



# 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-59-20 Arnisha Caldwell-Beagle and Steven Beagle

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: January 27, 2021

## **CERTIFICATE OF SERVICE**

This is to certify that on March 30, 2021, 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 black font, followed by the title "Administrator" in a smaller font.

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: Arnisha Caldwell-Beagle and Steven Beagle

Appeal No.: V-59-20

Subject Property: Lot 45, Block C, Cheltenham Park Subdivision, being 9706 Digby Court, Clinton, Prince George's County, Maryland

Heard and Decided: January 27, 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, Petitioner(s) request(s) that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance which prescribes that each lot shall have a rear yard at least 20 feet in depth/width. Section 27-442(c)(Table II) prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioners proposed to obtain a building permit for the construction of an open deck with stairs. Variances of 8 feet rear yard depth/width and 6.3 % net lot coverage are requested,

**Evidence Presented**

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

1. The property was subdivided in 1991, contains 10,875 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling and driveway. Exhibits (Exhs.) 2, 4, 7, 8 and 9 (A) thru (G).
2. This land lies within a Cluster Development with the work to be completed considered "home improvement" pursuant to Section 27-229(b) (27) (117.1) of the Zoning Ordinance. Exh. 4.
3. The subject property is located within a cul-de-sac on a pie shape lot creating a very shallow lot in the rear. Exh. 2.
4. Petitioners proposed to construct an open deck with stairs. As the rear yard requires at least 20 feet in depth in setback, the addition of the deck decreases the setback to 12 feet, therefore requiring a variance of 8 feet. Exh. 2.
5. The maximum allowable lot coverage is 25%. The current lot coverage is calculated at 31.3%, therefore a variance of 6.3% is required. Exhs. 2, 4, 7, 8 and 9 (A) thru (G).

6. Petitioner Arnisha Beagle stated that they are proposing to construct a second-floor deck on the back of the home where there is a second-floor door off the kitchen. She also explained that the property is in the middle of a cul-de-sac and the rear property line backs up to woods from which animals (deer, fox and possums) wander into the yard. They are concerned for their children's safety while playing in the rear yard.

7. She further stated that her elderly father, who uses a walker, lives with her. She opined that the proposed deck would allow him to go more safely in and out of the house for fresh air. She recalled that

taking him out of the front of the house in the past has caused him to fall several times on the steps. For his safety, the deck will alleviate the possibility of future falls. Exhs. 2, 3 and 5 (A) thru (D).

8. Maredith Management Company (Architectural Committee) has approved the addition of the deck. Exh. 10.

9. Petitioner Steve Beagle stated that the proposed deck with the stairs will also provide an emergency second floor exit from the house. Exhs. 2, 3 and 5 (A) thru (D).

#### 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

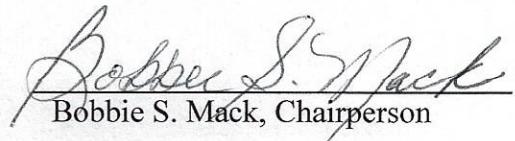
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the lot being pie-shaped in the rear, the narrowness of the lot affecting lot coverage in the cluster community, the additional safe second floor emergency exit for the family, including an elderly parent, the proximity of stray wild animals in the rear yard from the adjoining wood area, 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 variances of 8 feet rear yard depth/width and 6.3 % net lot coverage in order to obtain a building permit for the construction of an open deck with stairs on the property located at 9706 Digby Court, Bowie, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.

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.

## BOARD OF APPEALS

APPROVED JAN 27 2021

*John* **ADMINISTRATOR**

RECORDED IN: PLAT BOOK VI 161 82

**EXH. #** 2  
**V-59-20**

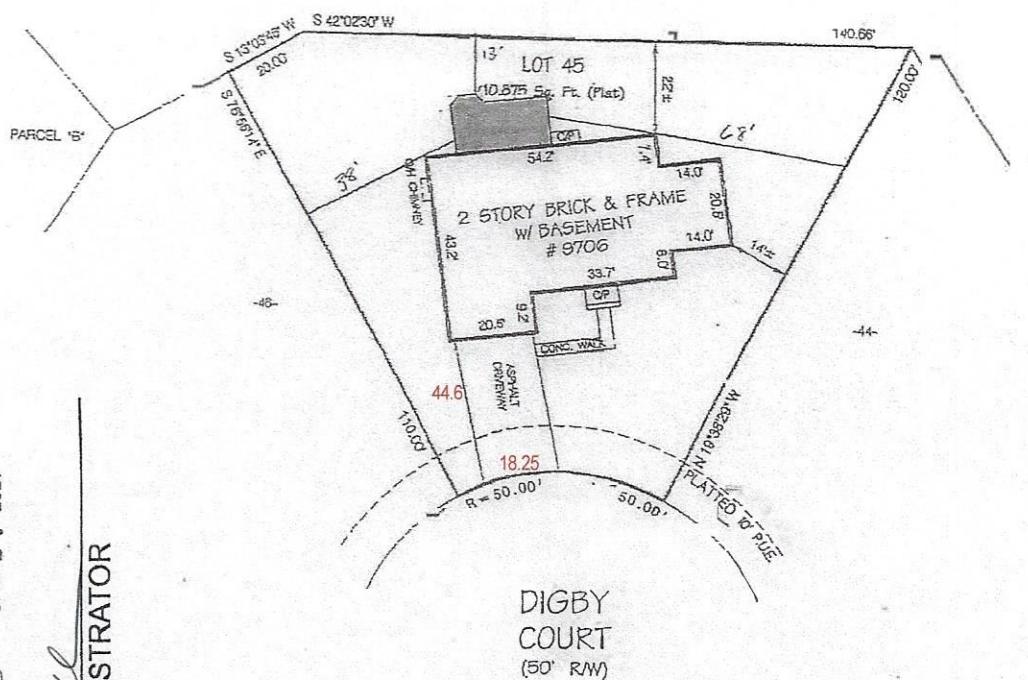
LOCATION DRAWING  
LOT 45 BLOCK C PLAT THREE  
CHLTENHAM PARK CLUSTER  
PRINCE GEORGE'S COUNTY, MARYLAND  
Job No. PG-9635-A 44      Scale: 1" = 50'

