

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Richard Rice Jr., Personal Representative of Paul Ramlogan

Appeal No.: V-152-19

Subject Property: Lot 8, Mitchell Manor Subdivision, being 7702 Vineyard Drive, District Heights,
Prince George's County, Maryland

Witnesses: Dolly Ramlogan, Daughter of Paul Ramlogan

Ann Rice, Daughter of Paul Ramlogan

Heard and Decided: February 19, 2020

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Albert C. Scott, Vice Chairman

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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-442(e)(Table IV) which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Section 27-420(a) which prescribes that walls more than 6 feet high shall not be in any required yard and shall meet the setback requirements for main buildings. Petitioner proposes to validate existing conditions (rear yard and retaining wall 5' up to 10') and obtain a building permit for unauthorized constructions of a one-story addition (and shed). A variance of 9 feet rear yard depth/width and a waiver of the retaining wall location and height requirements for a wall over 4 feet in height in the side are requested.

Evidence Presented

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

1. The property was subdivided in 1963, contains 11,764 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, a one-story addition and shed. Exhibits (Exhs.) 2, 3, 12, 13 and 14 (A) thru (F).
2. On March 3, 2014, Mr. Richard Rice, Jr. was appointment personal representative in the Estate of Mr. Paul Ramlogan by the State of Maryland, Letters of Administration, Register of Wills for Prince George's County (Estate No. 96203). Exh. 6.
3. Petitioner proposes to validate existing conditions (rear yard and retaining wall 5' up to 10') and obtain a building permit for unauthorized constructions, including a one-story addition. With the unauthorized construction of the addition, the rear yard was reduced to 11 feet. A variance of 9 feet rear yard depth is requested. The topography of the side yard required a retaining wall from 5' to 10' in height, requiring a waiver of the retaining wall location and height requirement. Exhs. 2, 4 (A) thru (F) and 5 (A) thru K).
4. On October 1, 2019, the Department of Permitting, Inspections and Enforcement (DPIE) issued Correction Order, advising Petitioner to stop all work and obtain Building, Electrical and Mechanical permits for the addition, accessory structures, retaining walls and carport. In an addition to the Correction Order, on October 3, 2019, Petitioner was advised to file a fire damage report in regard to the addition. Exh. 7 and 8.
5. On October 2, 2020, DPIE issued Violation Notice # 46670-2019, advising Petitioner to obtain building and mechanical permits for work done, to include accessory structures, carport, etc. Exh. 10

6. On October 16, 2019, the Department of Permitting, Inspections and Enforcement performed a reinspection with reemphasizing of the requirements for Building, Mechanical and Electrical permits. Exh. 9

7. Mr. Richard Rice explained that development on the property was done by his father-in-law, Paul Ramlogan, who is deceased. He stated that, after an inspection from DPIE and upon receiving the violation notice from DPIE, he is trying to "clean up" the property. He stated there were two sheds, one of which has been removed and a carport, which also has been removed. Exhs. 2, 4 (A) thru (F) and 5 (A) thru K).

8. Dolly Ramlogan stated that the addition and the shed were constructed over 15 years ago.

9. Mr. Rice explained that the retaining wall is between 5 feet and 10 feet holding back earth on an extremely deep slope. Beyond the retaining wall there is a creek that runs parallel with the wall, and beyond that the land is fully wooded. The "green" shed will remain and is cantilevered on the wall with post securing the shed. Exhs. 2, 4 (A) thru (F) and 5 (A) thru K).

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 property being on a severely steep slope, the necessity of a retaining wall as a result of the sloped area, the ongoing family need for the addition 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, by majority vote, Ms. Anastasia Johnson absent, that a variance of 9 feet rear yard depth/width and a waiver of the wall retaining location and height requirements for a wall over 4 feet in height in the side in order to validate existing conditions (rear yard and retaining wall) and obtain a building permit for unauthorized constructions of a one-story addition and shed on the property located at 7702 Vineyard Drive, District Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.

BOARD OF ZONING APPEALS

By:

(
ORIGINAL SIGNED)
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.