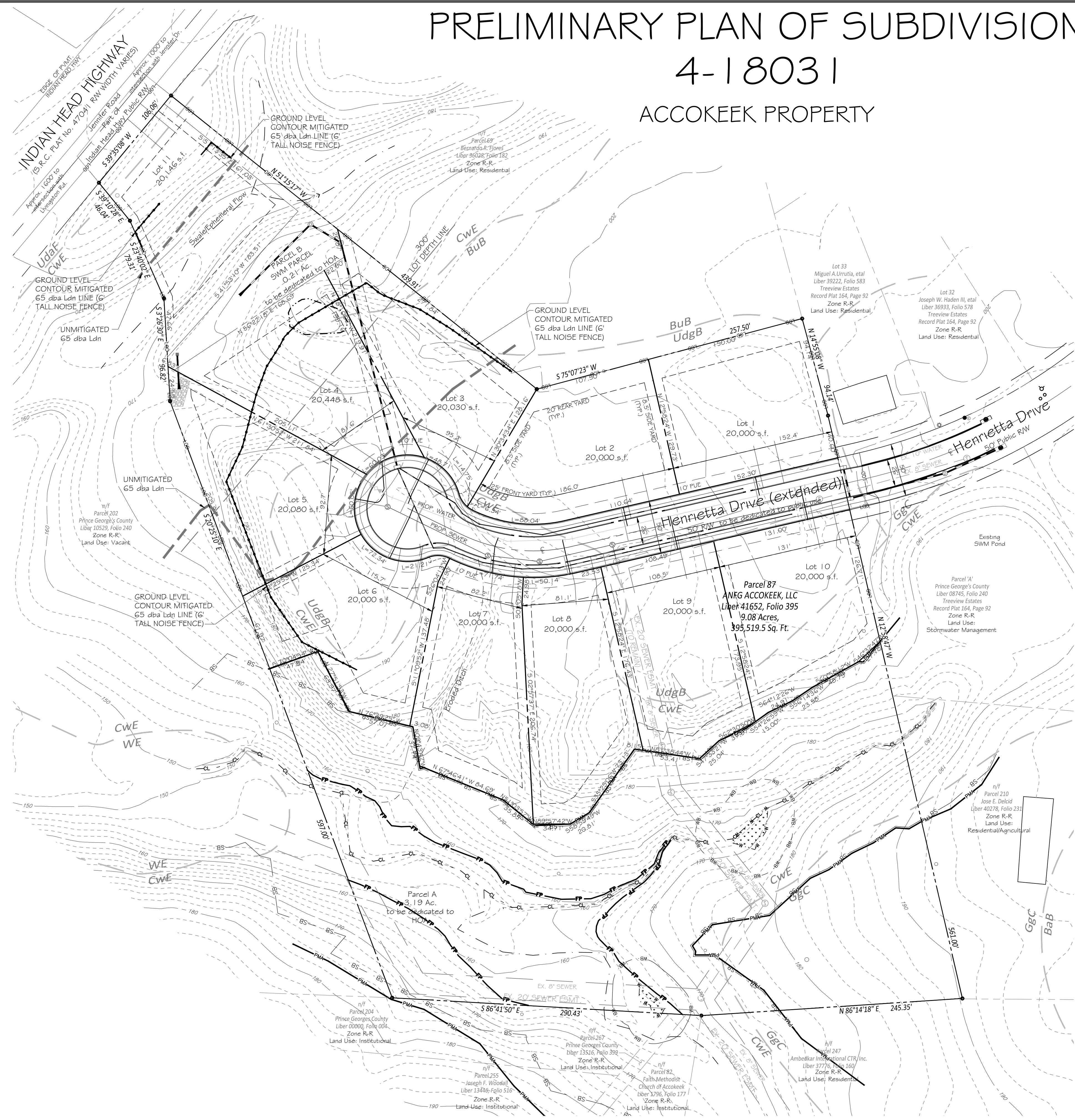


PRELIMINARY PLAN OF SUBDIVISION
4-18031
ACCOKEEK PROPERTY



SITE DATA
1. OWNER:
TRUST
ANFG ACCOKEEK, LLC
MARINUCCI ROSARIO L REVOCABLE

