



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-9-23 Derrick and Relda Fennell

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: June 14, 2023

CERTIFICATE OF SERVICE

This is to certify that on June 29, 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". Below the signature, the name "Barbara J. Stone" is printed in a standard font, followed by the title "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: Relda L. and Derrick M. Fennell, Sr.

Appeal No.: V-9-23

Subject Property: Lot 46, Block 4, Marlboro Woods Subdivision, being 10213 Rockview Terrace,
Cheltenham, Prince George's County, Maryland

Witness: Sheila Smith, Medallion Security

Heard and Decided: June 14, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Carl Isler, Acting Vice Chair,
Renee Alston, Member
Teia Hill, Member

Board Member 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 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 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(c) prescribes that each lot shall have a minimum net lot area of 20,000 square feet. Section 27-4202(c)(1) prescribes that each lot shall have a minimum lot width of 80 feet, a lot frontage (width) at front street line a minimum of 70 feet and not more than 25% of the net lot area shall be covered by buildings and off-street parking. Section 27-4202(c)(4) prescribes that each lot shall have a rear yard at least 20 feet in depth. Petitioners propose to validate existing conditions (net lot area, lot width, lot frontage) in order to obtain a building permit for the screened room, steps and landing. Variances of 9,518 feet net lot area, 66.3 feet lot width, 20 feet lot frontage width at front street line, 3.1% net lot coverage and 14 feet rear yard depth are requested.

Evidence Presented

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

1. The property was subdivided in 1988, contains 10,482 square feet, is zoned RR (Residential Rural) and is improved with a single-family dwelling, driveway, concrete patio, deck and shed. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (F).
2. The subject property is located within a cul-de-sac creatin a pie-shaped lot. Exhs. 2 and 4.
3. Petitioners propose to validate preexisting conditions (net lot area, lot width and lot frontage) and obtain a building permit for the screened porch, with steps and landing. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).
4. Blackstone Management, on behalf of the Marlboro Woods Homeowners Association, approved the proposed screened porch, steps and landing and the associated variances. Exh. 11.
5. Ms. Sheila Smith, Medallion Security, testified that the Petitioners have an existing deck. They are proposing to rebuild the deck and with a screen room on top of the deck on the same existing footprint. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (F).
6. Mr. Fennell testified that the deck is twenty years old, deteriorating, and unsafe. In their senior years, they desire to have an enclosed area to enjoy themselves along with their grandchildren.

7. Sheila Smith testified that the deck will be rebuilt for safety reasons. She stated that the shape of the deck is not changing. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (F).

8. Madam Chair questioned the shape of the deck; the site plan is demonstrating a square deck, but photos show angles. Exh. 5 (C).

9. Ms. Smith stated that the proposed deck was drawn on the site plan in a 16' x 16' square because it was easier to draw that way. The screen will be placed on the existing shape. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (F).

10. Administrator Stone noted that the site plan is showing a "square box" although the actual deck is not a square; there is an angled portion on the deck beyond that square that is not shown on the site plan, so the footprint is not the same. She asked will the completed deck and screen porch be a 16' x 16' square or will it have an angled portion? Exhs. 2 and 5 (A) thru (F).

11. Petitioner Derrick Fennell testified that the existing deck was originally approved as a 16' x 16' square under permit 37749-2003-00, being 256 square feet, but during construction, it was redesigned. The outer portion of the deck was decreased by 2 feet on each side creating an angle in the shape of a "boat". He confirmed that the proposed deck will no longer be shaped with a boat angle, but instead as a 16' x 16' square. The screen portion will follow that square. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (F).

