



# 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-4-23 John C. Arrington

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: April 26, 2023.

## **CERTIFICATE OF SERVICE**

This is to certify that on May 19, 2023, 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***

Petitioners: John C. Arrington

Appeal No.: V-4-23

Subject Property: Lot 12, Block O, Eastpines Subdivision, being 5905 67<sup>th</sup> Avenue, Riverdale, Prince George's County, Maryland

Heard: February 26, 2023; Decided: Rescinded and Reapproved on April 26, 2023 (discussion item)

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

Anastasia T. Johnson, Member - Present

Renee Alston, Member - Present

Carl Isler, Member - Present

Teia Hill, Member - Present

**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 a variance from Ordinance Section 27-4202(e)(1) prescribes that each lot shall have a minimum of 65 feet lot width and Section 27-4202(e)(3) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-6600(a) prescribes that walls more than 4 feet high shall not be located in any required yard and shall meet the setback requirements for main buildings. Petitioner proposes to validate existing conditions (lot width and side yard width) and obtain a building permit for the proposed retaining wall of 5'6" and concrete driveway extension. Variances of 11 feet lot width and 1-foot for each side yard width are requested and a Security Exemption review for the 1.6-foot wall height is necessary.

**Evidence Presented**

The following testimony and record evidence were considered by the Board on February 22, 2023, and voted unanimously to be included as part of the record for this hearing:

1. The property was subdivided in 1947, contains 7,537 square feet, is Zoned, RSF-65 (Residential, Single-Family-65), and is improved with a single-family dwelling, driveway, covered front porch, retaining walls, seating walls, existing concrete patio and existing open wood deck. Exhibits (Exhs.) 2, 4, 8, 9, and 10 (A) thru (F).
2. The subject property is rectangular in shape with a slanted rear lot line. The front yard elevation is approximately 5 feet higher than the driveway and is held with a retaining wall. Exh. 5 (A).
3. Petitioner proposes to validate existing conditions (lot width and side yards' width) and obtain a building permit for the proposed retaining wall of 5'6" and concrete driveway extension of 10' x 17'.

Variances of 11 feet lot width and 1-foot for both left and right-side yards for the existing conditions and a Security Exemption review for the height and location requirements for the retaining walls over 4 feet in the front yard (abutting 67<sup>th</sup> Avenue) are requested. Due to the dwelling being built in 1948, validation of existing conditions must be made under current zoning requirements. Because the proposed retaining wall will be over 4 feet in height, a Security Exemption plan must be approved. Exh. 2, 4, 8, 9 and 10 (A) thru (F).

4. Mr. Arrington testified that he has owned the subject property for 27 years and the current conditions of the property (lot width and side yard widths) have been in place since he purchased the property. Exhs. 8 and 9.

5. Mr. Arrington further testified that the property has an existing single-wide garage with a single-wide driveway, but with a double-wide apron. He would like to widen the driveway to a double-wide driveway (to have maximum benefit of the existing location of the apron). He explained that in order to widen the driveway, however, the front yard must be extended and retaining wall must be moved approximately 10 feet to the right front side. Exhs. 2 and 5 (A).

6. He stated that because the right side of the property is at a higher elevation than the left, the existing wall, which is cracking, will be improved, not just repaired when moved. Exhs. 5 (A) thru (G).

7. The Board found that the retaining wall in front of the dwelling were in disrepair. Including the walls to the right of the property. Although, if the wall were to be rebuilt at the requested height, a safety rail must be provided at the top of the walls to avoid falls. Exh. 5(A).

#### 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 and Security Exemption complies with the applicable standards set forth in Section 27-3613(d) and Section 6600(a), more specifically:

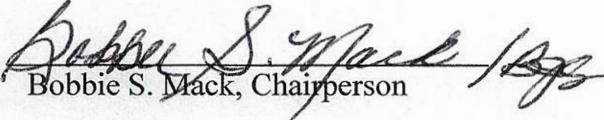
Due to the subject property having an existing double apron, the existing driveway being a single-car driveway, the desire to maximize the benefit of the double apron, the property slopes upward from left to right in the front yard, the existing retaining walls are cracking and in need of repair and 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. Furthermore, granting of the variance will not substantially impair the enjoyment of neighboring properties, and the practical difficulties that exist were not self-inflicted by the owner.