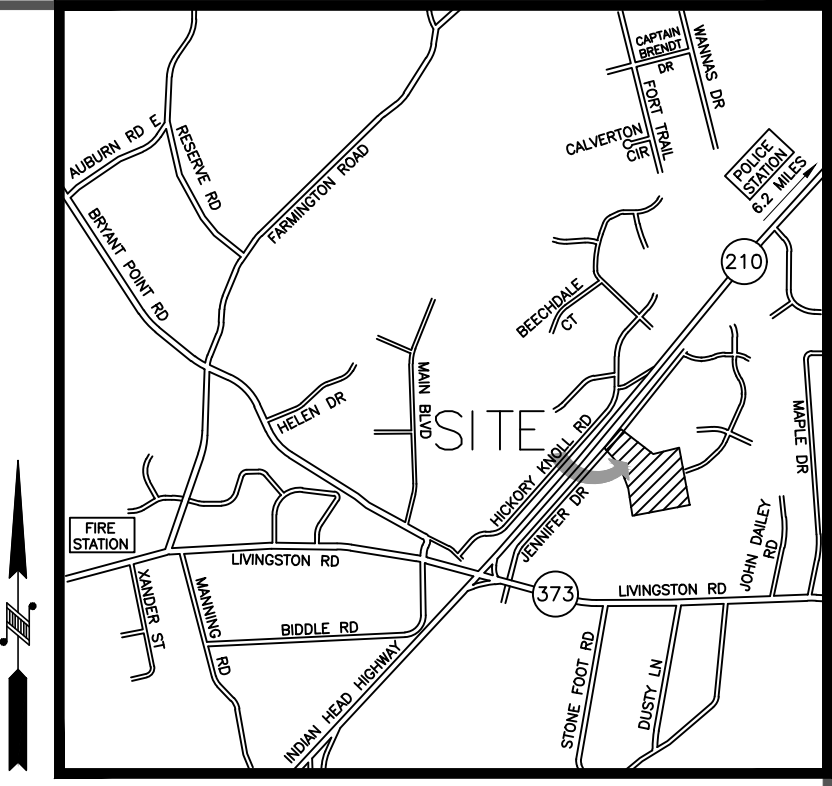
DESIGNEE:
11553 EDMONSTON ROAD,
BELTSVILLE, MD 20705
MIKE MARINUCCI
117 EARECKSON LN.
STEVENSVILLE, MD 21666

