



# 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. AA-1751 Nell Logan

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: October 5, 2022.

## **CERTIFICATE OF SERVICE**

This is to certify that on October 5, 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 Administrative Appeals*

November 21, 2022

Petitioner: Nell Logan

Appeal No.: AA-1751

Subject Property: Part of Lots 1, 2, & 3, Block 10, Cedar Haven Subdivision, being 18203 Coleridge Taylor Street, Aquasco, Prince George's County, Maryland.

Counsel for Prince George's County Department of Permitting, Inspections and Enforcement (DPIE):

Sha'Donna Osbourne, Esq., Office of Law; Sadia Noah-Hope, Esq., Office of Law

Witnesses: Danny Logan, Petitioner's Son, Co-Executor

Tujuannia Britt, Petitioner's Daughter, Co-Executor

Mel Logan, Brother of Danny Logan

Oscar Bejarano, DPIE Inspector

Brandon Wright, DPIE Inspector

Action by the Board: October 5, 2022

Board Members Present and Voting: Bobbie Mack, Chairperson

Anastasia Johnson, Member

Board Member Absent: Vacant, Vice Chair

**RESOLUTION**

This appeal was filed with the Board of Appeals for Prince George's County, Maryland, sitting as the Board of Administrative Appeals, from the determination of the Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Violation Notice CSD Case No.: 22-000 10805, dated February 7, 2022, citing Petitioner with: Subtitle 13, Division 9 Antilitter and Weed Ordinance- Section 13-264, Section 13-265, Section 13-267. Violation: Accumulation of litter and rubbish, high grass and weeds (height greater than 12 inches), and/or a wrecked dismantled, unlicensed, or abandoned motor vehicle(s). Corrective Action Required: The owner must take immediate actions to eliminate all types of rubbish, litter, trash, debris and cutting grass as well as removing unauthorized vehicles without tags, wrecked, dismantled, or abandoned vehicles on R-R (Rural-Residential) Zoned property located at Part of Lots 1, 2, & 3, Block 10, Cedar Haven Subdivision, being 18203 Coleridge Taylor Street, Aquasco, Prince George's County, Maryland. Failure to comply with the violation cited above by the owner is subject to penalties. A request was also made for an extension of the time should the Board determine that a violation exists.

1. This case was originally scheduled and heard on March 23, 2022. This case is an Estate of Nell Logan, (deceased), Estate Number W39091. Mr. Danny Logan being the Co-Executor with his sister Tujuannia Britt. It was requested that Danny L. Logan submit a copy of the Maryland Register of Wills, Personal Representative. Mr. Danny Logan testified that he is appealing the Violation Notice as he did not see \$40,000.00 worth of trash. He rented a U-Haul Trailor and hauled out trash and recyclables that cost \$28.00 at the dump. He is complying with the instructions to remove all unlicensed vehicles. He also cut the grass when he got the notice. Per Mr. Logan, there is nothing on the property that is unlicensed. He has not submitted the evidence of the work that he has done. There have been several communications with the Inspectors. He has had an onsite visit from the Revenue Authority dispatched by Officer Anthony Brown. He demonstrated that all the vehicles were tagged and licensed. There were two boats a work box truck, and a 2009 PT Cruiser that had been removed. It took approximately 45 days to clean the

lot. He had a total of 5 vehicles and has been able to tag all of them. Exhibits (Exhs.) 1, 2, 3, 4, 9, 13, 14, 15, 16, 17, and 19 (A thru J).