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

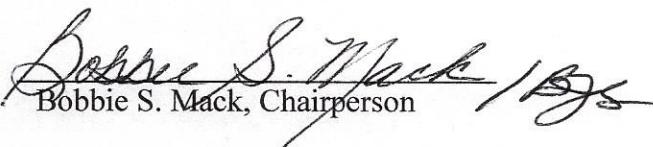
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-3613 (d), more specifically:

Due to the subject property's location within a cul-de-sac creating a pie-shaped lot, the existing 20-year-old deck being in disrepair and unsafe, the desire to rebuild the deck with an enclosed screened room for safety and family enjoyment 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 9,518 square feet net lot area, 66.3 feet lot width, 20 feet lot frontage width at front street line, 3.1% net lot coverage and 14 feet rear yard depth in order to validate existing conditions (net lot area, lot width, lot frontage) and obtain a building permit for the screened porch, steps with landing on the property located at 10213 Rockview Terrace, Cheltenham, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2 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 27-3613 (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.

BOARD OF APPEALS

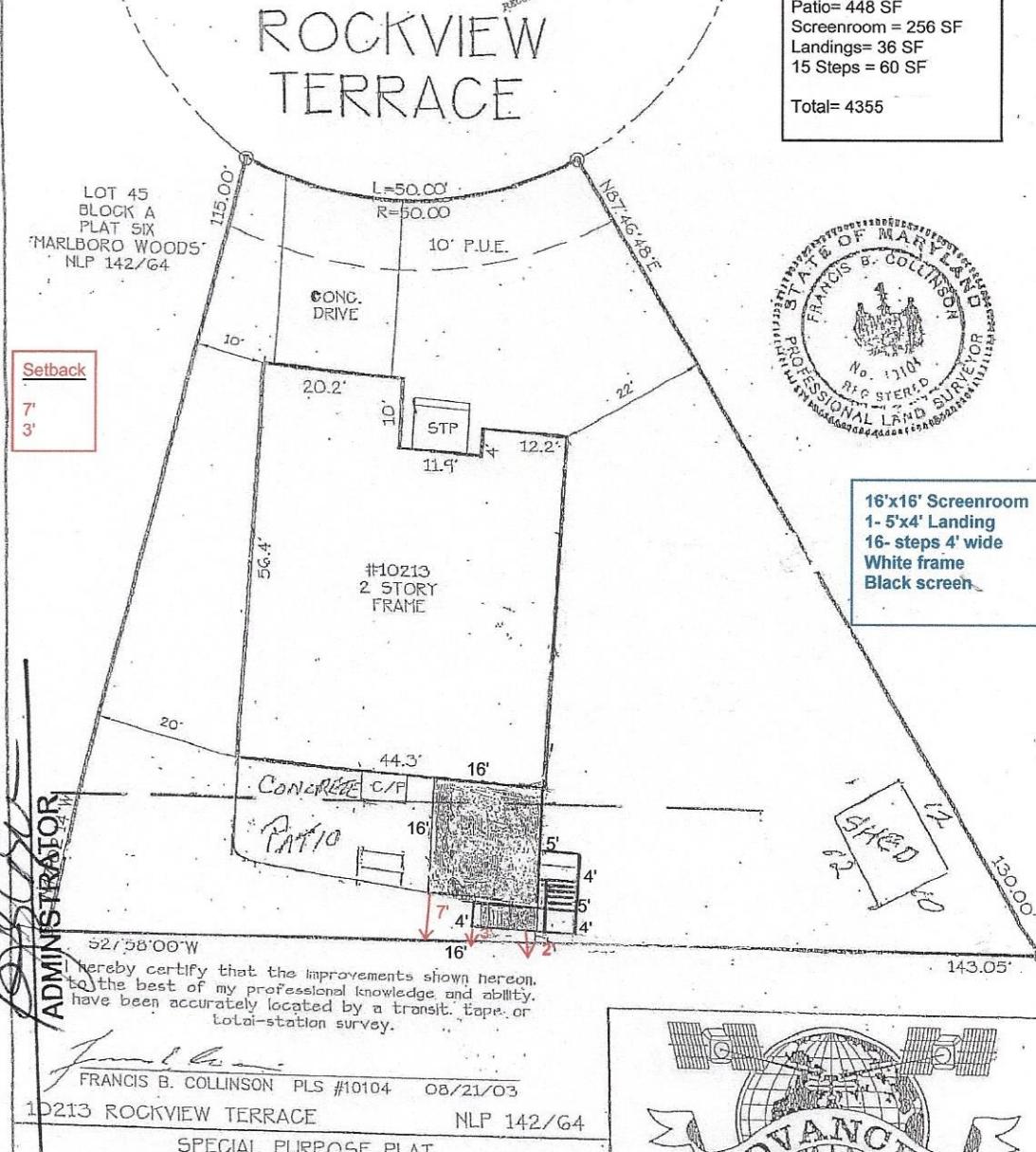
APPROVED JUN 14 2023

N. FES.

1. THE PURPOSE OF THIS PLAT IS TO SHOW THE RELATIONSHIP OF THE IMPROVEMENTS SHOWN TO THE LOT (OR PARCEL) BOUNDARIES.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, OR RIGHT-OF-WAY.
3. THIS PLAT IS NOT A BOUNDARY SURVEY AND DOES NOT MEET THE MINIMUM STANDARDS FOR A BOUNDARY SURVEY AS DEFINED BY COMAR REGULATIONS.
4. THIS PLAT IS A "SPECIAL PURPOSE SURVEY" PER SECTION 10 OF COMAR REGULATIONS.

ADDITIONAL NOTES

- 1) The subject property falls in flood zone "C" as shown on the flood hazard boundary map 245208 0080 C dated 07/08/91.
- 2) This is not a boundary survey or lot stakingout. No title research furnished to or done by this office.
- 3) This plot shows the principal structure and significant structures (close to the apparent property lines) as required by Maryland law. However, additional internal structures may not be shown.
- 4) Fences shown as are approximate only. The exact location of fences and boundary lines can be accomplished with a boundary survey.
- 5) Land records reference NLP 142/64



