



# 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-157-19 Bernarda Fria 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: November 18, 2020

## **CERTIFICATE OF SERVICE**

This is to certify that on April 16, 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: Bernarda Sanchez

Appeal No.: V-157-19

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

Municipality: City of Hyattsville

Spanish Language Interpreter: Ruben Sotogomez

Heard: October 28, 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 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 27-229 of the Zoning Ordinance, Petitioner request that the Board approve variances from Section 27-442(c)(Table II) which prescribes that not more than 30% of the net lot area shall be covered by buildings. Section 27-442(i)(Table VIII) which prescribes that accessory buildings shall be set back 2 feet from any side. Petitioner proposes to validate an existing condition (lot coverage) and obtain a building permit for unauthorized constructions of a shed, driveway extension and carport under construction. Variances of 5.8% net lot coverage and 1-foot side yard setback for an accessory building are requested.

**Evidence Presented**

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

1. The property was subdivided in 1941, contains square 5.200 feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling, a shed, driveway extension and carport. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).
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 a building permit for unauthorized constructions of a shed, driveway extension and carport (under construction). Due to the construction of the shed and driveway extension, and the proposed construction of the carport, the lot coverage is over the allowable percentage of 30% by 5.8%. Petitioner is also requesting to validate the side yard setback of 1 foot for the shed. Exhs. 2, 3 and 5 (A) thru (P).
4. Petitioner stated that she would like to keep the small shed to store toys and seasonal items. She stated that the top covered carport will provide shelter for her children during inclement weather. Petitioner stated that the carport is still under construction. Exhs. 2, 3 and 5 (A) thru (P).

5. She stated that the driveway extension is completed and is necessary so that she may place her two young children safely in the vehicle. She explained that Powhatan Road is very dangerous to park cars and provide the necessary attention to both the children entering and exiting the car. Exhs. 2, 3 and 5 (A) thru (P).

#### 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

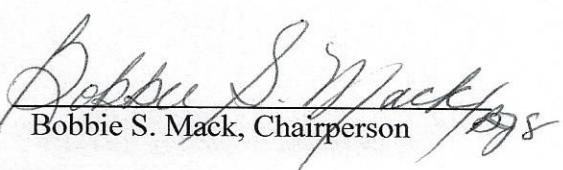
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the narrowness of the property, the need for storage, the need for safe entry and egress from the vehicles for young children, the street danger posed by Powhatan Road for children 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 owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 5.8% net lot coverage and 1-foot side lot line setback for an accessory building order to validate an existing condition (lot coverage) and obtain a building permit for unauthorized constructions of a shed, driveway extension and carport 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 revised site plan, Exhibits. 17 and approved elevation plans, Exhibits. 3.

#### 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.