BE IT THEREFORE RESOLVED, unanimously, that the variances approved on February 22, 2023, be and are hereby rescinded in order to include the matter of the additional requirement review and approval under Section 27-6600(a), Security Exemption Plan. The Board, therefore, revoked the prior approved variances, and the ORDER OF THE BOARD DATED February 22, 2023, granting the variances request is hereby RESCINDED.

BE IT FURTHER RESOLVED, unanimously, that variances of 11 feet lot width, 1-foot for each side yard width and a Security Exemption review for the 5'6" wall height in order to validate existing conditions (lot width and side yard widths) and obtain a building permit for the proposed retaining wall of 5'6" and concrete driveway extension on the property located at 5905 67<sup>th</sup> Avenue, Riverdale, Prince George's County, Maryland, be and are hereby APPROVED, with the condition that safety railing be installed at the top of the walls per Subtitle 4, Building Code, Section 4-172 (a) and 2018 International Code, Section 1015.2., Guards<sup>1</sup>. Approval of the variances is contingent upon development in compliance with the approved site plan, Exh. 16 (A) and approved elevation plan, Exh. 3.

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By:

  
Bobbie S. Mack, Chairperson

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<sup>1</sup> Section 1015.2.2, All retaining walls thirty (30) inches or higher shall be provided with guard rails in accordance with this Section.

## **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:

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.

-3:1 Maximum Slope Allowed On Residential Property  
 -7% Maximum Parking Pad Slope and 12.5% Maximum Driveway Slope.  
 -2.5% Minimum Slope Required On Yard or Lawn Areas, 10' in 10'. Minimum Slope of Pad Away From Building is Required.

Approved for Soils, Grading and Drainage

By: Asa 4/19/2023 Date

Permit #: 25073-2021-00

To remove existing wall and replace L. 24939 F.419 to widen existing driveway(17'X8.6')

HORIZONTAL DATUM IS THE MARYLAND STATE PLANE COORDINATE SYSTEM (NAD 83/11) AND THE VERTICAL DATUM IS NAVD 29

LOT 21  
 BARILLAS-HUECK YAKNOY D  
 USE: SINGLE-FAMILY  
 DETACHED  
 ZONE: R-R

L. 24939 F.419  
 E: 1,340,550

LOT 22  
 RODRIGUEZ CARLOS & ANA  
 USE: SINGLE-FAMILY  
 DETACHED  
 ZONE: R-R  
 L. 22469 F.495

LOT 14  
 REYEROS ISMAEL BARRETO  
 USE: SINGLE-FAMILY  
 DETACHED  
 ZONE: R-R  
 L. 41824 F.092

LOT 13  
 PERALTA PAULINO & MICHELLE M WEST  
 USE: SINGLE-FAMILY  
 DETACHED  
 ZONE: R-R  
 L. 00000 F.000

EX.  
 10'X14' 190  
 SHED 20' BRL  
 LOT 12  
 7537 SF  
 COV=29.3%

EX.  
 SEATING WALL

N: 470,700  
 S20'58"00'W 66.87'  
 E: 1,340,500  
 N: 470,600

LOT 11  
 PEREZ JOSUE D T  
 USE: SINGLE-FAMILY  
 DETACHED  
 ZONE: R-R  
 L. 34192 F.281

EX. RETAINING WALL  
 TO BE REMOVED  
 EX. CONC. DRIVEWAY  
 TO REMAIN

EX.  
 1-1/2 STORY FRAME  
 W/ BSMT  
 NO. 5905  
 29'X25'

25' BRL

EX. RETAINING WALL  
 TO REMAIN  
 EX. GRASS AREA

PROP. RETAINING WALL  
 CONC. REINFORCED BLOCK WALL  
 SEE DETAILS ON THIS SHEET  
 MAX HEIGHT=5'6"

PROP. CONC. DWY EXTENSION  
 DIMENSION: 17'X8.6'

N: 470,750  
 E: 1,340,400

EX. DWY APRON

67TH AVE  
 (60' R/W)

EDGE OF PAVEMENT (APPROXIMATE)

EDGE OF PAVEMENT (APPROXIMATE)

EX. 8" SEWER

EX. 8" WATER

EX. W&SHC

16(A)

