



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

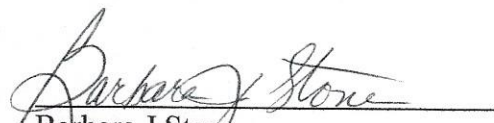
OF BOARD OF APPEALS

RE: Case No. V-108-21 James and Jane Scott

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 20, 2021.

CERTIFICATE OF SERVICE

This is to certify that on December 21, 2021, 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 Zoning Appeals

Petitioners: James and Jane Scott

Appeal No.: V-108-21

Subject Property: Lot 9, Block M, Cheltenham Wood Subdivision, being 10410 Tottenham Road,
Cheltenham, Prince George's County, Maryland

Heard and Decided: October 20, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman

Board Members Absent: 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, Petitioners request that the Board approve variances from Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 15,000 square feet.¹ Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioners propose to validate existing conditions (net lot area and net lot coverage) and obtain a building permit for the construction of a deck and a screened porch. Variances of 2,603 square feet net lot area, 8 feet side yard setback (steps and deck) and of 4.8% net lot coverage were requested.

Evidence Presented

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

1. The property was subdivided in 1967, contains 12,397 square feet, is zoned R-R (Rural Residential), and is improved with a single-family dwelling driveway and shed. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (G).
2. The subject property is a corner lot with the front of the dwelling facing the intersection of Tottenham Road and Blackstone Avenue. Exhs. 2, 4, 8, 9 and 10 (A) thru (G).
3. Petitioners propose to validate existing conditions (net lot area and net lot coverage) and obtain a building permit for the construction of a deck and a screened porch. Because the lot being measures at only 12,397 square feet and the minimum lot area in the RR zone must be 15,000 square feet, a variance of 2,603 is required. In addition, due to the configuration of the dwelling on the lot being angled and the rear yard being very limited, the rear yard setback is encroaching the building restriction line by 8 feet, a variance of 8 feet is warranted. Because the lot coverage will be over the maximum allowable 25% based on the existing construction and the proposed deck and porch, the total net lot overage of 4.8% requires a variance. Exhs. 2, 4, 8, 9 and 10 (A) thru (G).

¹ Section 27-442 (b) states that a lot can be reduced to 10,000 square feet if the lot is shown on a valid preliminary plat of subdivision filed with the Commission on or before July 1, 1966, and subdivision plat recorded on or before July 1, 1967. Therefore, a variance for Net Lot Area is not needed. See plat WWW 63@82.

4. Petitioner James Scott testified that they would like to construct a larger deck with steps and screened porch to replace the existing deck which was in place when the property was purchased 16 years ago. He described the deck as very old with warped boards and splinters. The new deck will split in two sections with a screen porch in the center. Exhs. 2, 4, 8, 9 and 10 (A) thru (G).

5. Petitioner stated that the site plan clearly demonstrates the back yard space is very limited and the narrowness and the shape of the lot are not conducive to use (and enjoyment) of the rear yard. Exhs. 2, 4, 8, 9 and 10 (A) thru (G).

6. Mr. Scott explained that the steps exiting the deck will end at the property line which is why the variance of 8 feet side yard is necessary. Exhs. 2, 3 (a) thru (k), and 5 (A) thru K).

7. Cheltenham Woods Homeowners Association, Inc. has approved the proposed development and supported the request for the variances. Exh. 6.

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

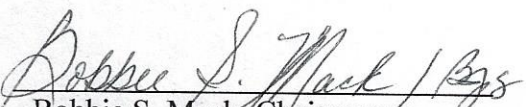
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot and the configuration of the lot places the dwelling awkwardly at the rear of the lot, the limited unusable rear yard space for the deck because of how the dwelling is situated on the lot, the need to replace a worn deck 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, by majority vote, Ms. Anastasia Johnson absent, that variances of 8 feet side yard setback (steps and deck) and of 4.8% net lot coverage in order to validate existing condition (net lot coverage) and obtain a building permit for the construction of a deck with steps and a screened porch on the property located at 10410 Tottenham Road, Cheltenham, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (k).

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.