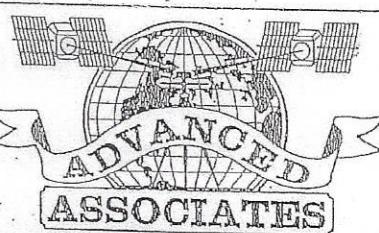
MARLBORO WOODS

11TH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1" = 20' AUGUST 2003

PROJECT#G820

CAD FILE NAME-MARL-WOODS-45.DWG
Page 4 of 25

EXH. # 2
V-9-23

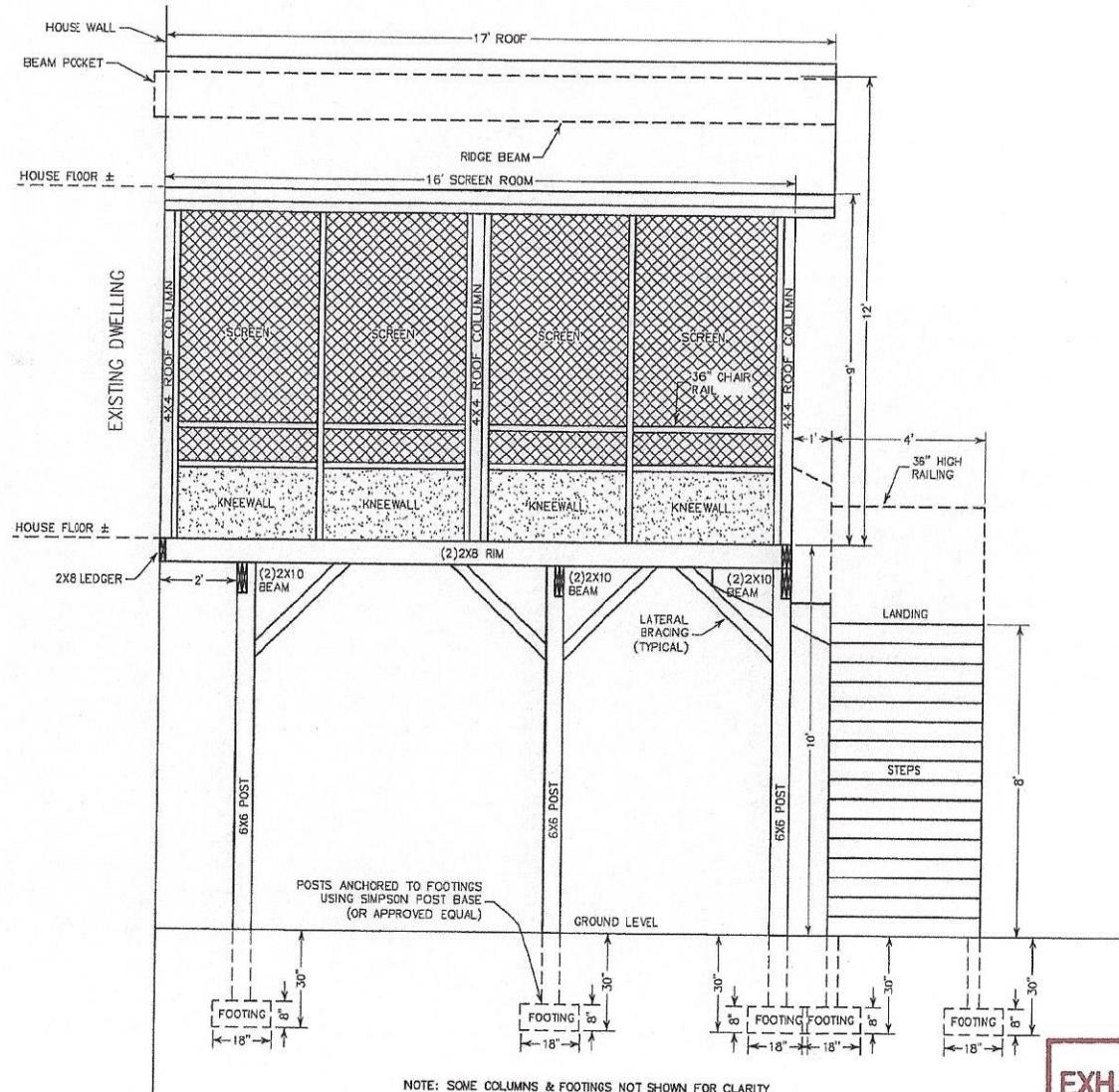


A Division of Advanced Surveys, Inc.
5443 Southern Maryland Boulevard
Lothian, Maryland 20711
410-741-0850 301-574-0226
1-800-235-4681

ELEVATION

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BOARD OF APPEALS



(a)

