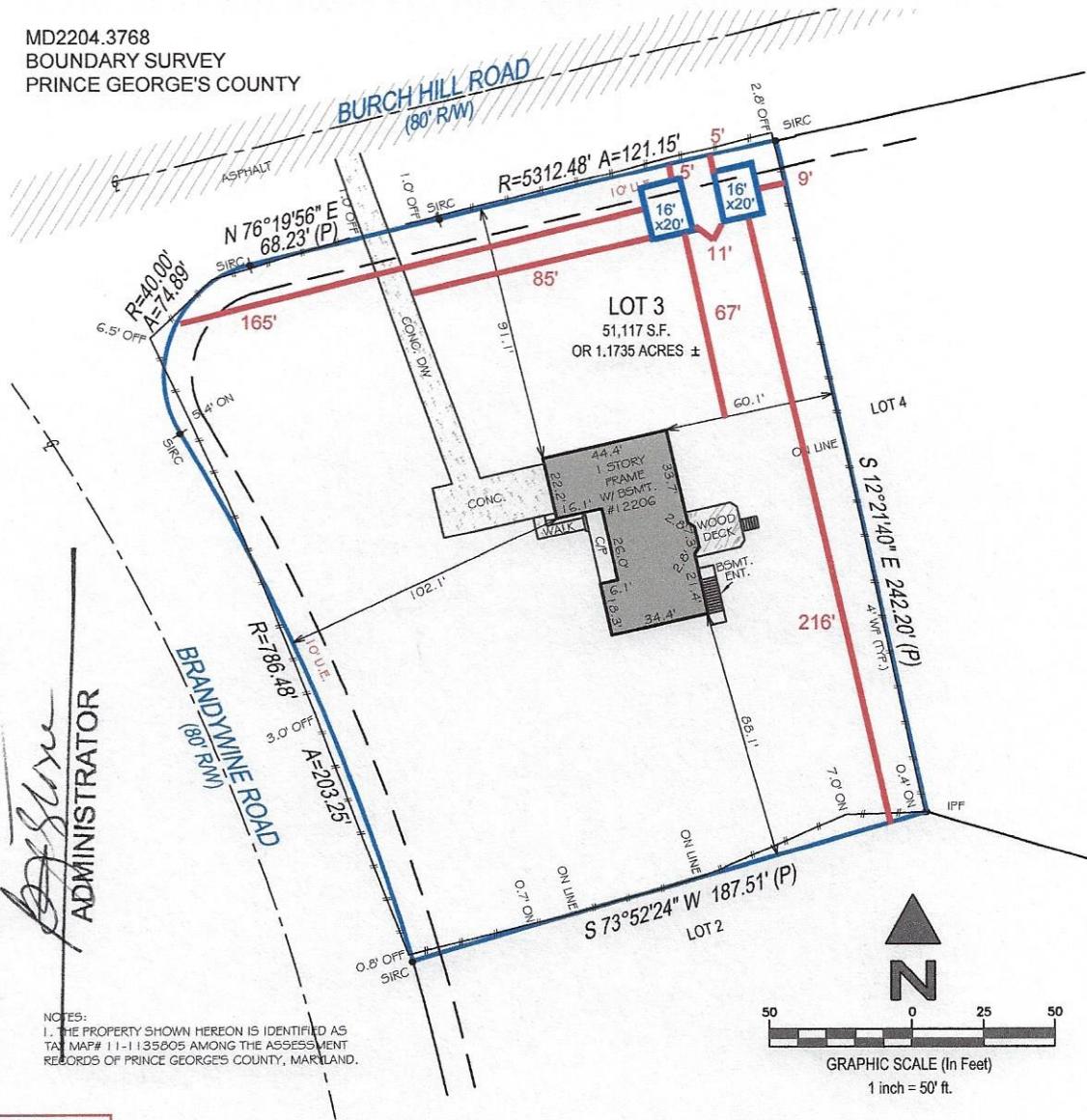
HUTTON PATT
TITLE & ESCROW
12505 Park Potomac Ave, Suite 530
Potomac, MD 20854
T-240-575-6333



PROPERTY ADDRESS: 12206 BRANDYWINE ROAD, BRANDYWINE, MARYLAND 20613

SURVEY NUMBER: MD2204.3768

MD2204.3768
BOUNDARY SURVEY
PRINCE GEORGE'S COUNTY



3.125-80%



John E. Krobath
John E. Krobath

State of Maryland Professional Land Surveyor
License Number 10908 | Expires 5-26-2022

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.