2. PROPERTY LOCATION:
AT THE END OF HENRIETTA DRIVE,
ADJACENT TO INDIAN HEAD HWY.

3. PROPERTY ADDRESS:
15650 INDIAN HEAD HWY
ACCOKEEK, MD 20607

4. LAND AREAS:
GROSS TRACT AREA: 9.08 ACRES
100 YEAR FLOODPLAIN: 0.53 ACRES
NET TRACT AREA: 8.55 ACRES

- PRELIMINARY PLAN- GENERAL NOTES
- Parcel 87, Deed Reference: Liber 41652, Folio 395
 - Tax Map 151, Gnd F4
 - 200-foot Map Reference: 2205E01
 - Purpose: Single Family Detached Residential
 - Prior approvals: NRI-013-11-01 Approved 3/26/19
Floodplain Study 200602
Stormwater Management Concept s6680-2018-0
Submitted December 5, 2018
 - Total Site Acreage: 9.08 Ac. Gross, 8.55 Ac. Net
 - Net developable area outside FMA: 6.52 Ac.
 - Acreage of environmental features (FMA): 2.56 Ac.
 - Acreage of 100-yr Floodplain: 0.53 Ac.
Per Floodplain study 200602
 - Acreage of road dedication: 0.61 Ac. or 26,705 s.f.
 - Existing Zone: R-R
Existing Use: Vacant
 - Proposed Use: Residential
 - All Single Family Detached dwelling units
 - Proposed Density Calculation
11 units / 8.5 Ac. = 1.3 DU/Ac.
MAXIMUM DENSITY: 2.17 DU x NET ACRE = (18 LOTS)
 - Minimum Lot Size:
R-R: 20,000 s.f.
 - Minimum lot width at front building line: 100'
Minimum lot width at front street line: 70'
60' on cul-de-sac
25' flag
 - Sustainable Growth Tier: No. 1
 - Andrews, Interm Land Use Control: No
 - Center or Corridor location: No
 - Road Dedication: 26,700 s.f. / 0.61 Ac.
 - Dedicated parcels: Parcel A = 138,956 s.f. / 3.19 Ac.
Parcel B = 9,118 s.f. / 0.21 Ac.
 - Stormwater Management Concept S6680-2018-0 was submitted on December 5, 2018, approval pending.
 - Existing Water and Sewer Category: W-4 and S-4
Proposed Water and Sewer Category: W-3 and S-3
 - There is no Aviation Policy Area impacting this property.
 - Mandatory Park Dedication: should be met with fee-in-lieu.
 - Cemeteries on or contiguous to the property: No
 - Historic sites on or in the vicinity of the property: No
 - Type I Tree Conservation Plan: No, TCP1 -
 - Within Chesapeake Bay Critical Area: No
 - Wetlands: Yes
 - Streams: Yes
 - The topography shown on this plan is from a Topographic Survey by Axiom Engineering Design, Dated October, 2010, from field data. Adjacent site features utilize County GIS Data.
 - In or adjacent to an easement help by the Maryland Environmental Trust, The Maryland Agricultural Land Preservation Foundation, or any land trust organization: No.