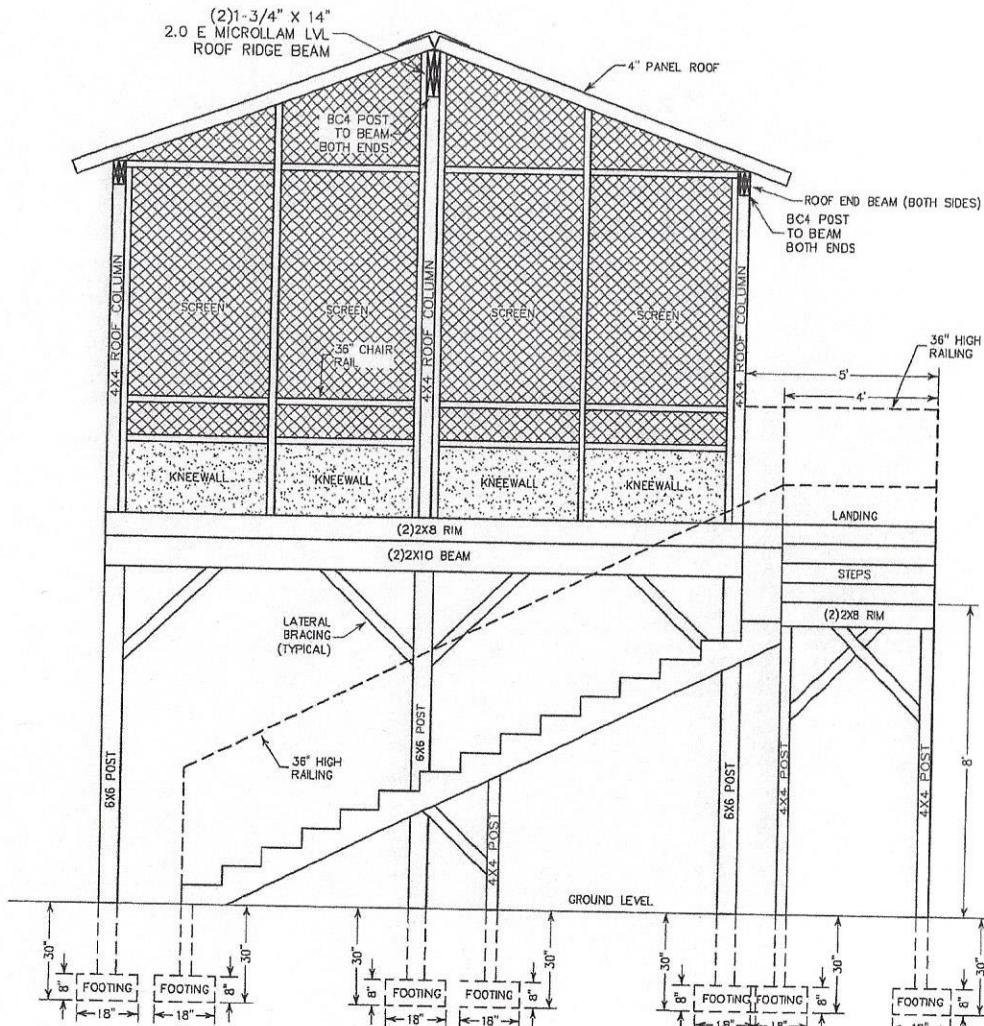
EXH. # 3(a-d)
V-9-23

SHEET	
A4	
MEDALLION: 2849 Koverton Rd. Forestville, MD 20747	DATE: 12/5/22
FENNELL, RESIDENCE	
10213 ROCKVIEW TERRACE	
CHELTENHAM, MD 20823	
DRAWN BY: RAS	SCALE: NONE
CLANCY & ASSOCIATES, INC.	
CONSULTING ENGINEERS	
601 Astbury Avenue	
National Park, NJ 08063	
Phone: (800) 855-7387	
Fax: (852) 653-1738	
www.clancyandassociates.com	
clancyandassociates@gmail.com	
JAMES A. CLANCY, P.E.	
12/5/22	
DATE PRINTED, SIGNED & SEALED	

ELEVATION

APPROVED JUN 14 2023

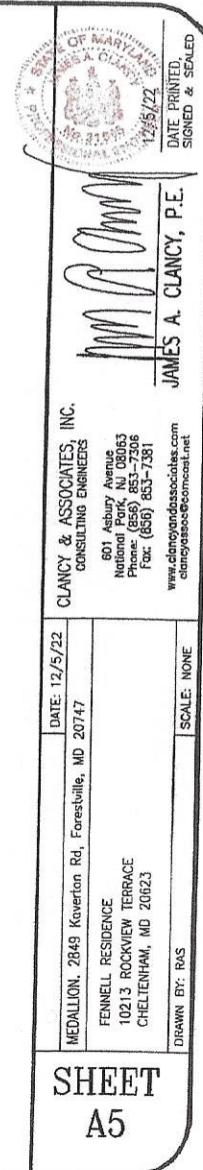
BOARD OF APPEALS



NOTE: SOME COLUMNS & FOOTINGS NOT SHOWN FOR CLARITY

3(b)

