



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-25-21 Tracy and Alison Ragland

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: May 26, 2021.

CERTIFICATE OF SERVICE

This is to certify that on 7/29/21, 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". Below the signature, the name is typed in a standard font.

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: Tracy and Alison Ragland

Appeal No.: V-25-21

Subject Property: Lots 1, 2, 3 and part of 4, Block 4, Boulevard Heights Subdivision, being 3914 Ellis Street, Capitol Heights, Prince George's County, Maryland

Heard and Decided: May 26, 2021

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 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, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Petitioner proposes to obtain a building permit for the construction of a deck. A variance of 13.4 feet rear yard depth/width is requested.

Evidence Presented

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

1. The property was subdivided in 1906, contains 7,000 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).
2. The property is comprised of Lots 1,2,3, and part of 4. The property is located on a corner lot with the dwelling facing the legal front on Ellis Street. The legal side street is Billings Avenue, of which a portion has not been completed is considered a paper street.¹ The paper street, which is recorded but not constructed, is owned by the County. Exh. 4 and 9 (A) thru (G).
3. Petitioner would like to obtain a building permit for the construction of an open deck. Because the proposed deck is encroaching the rear yard setback of 20 feet on the corner lot, a variance of 13.4 feet is required. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).
4. Petitioner Alison Ragland testified that the proposed deck will be irregular in shape with **the** longest portion of 19 feet angled toward the rear/side corner of the property. Exh. 2 and 3 (a) thru (d).
5. She stated that she is disabled and because the rear yard is dangerously uneven and full of roots, walking in the yard is very difficult and dangerous. She added that the rear yard also slopes (approximately 6-foot) uphill to the adjoining lot to the rear. Exhs. 5 (A) thru (I) and 9.

¹ The side street (Billings Avenue) is not shown or identified on the site plan.

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

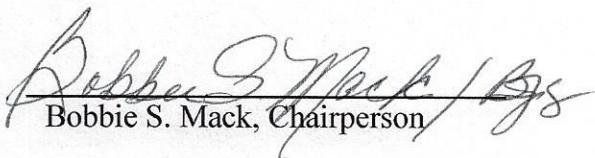
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot, the dangerously uneven terrain of the rear yard, the steep slope of the rear yard, tree roots proliferating in the yard, the mobility disability possessed by Petitioner, the deck providing a safe outside area for enjoyment by the property owner 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 a variance of 13.4 feet rear yard depth/width in order to obtain a building permit for the construction of a deck on property located at 3914 Ellis Street, Capitol Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 15 and approved elevation plans, Exhibits 3 (a) thru (d).