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

EXHIBIT
2
V-77-23



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

BOARD OF APPEALS

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

LINETYPES
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
SURFACE TYPES
Asphalt
Brick or Tile
Concrete
Covered Area
Water
Wood
SYMBOLS
Benchmark
Center Line
Central Angle or Delta
Common Ownership
Control Point
Catch Basin

Elevation
Fire Hydrant
Find or Set Monument
Guywire or Anchor
Manhole
Tree
Utility or Light Pole
Well

ABBREVIATIONS

(C) - Calculated	C/S - Concrete Slab
(D) - Deed	CATV - Cable TV Riser
(F) - Field	CB - Concrete Block
(M) - Measured	CH - Chord Bearing
(P) - Plat	CHIM - Chimney
(S) - Survey	CLF - Chain Link Fence
A/C - Air Conditioning	CME - Canal Maintenance Easement
AE - Access Easement	CO - Clean Out
ANE - Anchor Easement	CONC - Concrete
ASBL - Accessory Setback Line	COR - Corner
B/W - Bay/Box Window	CS/W - Concrete Sidewalk
BC - Block Corner	CUE - Control Utility Easement
BFP - Backflow Preventer	CVG - Concrete Valley Gutter
BLDG - Building	D/W - Driveway
BLK - Block	DE - Drainage Easement
BM - Benchmark	DF - Drain Field
BR - Bearing Reference	DH - Drill Hole
BRL - Building Restriction Line	DUE - Drainage & Utility Easement
BSMT - Basement	ELEV - Elevation
C - Curve	EM - Electric Meter
C/L - Center Line	ENCL - Enclosure
C/P - Covered Porch	ENT - Entrance

FIRC - Found Iron Rod & Cap	ORV - Official Record Volume	S/W - Sidewalk
FN - Found Nail	O/A - Overall	SBL - Setback Line
FN&D - Found Nail & Disc	O/S - Offset	SCL - Survey Closure Line
FRSPK - Found Rail Road Spike	OFF - Outside Subject Property	SCR - Screen
GAR - Garage	OH - Overhang	SEC - Section
GM - Gas Meter	OHWL - Overhead Utility Lines	SEP - Septic Tank
ID - Identification	OHWL - Ordinary High Water Line	SEW - Sewer
IE/EE - Ingress/Egress Easement	ON - Inside Subject Property	SIRC - Set Iron Rod & Cap
ILL - Illegible	P/E - Pool Equipment	SMWE - Storm Water Management Easement
INST - Instrument	PB - Plat Book	SN&D - Set Nail and Disc
INT - Intersection	PC - Point of Curvature	SQFT - Square Feet
IRRE - Irrigation Easement	PCC - Point of Compound Curvature	STL - Survey Tie Line
L - Length	PCP - Permanent Control Point	STY - Story
LAE - Limited Access Easement	PI - Point of Intersection	SV - Sewer Valve
LB# - License No. (Business)	PLS - Professional Land Surveyor	SWE - Sidewalk Easement
LBE - Limited Buffer Easement	PLT - Planter	TBM - Temporary Bench Mark
LE - Landscape Easement	POB - Point of Beginning	TEL - Telephone Facilities
LME - Lake/Landscape Maintenance Easement	POC - Point of Commencement	TOB - Top of Bank
LSB - License No. (Surveyor)	PRC - Point of Reverse Curvature	TUE - Technological Utility Easement
MB - Map Book	PRM - Permanent Reference Monument	TWP - Township
ME - Maintenance Easement	MES - Mitered End Section	TX - Transformer
ME - Maintenance Easement	MF - Metal Fence	Typical
MES - Mitered End Section	MH - Manhole	UE - Utility Easement
MF - Metal Fence	MHWL - Mean High Water Line	UG - Underground
MM - Mapper	NR - Non-Radial	UP - Utility Pole
PT - Point of Tangency	NTS - Not to Scale	UR - Utility Riser
PUE - Public Utility Easement	NAVD88 - North American Vertical Datum 1988	VF - Vinyl Fence
R - Radius or Radial	NGVD29 - National Geodetic Vertical Datum 1929	W/C - Witness Corner
R/W - Right of Way	OG - On Ground	W/F - Water Filter
RES - Residential	ROE - Roof Overhang Easement	WF - Wood Fence
RGE - Range	RP - Radius Point	WM - Water Meter/Valve Box
ORB - Official Records Book		WV - Water valve

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

FLOOD ZONE INFORMATION:

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



Exacta Land Surveyors, LLC

LB#21535

Office: 443.819.3994

1220 E. Churchville Rd, Suite 100 | Bel Air, MD 21014