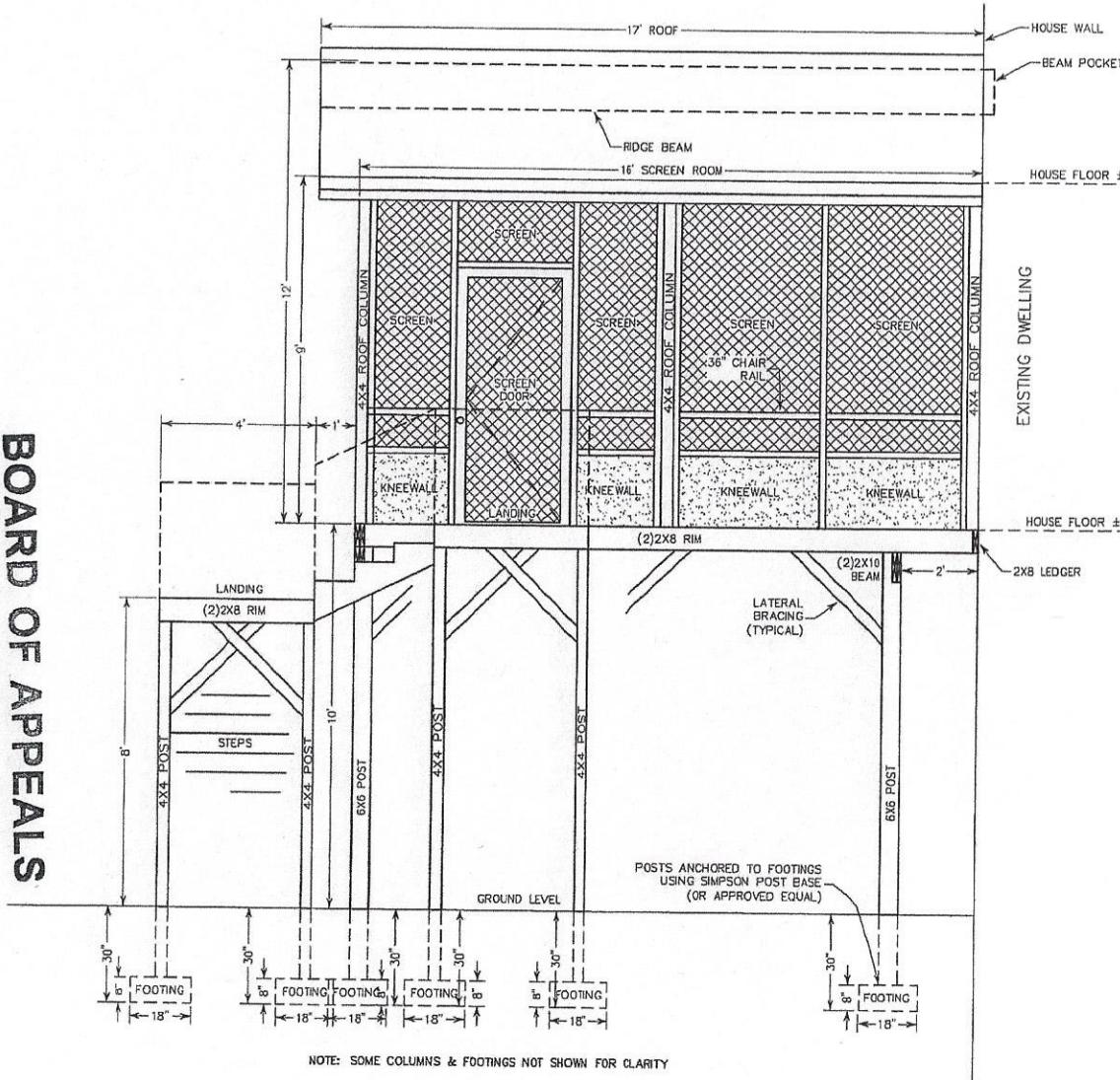
SHEET
A5



ELEVATION

APPROVED JUN 14 2023

BOARD OF APPEALS



3(c)