REAL ESTATE DEVELOPMENT TECHNOLOGY ASSOCIATES, INC.  
ENGINEERS • LAND PLANNERS • LAND SURVEYORS  
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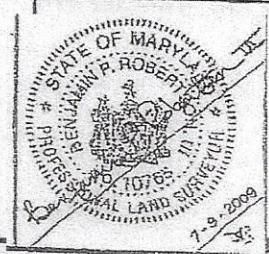
FRDA

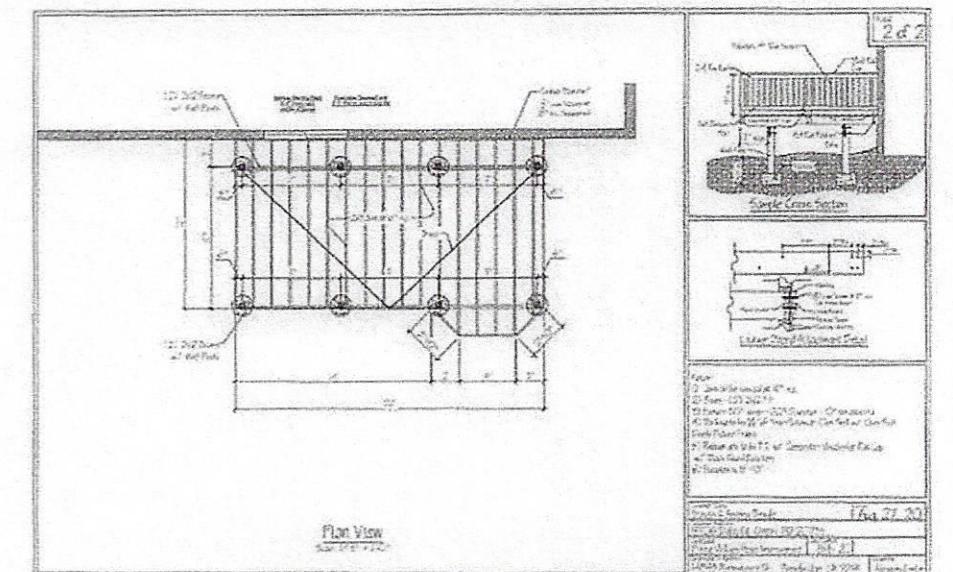
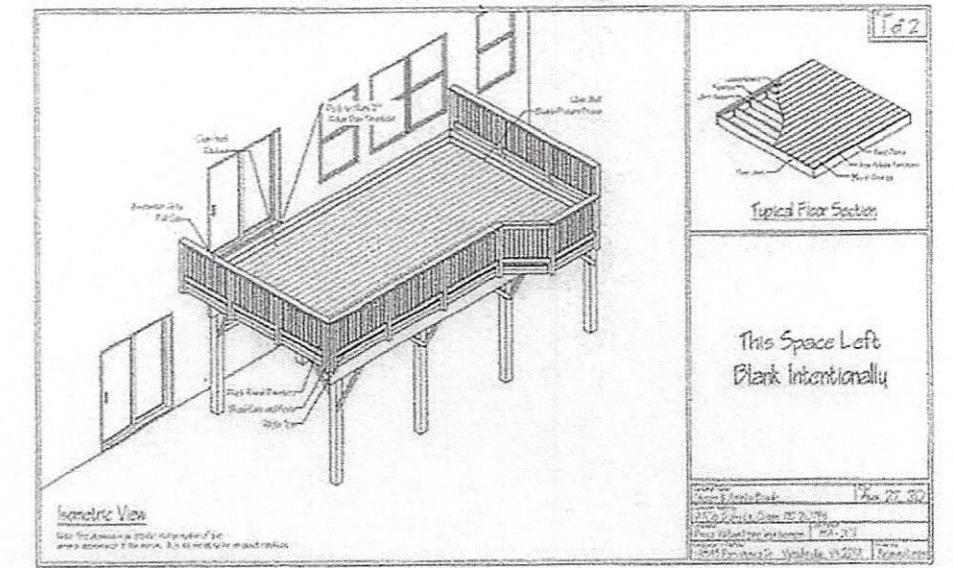
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PARCEL A



Level of accuracy of  
this Location Drawing: 2 ±





## BOARD OF APPEALS

APPROVED JAN 27 2021

John Doe  
ADMINISTRATOR

**EXH. # 3  
V-59-20**