2. Mel Logan further testified that he had an issue about a year ago with the inspectors. When he spoke with Melinda Bolling, Director of DPIE, she assured me that there would be no further actions, such as fines, levee, or to that effect. The property consists of trees and a field. His brother lives in the trailer.
3. Ms. Sadia Noah-Hope stated that their position is that the violation notices should stand on behalf of the Department. She believes that the witnesses (the appellants) just stated exactly what we were going to say. That on the date of the violation notices were written, February 7, 2022, there was tall grass, and dismantled vehicles. She is aware that he stated that the issues were handled. She will have Supervisor Wright and Inspector Bejarano are in a better position to testify in terms of what is still on the property; however, from what they have observed and photographed they have from going forward, she has reasons to indicate that the violations were still there. She does not know why the appeal is before us today.
4. Inspector Wright testified that there seems to be some confusion on what needs to be done on the property. The issue for DPIE, which has received several complaints, is that Mr. Logan lives in the trailer on the property along with the trash and debris, and the unlicensed vehicles he has on the property. The first issue is that he cannot live in the trailer on a vacant lot. The second item is that he has cleaned up some of the trash. Regarding unlicensed vehicles, the last time we were on site was approximately two weeks ago. The reason we submitted a clean lot violation is the lot has to be vacant. So, the County takes the position that we will go in and bring the property into compliance. Mr. Wright has explained this to Mr. Logan several times.
5. Mr. Logan stated that the violation notice does not mention anything about moving the trailer from the property. The County has an agricultural program where they sell properties to citizens to allow them to have unpermitted structures on their property for agricultural reasons as gardening, for horses and for livestock. He further stated that he spoke with an attorney and has also uncovered an additional use for rural residential areas. I will need time to retain an attorney, and I will bring all the evidence.
6. Inspector Wright further testified that they would rather address the trailer since Mr. Logan is saying the trailer is not on the violation. The County will look at the trailer as trash, as the County does not sell trailers. They will take the trailer on site and crush the trailer and put it in a dump truck to the landfill. He can have the trailer on the property, as he explained to Mr. Logan that if he had an open building permit, if he was actually building a home on the property. There is currently no open building permit on file, and he does not know if he has any intention to build anything. That is the only way he can have a trailer on the property is with the open building permit. Mr. Wright stated, in regard to the agricultural program, there is nothing he can see that is growing on the property other than high grass and weeds. There is no gardening, or hay. He has never mentioned any intention of gardening before. And I have yet to see a horse on the property as well. Mr. Wright has not yet submitted any photographic evidence as they just received notice that this case was on the agenda.
7. Attorney Sadia Noah-Hope, agreed as they had no idea this would be on the docket.
8. The Board Administrator announced that since the Hearing Notices did in fact go out. It was added to the agenda at the last minute.
9. Board Attorney has requested that Ms. Noah-Hope submit a briefing to explain all issues.
10. The Chair announced that because the parties need time to get their case together, it would be fair to reschedule this case. In addition, Mr. Logan must provide the Executorship.

A motion was made by the Chair to reschedule this case as it was added to the agenda at the last minute, which did not give either party time to prepare and for Mr. Login to provide proof of Executorship. A new date will be determined. Motion carried 2/0.

This case was rescheduled for May 11, 2022. Due to Tujuannia Britt, being unable to attend the case was then rescheduled to July 20, 2022.

July 20, 2022, Hearing

Counsel for Prince George's County Department of Permitting, Inspections and Enforcement (DPIE):

Sadia Noah-Hope, Esq., Office of Law

Witnesses: Danny Logan, Petitioner's Son, Co-Executor  
Oscar Bejarano, DPIE Inspector  
Brandon Wright, DPIE Inspector

1. It was determined that proof of Executorship has been submitted and accepted.
2. Sadia Noah-Hope stated there were several things she wished to articulate. She does know that this matter has been on this docket several times before. One time in particular, months ago she was present at the hearing and after that the motion to dismiss was filed by the County, but she wanted to find out if the Board had received that motion and if the Board had made a determination. She believes the motion to dismiss was filed on March 26, 2022. Ms. Noah-Hope read into the record the Motion to Dismiss. In closing, Ms. Noah-Hope stated that because the property has not been corrected, the County is requesting to dismiss the appeal.
3. Mr. Logan testified that he did correct all the issues. He stated that he cut the grass, his brother had some buses on the property which have been hauled away, although that portion of the property was taken due to taxes. All his vehicles have tags on them, and his RV is a park model and being used as the intention is to start construction. It only requires a tag because when the rollouts are up it is wide open because it is a park model, it's not a standard RV and not a trailer. It is the only place he can store it because he had an eviction last year. He further testified that he is currently enrolled in school in order to obtain a Commercial Driver's License (CDL) as a truck driver.
4. Sadia Noah-Hope stated that the trailer is still on the property as of yesterday, July 19, 2022. The inspectors can give more details.
5. Mr. Logan responded that he still has jobs that he works on in construction. In the existing pictures, there were two boats on the lot, and they contained clothing, tiles, and kitchen appliances. All of that is gone. He stated that there were two boats, 7 buses, and more. He further stated that he took 4 loads to the dump. He could not understand why the County's cost was \$40,000. He explained that a steel frame building was purchased and that it had not been delivered yet.
6. Inspector Wright stated when inspecting, it seems what you did not understand is we have several properties under violation now. On a clean lot, you cannot have anything unless you have an open permit. You cannot live in a trailer unless you have an open building permit, and you are going to build a home. You cannot have licensed or unlicensed cars. No trash, no high grass and weeds or rubbish. That is the part that Mr. Logan does not understand.
7. Sadia Noah-Hope stated that Mr. Logan advised the Board at the last hearing, that he was going to have an attorney at this hearing. He has not brought the attorney.
8. Inspector Wright inquired who came to the property and cleaned? The County (DPIE) did not clean the property.