SHEET
A6

MEDALLION, 2849 Koverton Rd, Forestville, MD 20747		DATE: 12/5/22
FENNELL RESIDENCE		
10213 ROCKVIEW TERRACE CHELTENHAM, MD 20623		
DRAWN BY: RAS		SCALE: NONE
SHEET A6		
CLANCY & ASSOCIATES, INC. CONSULTING ENGINEERS		 JAMES A. CLANCY, P.E.
601 Asbury Avenue National Park, NJ 08063 Phone: (856) 455-3631 Fax: (856) 455-3631 www.clancyandassociates.com clancyr@comcast.net		<small>12/5/22</small> <small>DATE PRINTED</small> <small>SIGNED & SEALED</small>

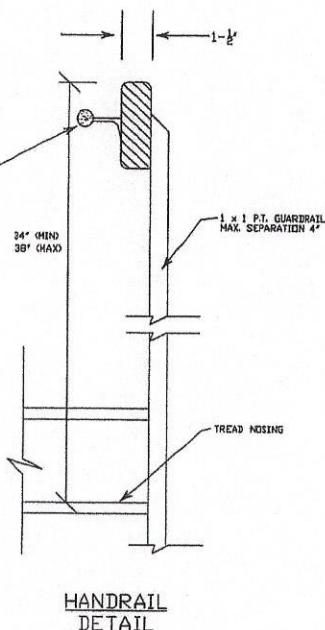
STAIR, RAILS AND LANDING
DETAILS

APPROVED JUN 14 2023

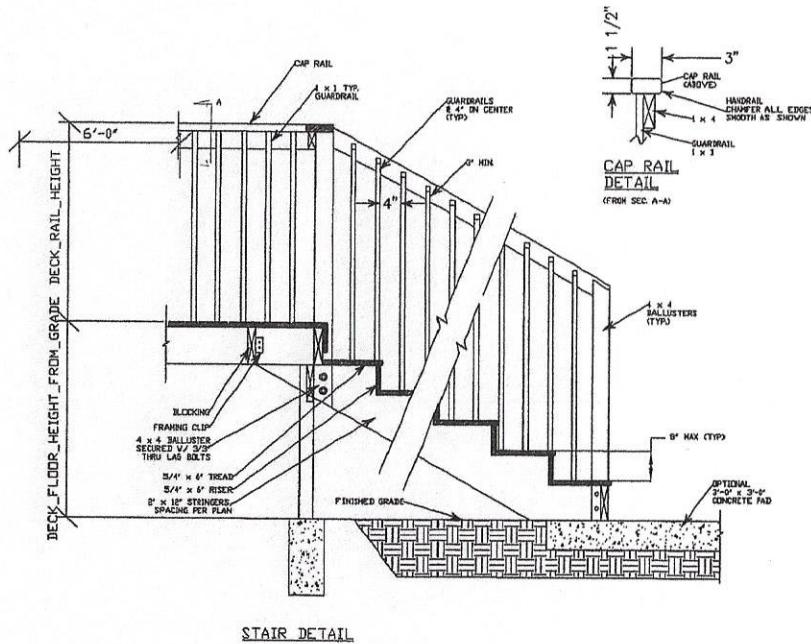
[Signature]
ADMINISTRATOR

BOARD OF APPEALS

~~NOTE: ALL WOOD SHALL BE TREATED WOOD.~~



HANDRAIL
DETAIL



3(d)

SHEET
D6

DATE: 12/5/22	CLANCY & ASSOCIATES, INC.
MEDALLION, 2849 Koverton Rd, Forestville, MD 20747	CONSULTING ENGINEERS
FENNELL RESIDENCE	601 Astbury Avenue
10213 ROCKVIEW TERRACE	National Park, NJ 07043
CHELTENHAM, MD 20623	Phone: (866) 853-7306 Fax: (866) 853-7301
DRAWN BY: RAS	www.clancyandassociates.com clancyassoc@comcast.net
SCALE: NONE	

12/5/22
DATE PRINTED,
SIGNED & SEALED

[Signature]
JAMES A. CLANCY, P.E.

12/5/22
www.clancyandassociates.com
clancyassoc@comcast.net