EXH. # 2
V-108-21

NEW DECK FOR:

10410 TOTTENHAM ROAD

CHELTENHAM, MD

BOARD OF APPEALS

APPROVED OCT 20 2021

ADMINISTRATOR

SCOPE OF WORK:

NEW P.T. WOOD DECK

DESIGN CRITERIA

FLOOR LIVE LOAD	SLP RM 30psf
FLOOR DEAD LOAD	15psf
SNOW LOAD (roof live load)	30psf
WIND LOAD	20psf
CONCRETE STRENGTH	3000psi
STEEL GRADE	A36
SOIL BEARING CAPACITY	1500psf
BASIC WIND SPEED	90 mph
FOOTING DEPTH	30 inches (bottom footing)

INDEX OF DRAWINGS

CS001	INDEX OF DRAWINGS, SITE PLAN, MAPS AND LEGENDS
CS002	GENERAL NOTES AND ABBREVIATIONS
A001	EXISTING AND PROPOSED DECK
S001	DECK ELEVATIONS
	DECK DETAILS

(a)

EXH. # 3(a-k)
V-108-21

DISCLAIMER

THE OWNER SHALL ASSUME RESPONSIBILITY FOR ALL PROJECT THAT MAY BE REQUIRED INCLUDING ASBESTOS, RADON, LEAD, AND OTHER TOXIC

CONTRACTOR SHALL VERIFY PROJECT AND FIELD VERIFY ALL MASONRY, AND ALL EXISTING DIMENSIONS SHOWN

CODE USED:

2018 IRC BUILDING CODE
2018 ICC MECHANICAL CODE
2018 ICC PLUMBING CODE
2018 NATIONAL ELECTRICAL CODE
2018 ICC FUEL GAS CODE

2014 NPPA 70
ANSI 117.1-2014 (ACCESSIBILITY)

ENERGY NOTES:

BUILDING LEAKAGE TEST PERFORMED ENSURE BUILDING LEAKAGE NOT EXCEED 5 AIR CHANGES PER HOUR TESTING PERFORMED THIRD PARTY CONTRACTOR THERE SHALL PROGRAMMABLE THERMOSTATS INSTALLED THRU-OUT.
SUPPLY DUCTS/ATC ARE INSULATED WITH R-8 ALL OTHER DUCTS UNCONDITIONED SPACES OUTSIDE THE BUILDING ENVELOPE R-4.
EXHAUST:
FAN/LINE SET FHWG INSTALLED WITH UV PROTECTANT AND WRAPPED MINIMUM R3 INSULATION. ALL EXHAUST WATER PIPES WRAPPED MINIMUM R3 INSULATION.
AIR HANDLERS SHALL NOT EXCEED LEAKAGE RATE 2% VENTILATION AND EFFICIENCY FLOW REQUIREMENTS EXHAUST FANS MIN 50 CFM AND 40 WATTS.
75% ALL PERMANENT FIXTURES 75% LAMPS IN PERMANENT FIXTURES USED ARE HIGH EFFICIENT LAMPS.
WINDOWS = 0.35 - SKYLIGHTS = 0.55)

