



# 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*

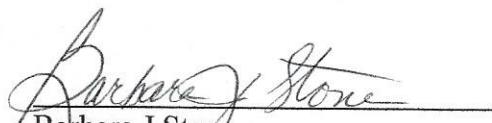
## *OF BOARD OF APPEALS*

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.<sup>1</sup> 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 coverage of 4.8% requires a variance. Exhs. 2, 4, 8, 9 and 10 (A) thru (G).

---

<sup>1</sup> 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

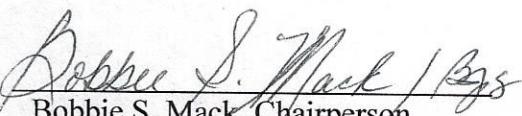
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

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.



## NEW DECK FOR:

10410 TOTTENHAM ROAD

CHELTENHAM, MD

BOARD OF APPEALS

APPROVED OCT 2021

ADMINISTRATOR

## SCOPE OF WORK:



