



# 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*

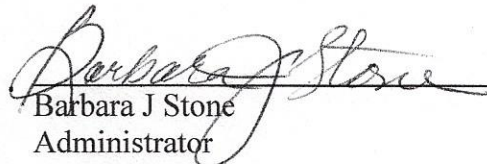
### *OF BOARD OF APPEALS*

RE: Case No. V-1-23 Bernarda Frias Sanchez

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: February 8, 2023.

## **CERTIFICATE OF SERVICE**

This is to certify that on April 14, 2023, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

  
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: Bernarda Frias Sanchez

Appeal No.: V-1-23

Subject Property: Lot 18, Block B, Raymond M. Ager Property Subdivision, being 2023 Powhatan Road,  
Hyattsville, Prince George's County, Maryland

Witness: Kenneth Harrison, Inspector, Department of Permitting, Inspections and Enforcement,

Heard and Decided: February 8, 2023

Interpreter: Ruben Sotogomez, Certified Spanish Interpreter

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Anastasia T. Johnson, Member  
Renee Alston, Member  
Carl Isler, 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 variances 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 variances from Section 27-4202(e)(1) prescribes that not more than 35% of the net lot area shall be covered by buildings and shall have a minimum width of 65 feet measured along the front building line (lot width). Section 27-4202(e)(3) prescribes that accessory buildings shall be set back 2 feet from any side. Petitioners propose to validate an existing condition (lot coverage, lot width and accessory building) and obtain a building permit for unauthorized constructions of a shed and driveway extension. Variances of 3.5% net lot coverage, 13 feet front building line width and 1-foot 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 1941, contains 5,200 square feet, is zoned RSF-65 (Residential, Single-Family - 65) and is improved with a single-family dwelling, driveway with extension, shed and carport. Exhibits (Exhs.) 2, 4, 7, 8, 9, and 10 (A) thru (F).
2. The property is somewhat narrow at 52 feet wide and 100 feet in length. Exhs. 2 and 4.
3. Petitioner Bernarda Sanchez proposes to validate an existing condition (lot coverage) and obtain building permits for the unauthorized construction of a shed, driveway extension and carport. Due to the construction of the driveway extension and shed, the net lot coverage will exceed the allowable percentage of 35% by 3.5%. Petitioner is requesting variances of the 13 feet front building line width for the lot itself and to validate the right-side yard setback of 1-foot for the shed. Exhs. 2, 4, 7, 8, 9, and 10 (A) thru (F).
4. Under V-157-19, which was approved on November 18, 2000, variances of 5.8% net lot coverage and 1-foot side lot line setback for the shed were granted. Petitioner was instructed to obtain the appropriate



permits for the construction. Petitioner explained to the Board that for various reasons those variances expired before completion of all of the construction. Exh. 6.

5. Ms. Sanchez testified that the extension to the driveway and shed have been built. She informed that the Board the proposed carport, which was under construction, will be removed. The site plan noted the removal of the carport. Exhs. 2, 3 (a) thru (c) and 5 (A) thru (G).

6. Inspector Kenneth Harrison testified that he received a complaint regarding the construction of the carport and shed for which he posted and placed a stop work order on the construction. He stated that several permits for the unauthorized construction had been applied for but were abandoned. He stated that there is a pending permit only for the removal of the carport, but none for the completed shed and the driveway. Exh. 7.

7. Petitioner stated that the shed is used to store outside toys and the driveway extension will provide an area for the children to safely enter and exit vehicles.

#### 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 variances comply with the applicable standards set forth in Section 27-3613(d), more specifically:

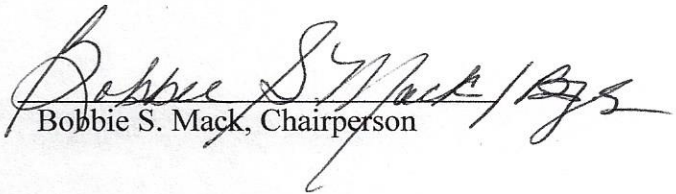
Due to the narrowness (the front building line) of the property, the need for shed storage, the need for safe entry and egress from the vehicles for young children, the street danger posed by Powhatan Road for children, under V-157-19, on November 18, 2000, the subject property was previously granted variances of 5.8% net lot coverage (that included the shed and driveway construction) and 1-foot side lot line setback for the shed, the variances expired prior to the completion of the construction and acquisition of the appropriate permits, the conditions of the property and reasons for the prior variances for the shed and driveway extension have not substantially changed 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 variances of 3.5% net lot coverage, 13 feet front building line width and 1-foot side lot line setback for an accessory building (shed) in order to validate an existing condition (lot coverage, lot width and accessory building) and obtain a building permit for unauthorized constructions of a shed and driveway extension on the property located at 2023 Powhatan Road, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibits 2 and approved elevation plans, Exhibits 3 (a) thru (c).

