



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-6-24 Irma L. 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: June 20, 2024.

CERTIFICATE OF SERVICE

This is to certify that on November 5, 2025, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

Ellis Watson

Ellis Watson
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: Irma L. Sanchez

Appeal No.: V-6-24

Subject Property: Map 92, Grid F3, and Parcel 19, being 4207 Largo Road, Upper Marlboro, Prince George's County, Maryland

Spanish Language Interpreter: Ruben Sotogomez

Witnesses: Inspector Juan Swann, Department of Inspections, Enforcement, and Permitting (DPIE)
Guadeloupe Guzman, Petitioner's Daughter

Heard: May 22, 2024; Decided: June 20, 2024

Board Members Present and Voting: Bobbie S. Mack, Chair¹
William C. Isler, Vice Chair
Renee Alston, Member²
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, Petitioner requests that the Board approve variances from Section 27-4202(c) which prescribes that each lot shall have a minimum net lot area of 20,000 square feet. Section 27-4202(c)(1) prescribes that no more than 25% of the net lot area shall be covered by buildings and off-street parking. Variances of 1,148 square feet net lot area and 0.2% net lot coverage are requested.

Evidence Presented

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

1. The property was Deeded to the Petitioner in 2011, contains 18,852 square feet, is zoned RR (Residential, Rural), and contains a single-family dwelling, covered brick patio, concrete driveway, garage, and a carport. Exhs. 3, 5, 6 (A) thru (F), 8, and 10 (A) thru (F).
2. The Petitioner proposes to validate existing conditions (net lot area and lot coverage) and obtain a building permit for the construction of the unauthorized carport. Variances of 1,148 square feet net lot area and 0.2% net lot coverage are requested. Exhs. 1, 2, 3, 4 (A) thru (D), 6 (A) thru (F), 10 (A) thru (F), 12, and 14.
3. The Petitioner, Ms. Sanchez, testified that the garage was preexisting. Further, Ms. Sanchez testified that she constructed the carport without a permit. Exh. 3.
4. Also, Ms. Sanchez testified that the driveway was deteriorating before she purchased the property, and she improved the driveway, then requested the necessary permits.
5. Ms. Sanchez testified that she needed the carport because it is difficult to navigate to her door due to her health issues. Also, the carport protects her from the elements.

¹ Chair Mack was present and voted at the May 22, 2024, hearing; however, Ms. Mack was absent for the final vote on June 20, 2024.

² Board Member Alston was absent for the majority of the hearing for case V-6-24 and did not participate in the May 22, 2024 vote. Ms. Alston was present and participated in the final vote on June 20, 2024.

6. Chair Mack asked Administrator Stone what the parameters of the variance request were. Administrator Stone responded that the application for a variance was to validate existing conditions and obtain a permit for the authorized construction of the carport. Exh. 1.

7. Vice Chair Isler asked Inspector Swann why the subject property was under violation. Mr. Swann testified that DPIE received a complaint that the garage was being utilized as an apartment. The garage had finished floors, a bathroom, a kitchen, and a stove installed. Exh. 12.

8. Inspector Swann further testified that the driveway was extended after the permit was issued. Additionally, the bathroom was separated from the rest of the garage. Inspector Swann indicated that this was when a "stop work" order was issued for the subject property.

9. Vice Chair Isler made a Motion to take V-6-24 Under Advisement and seconded by Chair Mack. Motion carried by a 3-0 vote.

10. The Hearing for V-6-24 resumed on June 20, 2024, with Vice Chair Isler, Board Members Hill, and Alston present.

11. Vice Chair Isler provided a synopsis of the May 22, 2024, Hearing and asked to see the Deed and aerial photos of the subject property. Exhs. 5 and 10 (A) thru (F).

12. Administrator Stone reminded the Board of the six (6) criteria needed to grant a variance request, and that criterion number (6) was not satisfied due to Ms. Sanchez building the carport without a permit.

13. Board Member Alston made the Motion to Deny V-6-24, and it was seconded by Board Member Hill. Motion carried by a 3-0 vote.

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 do not comply with the applicable standards set forth in Section 27-3613(d), as follows: and the variance cannot be approved unless ALL criteria are met; however, the specific criterion that was not met is:

1. The Board determined that the practical difficulty was self-inflicted by the Petitioner by commencing construction for the requested work (carport and additions to the garage) found in the variance application without a permit.

BE IT THEREFORE RESOLVED, by a 3-0 vote, that variance requests of 1,148 square feet net lot area and 0.2% net lot coverage on the property located at 4207 Largo Road, Upper Marlboro, Prince George's County, Maryland, be and are hereby DENIED.

BOARD OF ZONING APPEALS

By: 
Omar Boulware, Chair

Approved for Legal Sufficiency

By: 
Ellis F. 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:

If the Board denies an appeal involving a variance, no further appeal covering the same specific subject on the same property shall be filed within the following twelve (12) month period. If the second appeal is also denied, no other subsequent appeals covering the same specific subject on the same property shall be filed within each eighteen (18) month period following the respective denial.