BOARD OF ZONING APPEALS

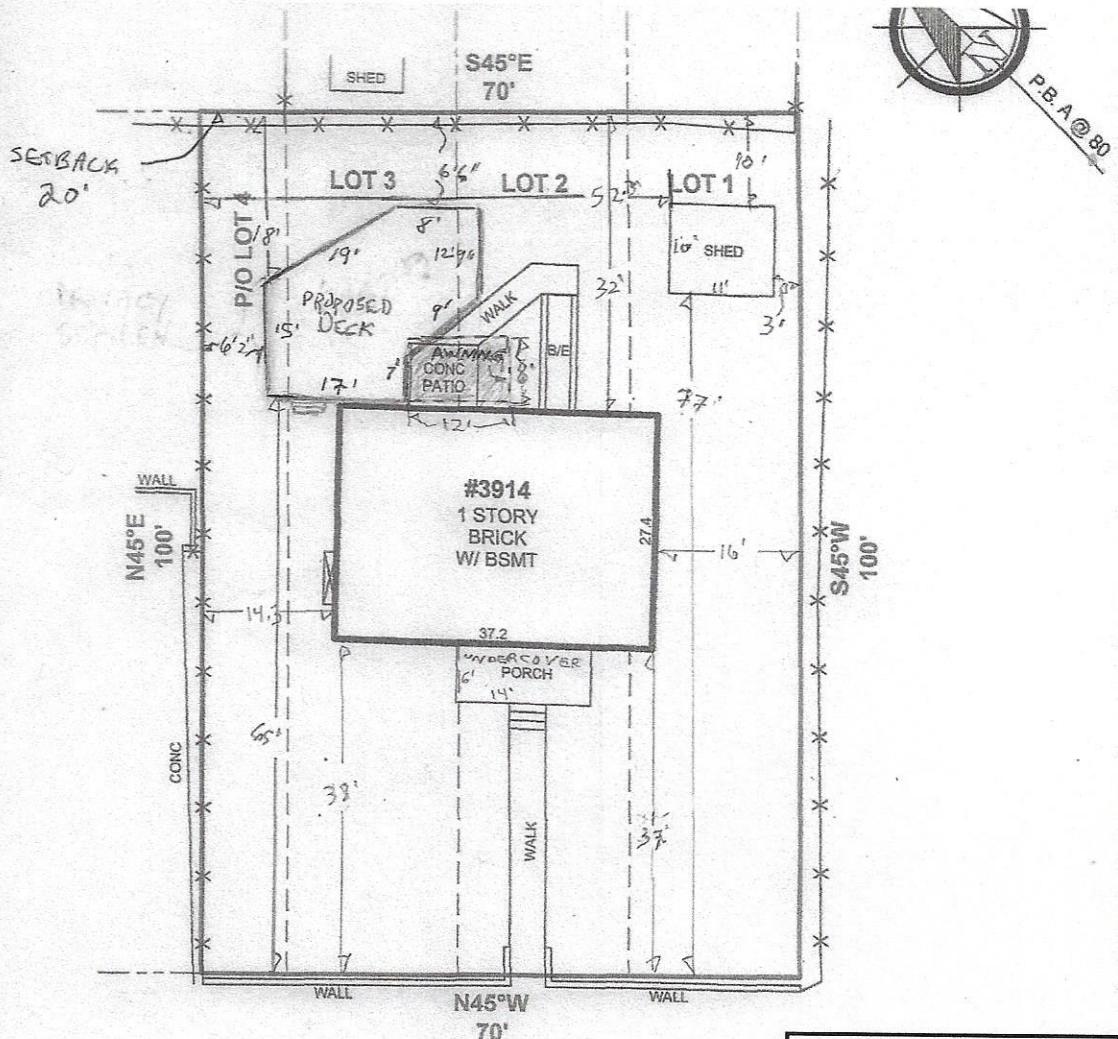
By:


Bobbie S. Mack, ChairpersonNOTICE

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.



ELLIS STREET

RAGLAND DECK

EXHIBIT

15

V-25-21

LOCATION DRAWING OF:

**#3914 ELLIS STREET
LOTS 1, 2, 3 & PART OF 4
BLOCK 4**

BOULEVARD HEIGHTS

PLAT BOOK A, PLAT 80

PRINCE GEORGE'S COUNTY, MARYLAND

SCALE: 1"=20' DATE: 07-01-2020

DRAWN BY: AP FILE #: 205681-701

LEGEND:

X	- FENCE
B/E	- BASEMENT ENTRANCE
BW	- BAY WINDOW
BR	- BRICK
BRL	- BLDG. RESTRICTION LINE
BSMT	- BASEMENT
C/S	- CONCRETE STOOP
CONC	- CONCRETE
DRW	- DRIVEWAY
EX.	- EXISTING
FR	- FRAME
MAC	- MACADAM
G	- GATE
OIH	- OVERHANG
PUE	- PUBLIC UTILITY ESMT.
PIE	- PUBLIC IMPROVEMENT ESMT.

COLOR KEY:

(RED)	- RECORD INFORMATION
(BLUE)	- IMPROVEMENTS
(GREEN)	- ESMTS & RESTRICTION LINES

A Land Surveying Company

DULEY
and
Associates, Inc.

Serving D.C. and MD.

14604 Elm Street, Upper Marlboro, MD 20772

Phone: 301-888-1111 Fax: 301-888-1114
Email: orders@duley.biz On the web: www.duley.biz