9. Mr. Logan stated that "you guys" came in and took 7 buses and charged my tax record \$13,000, and also, a pile of trash and rubbish.
10. Mr. Wright responded to the Chair's question; Is there still rubbish on the property?
11. Mr. Wright responded "yes, there is still rubbish on the property".
12. Mr. Logan requested that he get the tax record to prove the lien exists on his tax records.
13. Ms. Noah-Hope objected because the last time this was continued, Mr. Logan was to bring us information regarding the executorship, this is why it was continued.
14. Mr. Logan stated that isn't true; the reason it was held open was for the County to provide pictures.
15. Ms. Noah-Hope stated that in looking at the photos from yesterday, the condition has not changed. If anything, it may have gotten worse.
16. Inspector Bejarano stated, as you can see, the pictures that he took from yesterday, the same trash is in front of the trailer, there are other vehicles, a motorcycle, the tall grass, and weeds are now surrounding the trailer, and now, there are stray cats.
17. Mr. Logan, responding to the Chair, explained that all 5 of his cars are licensed and have tags. They are all operable.
18. Mr. Wright also responded to the Chair, regarding the cars being licensed and tagged. The two vehicles and the one motorcycle that he observed, had valid tags, whether the tags go to the cars, he doesn't know. We did not run the tags. The one vehicle that was covered, he doesn't know if its operable or not, but in Prince George's County, if you have a clean lot, you cannot have anything on the lot. No structures, no tagged or untagged vehicles, wrecked or operable.
19. Inspector Bejarano explained that the permits section does not have any permits on file. The only permit that was approved was electrical, so he could have electric running to his trailer.
20. Mr. Logan requested that he have more time and that he requests until the first of the next year, which is 5 months.
21. Ms. Noah-Hope responded that is an excessive amount of time. This started when the County was going to have contractors come out and clean the lot. That's where the estimated \$40,000 came from and he is saying that they charged him, which the County has not yet charged him. If he is not going to adhere to cleaning the lot, under the violation notice, the County can send out contractors to clean it and he will be responsible for whatever the payment may be.
22. Ms. Johnson proposed a 90-day extension to complete the work.
23. Ms. Noah-Hope questioned the Inspectors on the 90-day extension.
24. Mr. Wright responded that they would impose the 90-day extension, but we have received several complaints. There are a lot of on-going issues in that area. He doesn't think it's fair, given the information that he has for Mr. Logan to keep continuing to do what he's doing.
25. Chair stated that the Boards wants to see a concerted effort to move both items in 30-days.
26. Ms. Noah-Hope requested to clarify that if there has been no effort or nothing has been done, will the violation notice and the notice to clean stand? And that means the County will be able to move forward with the cleaning of the property?
27. Chair stated that yes, if there is no effort made or nothing has been done, the violation notice and the notice to clean will stand. Chair also stated that she wants Mr. Logan to understand exactly what he needs to do to move out.
28. Inspector Bejarano stated that Mr. Logan must understand that. In addition, he must maintain grass and the weeds.

A motion was made by the Chair to hold the record open for the Petitioner to make an effort to clear the property within 30-days and a status of the property from the Office of Law one week prior to the next hearing. Motion carried 2/0.