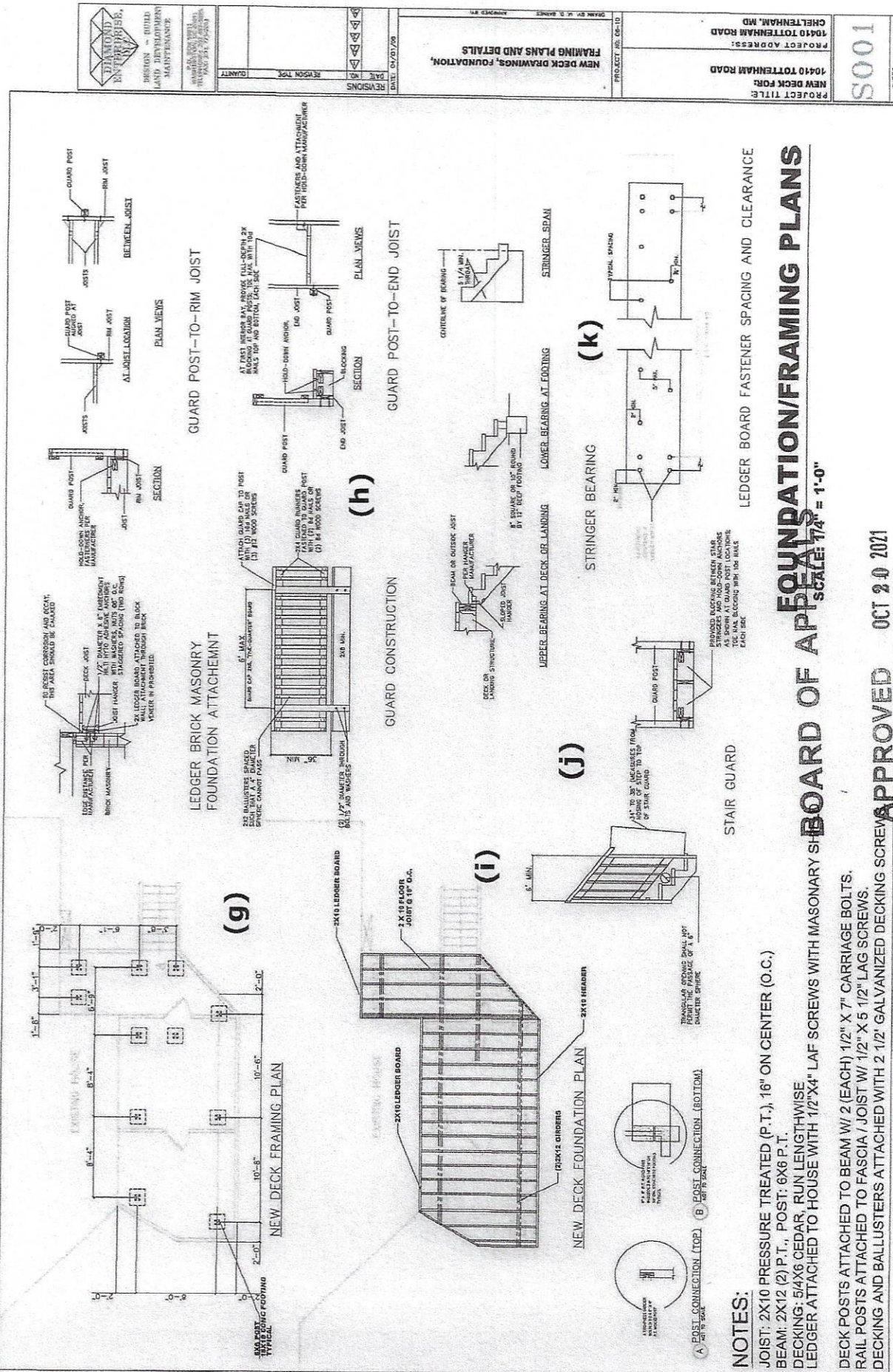
SITE PLAN, BUILDING DATA, INDEX, DISCLAIMER AND SYMBOLS

PROJECT TITLE
NEW DECK FOR:
10410 TOTTENHAM ROAD
PROJECT ADDRESS:
10410 TOTTENHAM ROAD
CHELTENHAM, MD

CS001

SHEET





NOTES:

JOIST: 2X10 PRESSURE TREATED (P.T.), 16" ON CENTER (O.C.)
 BEAM: 2X12 (2) P.T., POST: 6X6 P.T.
 DECKING: 5/4X6 CEDAR, RUN LENGTHWISE
 LEDGER ATTACHED TO HOUSE WITH 1/2"X4" LAF SCREWS WITH MASONRY SHEET
 DECK POSTS ATTACHED TO BEAM W/ 2 (EACH) 1/2" X 7" CARRIAGE BOLTS.
 RAIL POSTS ATTACHED TO FASCIA / JOIST W/ 1/2" X 5 1/2" LAG SCREWS.
 DECKING AND BALLUSTERS ATTACHED WITH 2 1/2" GALVANIZED DECKING SCREWS

APPROVED OCT 20 2021

[Signature]
 ADMINISTRATOR

PROJECT TITLE:
NEW DECK FOR 10410 TOTTENHAM ROAD

PROJECT ADDRESS:
10410 TOTTENHAM ROAD

PROJECT NO. 04-10

REVISIONS

NO.	DATE	DESCRIPTION
1	07/01/20	ISSUED FOR PERMIT

FRAMING PLANS AND DETAILS

DATE: 07/01/20

PROJECT NO. 04-10

CHALLENGER, MD