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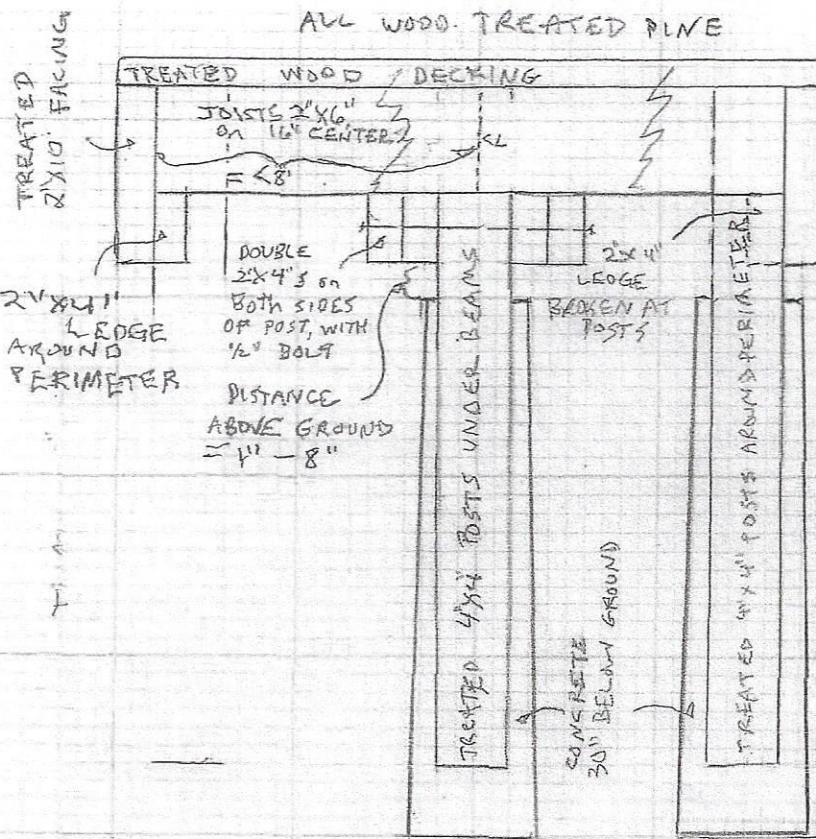
SURVEYOR'S CERTIFICATE

DULEY & ASSOC.

BOARD OF APPEALS

APPROVED MAY 26 2021

B. Stolze
ADMINISTRATOR



BOARD OF APPEALS

□ = 1"

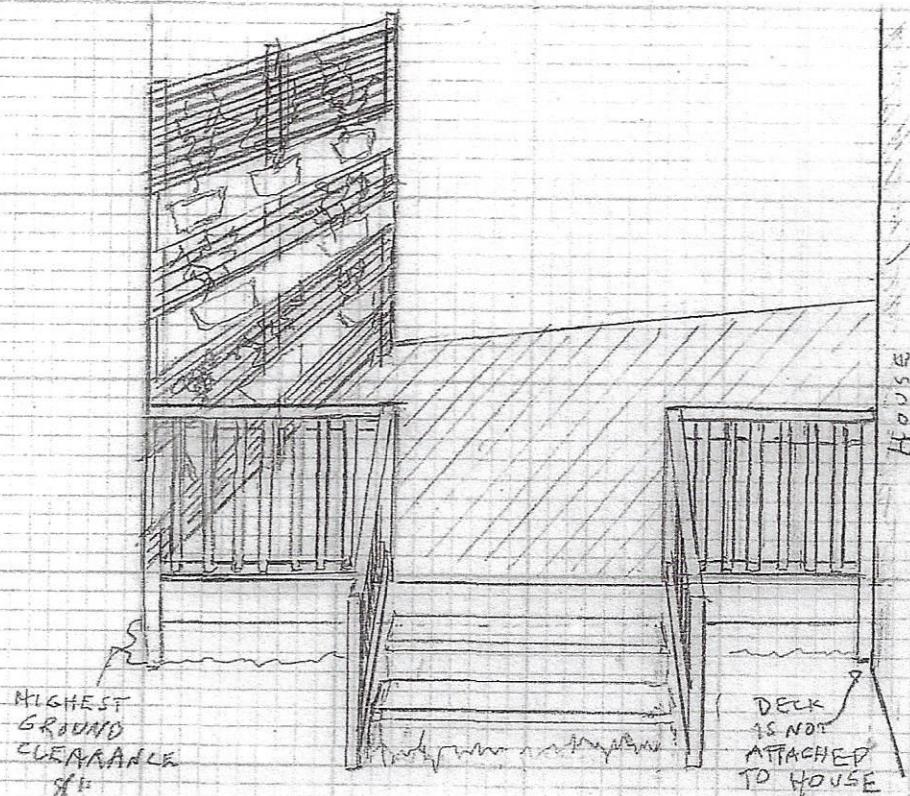
APPROVED **MAY 26 2021**

RAGLAND DECK
3914 ELLIS ST
CAPITOL HEIGHTS
MD 20743

M. Z. Regan

B. Stone
ADMINISTRATOR

EXH. # **3(a-d)**
V-25-21



NOT TO SCALE

(b)