October 5, 2022, Hearing

Counsel for Prince George's County Department of Permitting, Inspections and Enforcement (DPIE):

Sha'Donna Osbourne, Esq., Office of Law

Witnesses: Danny Logan, Petitioner's Son, Co-Executor

Tujuannia Britt, Petitioner's Daughter, Co-Executor

Oscar Bejarano, DPIE Inspector

Brandon Wright, DPIE Inspector

1. Ms. Sha'Donna Osbourne stated that we are here because there is a Violation Notice, CSD Case No.: 22-000 10805 that was issued by DPIE on February 7, 2022, and found that the responsible party in violation of Subtitle 13, Division 9 Antilitter and Weed Ordinance - Section 13-264, Section 13-265. The matter was last heard before the Board on July 20, 2022, at which time there was an admission of the violation, but there was a request for time to cure the violations. She believes, her colleague, Ms. Noah-Hope was handling the case and filed a Motion to Dismiss the violation because the admissions, and that still pending. We are here today to see if the violation has been cured. I believe the Inspectors have had the opportunity to visit the property to make a determination on that. Inspector Bejarano conducted an inspection prior to last week's hearing as well as yesterday (October 4, 2022), and he can speak to what remains.
2. The Board Chair stated that Mr. Logan had an RV and that he was building something on the lot. That's why he is staying in the RV. He was instructed to bring evidence back. And he was to obtain a building permit.
3. Inspector Bejarano stated that basically the problem was a violation for clean lot. The property is a vacant lot. There are to be no structures on the property. We continue to have these meetings to get this appeal. To date, Mr. Logan was to apply for a building permit, but to date, there has been no permits applied for. An Inspection was done around noon today, the only thing that is still there is the RV and another trailer (hot dog stand), a motorcycle, and his cars.
4. Tujuannia Britt stated that all the rubbish has been removed. The cars are gone, and the motorcycle he uses. The van is his work van.
5. Ms. Sha'Donna Osbourne stated, so obviously there are efforts to clean the property, since this matter was before the Board. Again, there was an admission of the violation. The item that is outstanding is the removal of the RV. He still needs to have a building permit to live in the RV. At this juncture, he does not have a building permit. With that, the motion is still pending. We are asking that the appeal be dismissed. They are still in violation, and we would ask that the decision of DPIE be affirmed. Because DPIE could take the enforcement action that it did on February 7, 2022.
6. Mr. Logan testified that everything had been removed from the property. All his vehicles are tagged. The steel building was finally delivered. It was delivered 4 months late. After the delivery, he knew he had to get it off the property.
7. Sha'Donna Osbourne stated that the only thing that remains is the trailer, and Mr. Logan is trying to get that removed. However, it is still in violation. The Petitioner has been given ample time. We obviously have the ability and would be asking to abate the property and abate the violation so that the County can move the RV. The County would incur a cost if it were requested to be moved in order to abate it. In addition, we would be asking for that relief in addition to their dismissal of the appeal and affirm DPIE.
8. Sha'Donna Osbourne stated she believes her client (DPIE) indicated that the appeal be dismissed, and the violation still exists. Mr. Logan has had ample time to cure all the violations, of which he has cured a substantial amount. But again, the trailer remains. We are asking again that this appeal be

dismissed to allow time to update the violation. We are asking for a 10-day abatement. With the dismissal and affirming DPIE decision to issue the violation.

The Chair made a motion to AFFIRM the Decision of DPIE and Dismiss the appeal, allowing for a 10-day abatement. Motion carries 2/0.

BE IT THEREFORE RESOLVED, by majority vote, Vice Chair seat vacant, that the determination of the Department of Permitting, Inspections and Enforcement, Inspections Division, be AFFIRMED and the Motion to dismiss be GRANTED. Allowing abatement in 10 days.

BOARD OF ADMINISTRATIVE APPEALS

By:   
Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

**Ellis F. Watson**

cc: Petitioner  
DPIE/Inspections Division  
Office of Law

**Signature:** Ellis F. Watson  
Ellis F. Watson (Oct 3, 2023 12:46 EDT)

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