EXH. # 16(A-1)  
 V-4-23

SITE PLAN

4-13-23



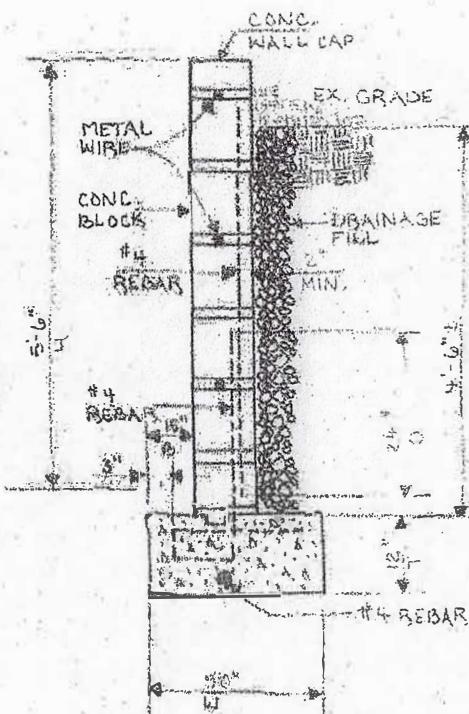
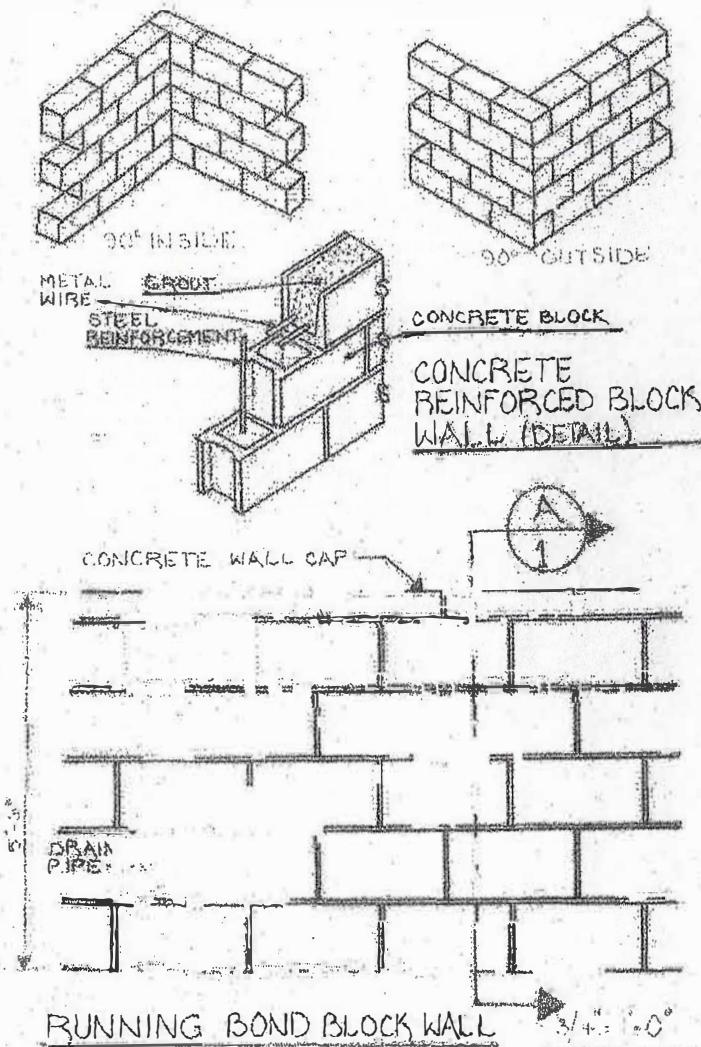
CAPITAL DEVELOPMENT DESIGN, INC.  
 ENGINEERS - SURVEYORS - PLANNERS  
 4600 POWDER MILL ROAD, SUITE 200, BELTSVILLE, MD 20705  
 PHONE: (301) 937-3501 FAX: (301) 937-3307 WWW.CDDLNET.COM  
 JOB NO: 22-121 DATE: DECEMBER, 2022  
 SCALE: 1" = 20'

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APPROVED APR 26 2023

J. Strel  
 ADMINISTRATOR

## 90° CORNER WALL DETAIL (TYPICAL)



### CROSS-SECTION THRU RETAINING WALL

NOTE TO SCALE

TYPICAL MASONRY WALL SPECIFICATIONS*						
DIMENSIONS INCHES		REINFORCING, INCHES O.C.				
H	W	T	O'DOWELS	P		
8'	15"	50"	12"	#4 @ 24"	#4 @ 25"	

\* REFERENCED: NAT'L. CONC. MASONRY ASSOC.

EXH. # 3  
V-4-23

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APPROVED APR 26 2023

*By Stone*  
ADMINISTRATOR

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