BOARD OF APPEALS

APPROVED

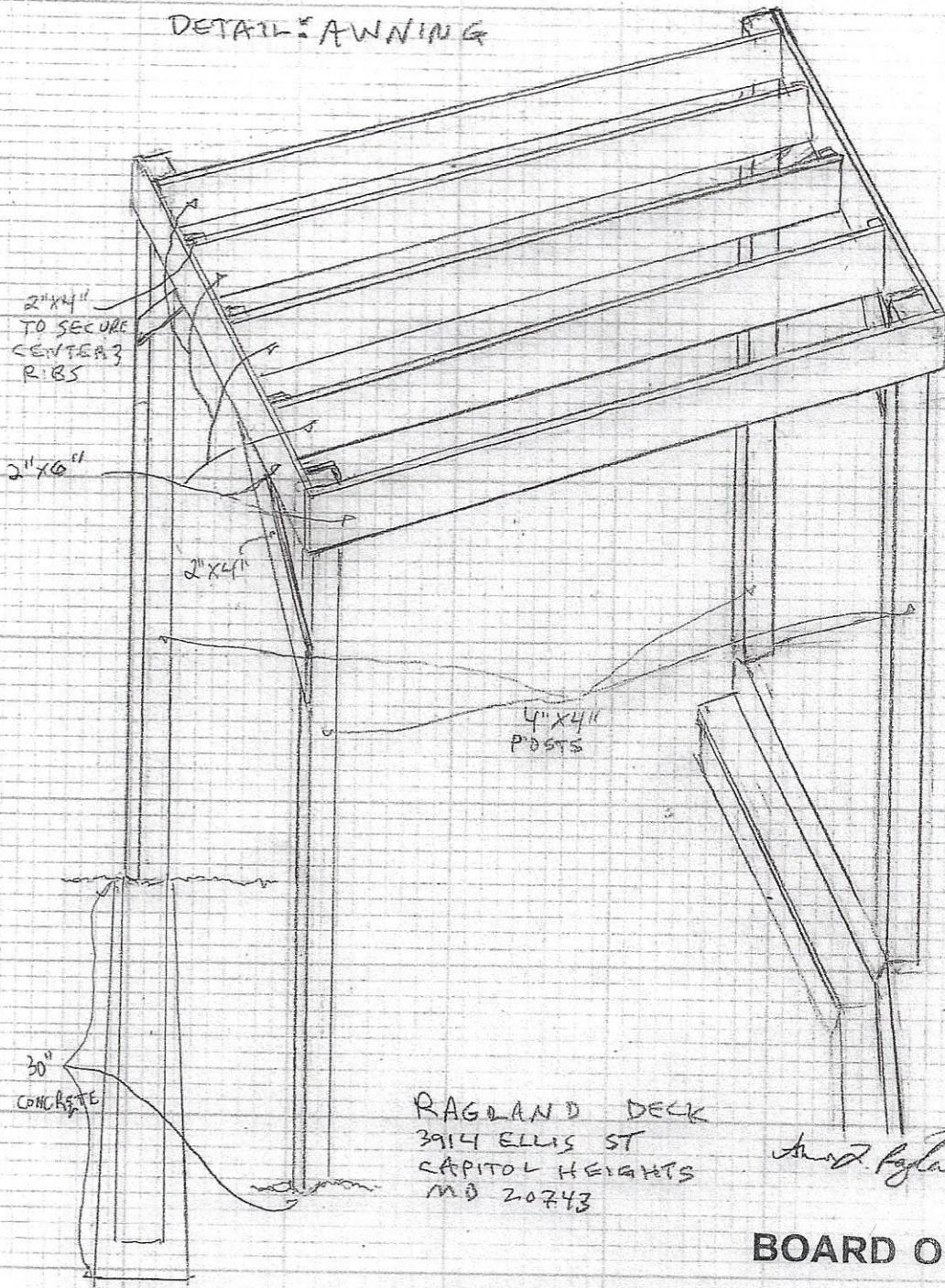
MAY 26 2021

B. Stora
ADMINISTRATOR

RAGLAND DECK
3914 ELLIS ST
CAPITOL HEIGHTS
MD 20743

Amber L. Ragland

DETAIL: AWNING

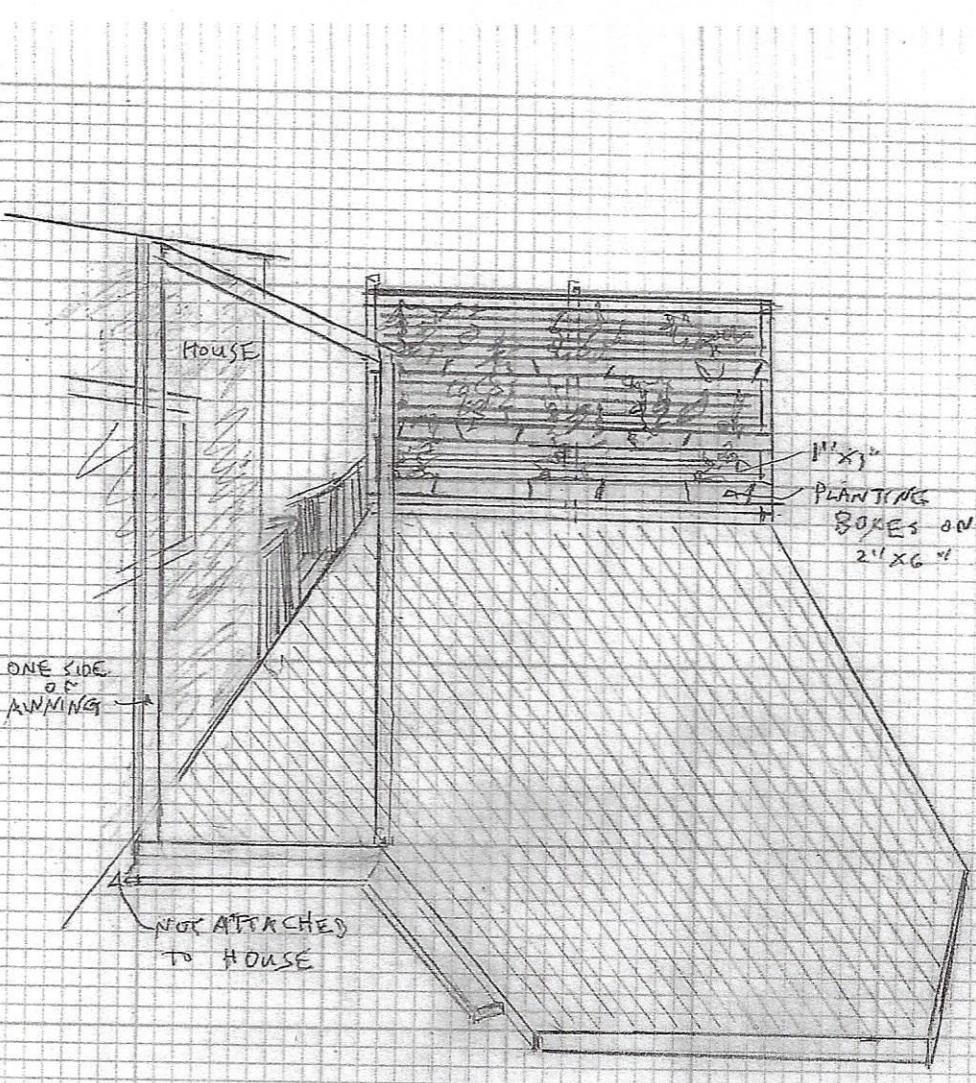


(c)

BOARD OF APPEALS

APPROVED MAY 26 2021

B. Stone
ADMINISTRATOR



(d)

RAGLAND DECK
3914 ELLIS ST
CAPITOL HEIGHTS
MD 20743
Mr. Ragland

BOARD OF APPEALS

APPROVED MAY 26 2021

B. Stone
ADMINISTRATOR