

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Waverly Vaughan

Appeal No.: V-134-19

Subject Property: Lot 3, Block J, Cheltenham Forest Subdivision, being 8905 Townsend Lane, Clinton,
Prince George's County, Maryland

Witness: Amanda Hahn, Remodel USA

Heard and Decided: January 22, 2020

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 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, Petitioner requests that the Board approve a variance from Section 27-442(c)(Table II), which prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate an existing condition (lot coverage) and obtain a building permit for the proposed construction of a fiberglass sunroom on an existing deck. A variance of 12% net lot coverage is requested.

Evidence Presented

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

1. The property was subdivided in 1964, contains 10,000 square feet, is zoned R-R (Rural Residential) and is improved with a single-family dwelling, driveway, garage and carport. Exhibits (Exhs.) 2, 4, 8, 9 and 10 (A) thru (F).
2. Petitioner would like to convert an open deck to an enclosed sunroom. Because the subject property is currently over lot coverage with an extended driveway, patio, rear carport and fair size garage that contribute to the overage, the addition of the enclosed sunroom would be further overage. A variance of 12 % lot coverage is requested. Exhs. 2, 3, 5 (A) thru (E) and 6 (A) thru (C).
3. Petitioner Waverly Vaughn stated that the converted enclosed sunroom will provide a safe and enjoyable area for her family. She has 13 grandchildren and 5 great grandchildren. The back door in the kitchen area leads to the sunroom providing an emergency exit. Exhs. 2, 3, 5 (A) thru (E) and 6 (A) thru (C).
4. Amanda Hahn stated that the elevated deck will have steps that descend to the patio area. The existing deck will be squared off with the house and only a portion of the deck will be enclosed. There will be a sliding glass door that will exit the sunroom to the remaining open deck area. Exhs. 2, 3, 5 (A) thru (E) and 6 (A) thru (C).

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 complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the preexisting development contributing to the overage of net lot overage, the need for a sheltered area for family enjoyment, an additional emergency exit 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.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 12% net lot coverage in order to validate an existing condition (lot coverage) and obtain a building permit for the proposed conversion of a deck to sunroom on the property located at 8905 Townsend Lane, Clinton, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:

(

ORIGINAL SIGNED)

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.