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 27-3613(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



BOARD OF APPEALS

APPROVED FEB 08 2023

ORDERED BY:

*[Signature]*



Kensington Realty Title, LLC

1717 Elton Rd-Suite 211 - Silver Spring, MD 20903  
o.301 434-2343 f.301 434-2898



PROPERTY ADDRESS: 2023 POWHATAN ROAD

HYATTSVILLE, MARYLAND 20782

SURVEY NUMBER: MD1601.1738

FIELD WORK DATE: 1/22/2016

REVISION HISTORY: (REV.1 1/22/2016)

MD1601.1738

LOCATION DRAWING

LOT 8, BLOCK B

RAYMOND N. AGER PROPERTY

PRINCE GEORGE'S COUNTY, MARYLAND

01-22-2016 SCALE 1"=30'

ADMINISTRATOR

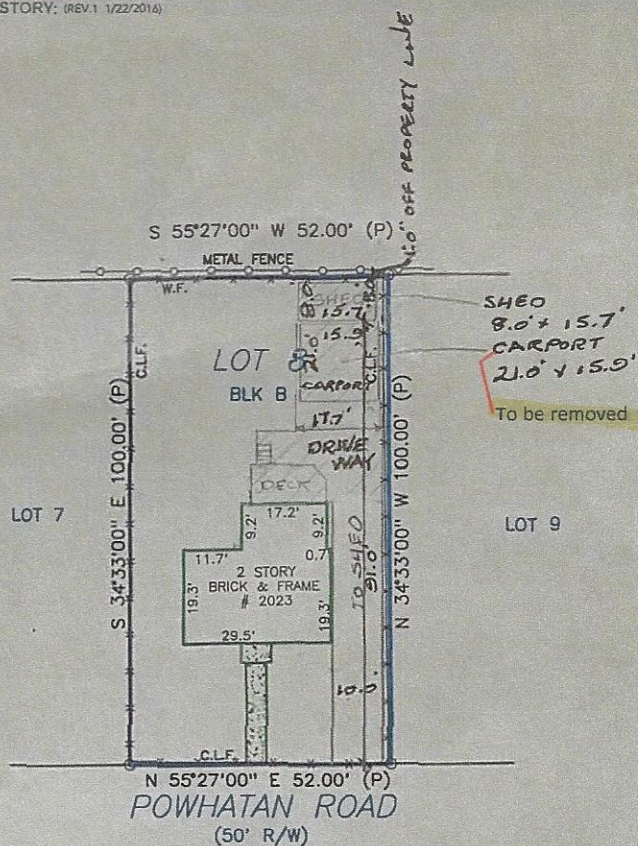


PLEASE NOTE

This House Location Drawing is for informational purposes only. Per Maryland State Code it may not be relied upon to determine property boundaries and may not be used for building permits or other legal purposes.



*[Signature]*  
EXPIRES 1-15-2017



GRAPHIC SCALE (In Feet)

1 inch = 30' ft.

ACCURACY=1/4"

POINTS OF INTEREST:  
NONE VISIBLE

CLIENT NUMBER: 160113

DATE: 1/22/2016

BUYER: BERNARDA FRIAS SANCHEZ AND JUAN P. SANCHEZ ACOSTA

SELLER: ROYAL HOSPITALITY INC.

CERTIFIED TO:

BERNARDA FRIAS SANCHEZ AND JUAN P. SANCHEZ ACOSTA;  
KENSINGTON REALTY TITLE, LLC; FIRST AMERICAN; FIDELITY BANK D/B/A  
FIDELITY BANK MORTGAGE

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

Karla Gutierrez

c: 301.793.4893

o: 301.445.1395

kpghomes@gmail.com

EXH. # 2  
V-1-23

SMARTREALTY.CO

EXACTA  
MARYLAND SURVEYORS

LB# 21535  
www.exactaMD.com

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THIS IS A TWO PAGE DOCUMENT. THE ADVICE FOUND ON THE AFFIXED PAGE (PAGE 2 OF 2) IS AN INTEGRAL PART OF THE PLAT.





**BOARD OF APPEALS**

**APPROVED FEB 08 2023**

*By Stone*  
**ADMINISTRATOR**  
*CARPORT TO BE REMOVED*





**BOARD OF APPEALS**

**APPROVED FEB 08 2023**

*[Signature]*  
**ADMINISTRATOR**

*carport to  
be removed*





**BOARD OF APPEALS**

APPROVED FEB 08 2023  
*Carol Port* TO  
*Be Removed*  
ADMINISTRATOR