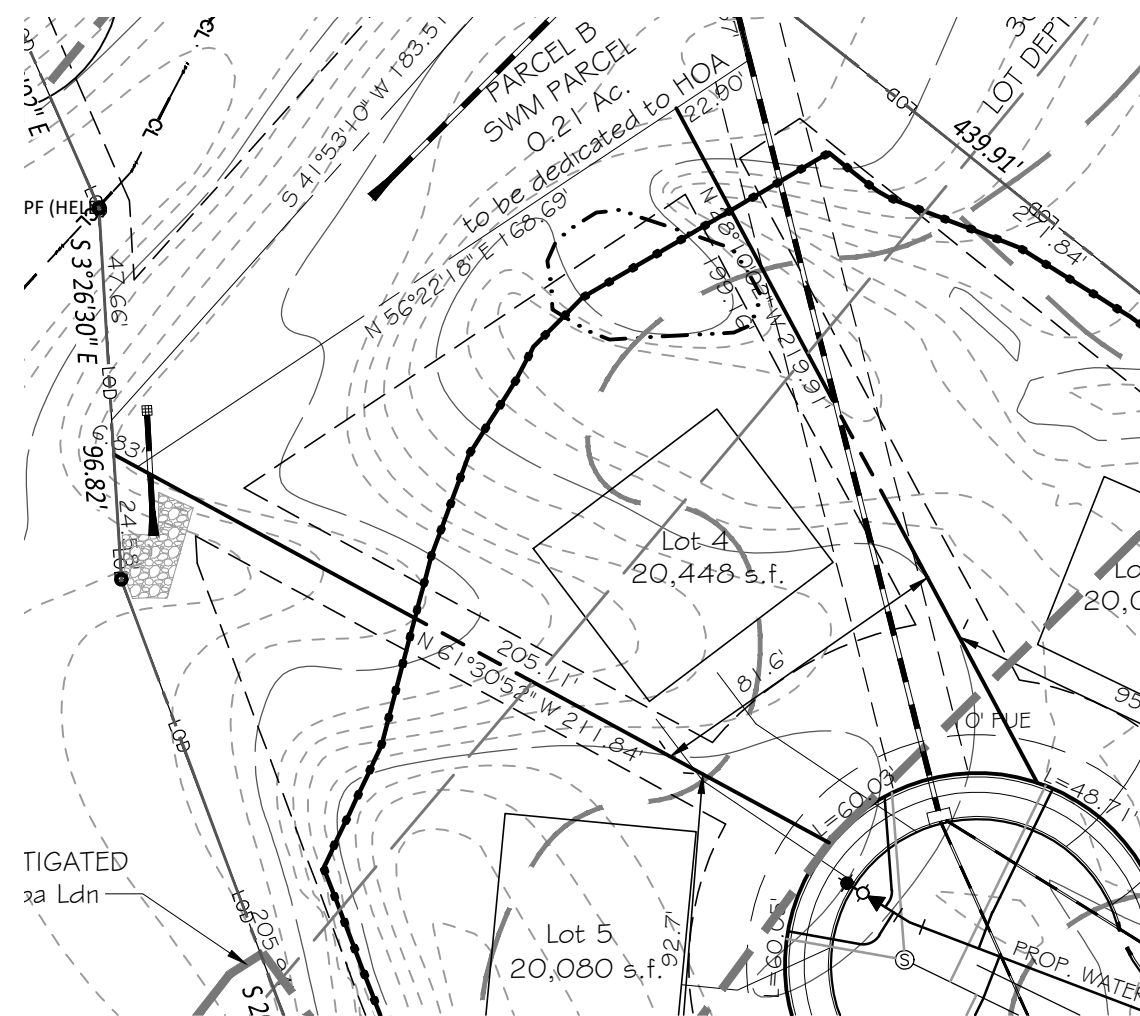


VICINITY MAP
SCALE: 1"=2000'
P.G. CO. STREET MAP GRID 5996, K-3
WSSC 200- SHEET NO. 220 SE 01
Approx. 1.25 miles to
nearest Fire Station at 16111 Livingston Rd.
Approx. 6.20 miles to
nearest Police Station at 11108 Fort Washington Rd.

LEGEND

TRACT BOUNDARY	---
ADJACENT PROP. LINES	---
EX. EASEMENTS	---
PROP. RW	---
PROP. CENTERLINE	---
PROP. LOT LINES	---
EX. 2' CONTOURS	---
EX. 10' CONTOURS	---
EX. DITCH	---
EX. EPHEMERAL STREAM	---
EX. PERENNIAL STREAM	---
STREAM BUFFER	---
WETLANDS	---
WETLANDS BUFFER	---
PRIMARY MANAGEMENT AREA	---
FLOOD PLAIN	---
SOIL DIVIDES	---
EX. SEWER	---
EX. WATER LINE	---
EX. TREELINE	---
EX. SCRUB-SHRUB	---
STEEP SLOPES >25%	---
STEEP SLOPES 15-25%	---

PARCEL DEDICATION CHART		
PARCEL	SIZE	DEDICATION
A	3.19 AC.	HOA
B	0.21 AC.	HOA
Proposed Public Streets	0.61 AC.	On-Site Right of Way



TYPICAL HOUSE LOCATION INSET
SCALE: 1"= 50'

Robert B. Southard
PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY OR
UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED
PROPERTY SURVEYOR UNDER THE LAWS OF THE STATE OF
MARYLAND.

LICENSE NO. 239, EXPIRATION DATE 07-06-2020

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
PRELIMINARY PLAN 4-18031
TCP
PLANNING BOARD ACTION: _____
PER PGCPB RESOLUTION #: _____
ADOPTION DATE: _____
SIGNATURE APPROVAL DATE: _____
AUTHORIZED SIGNATURE

OWNER:
ANFG ACCOKEEK, LLC
11553 EDMONSTON ROAD
BELTSVILLE, MD 20705

Description	
By	
Date	

ENGINEERS
PLANNERS
SCIENTISTS
CONSTRUCTION MANAGERS
KCI
TECHNOLOGIES
935 Rockwood Blvd
Suite 100
Stearns, MD 21157
Telephone: (410) 316-7800
Fax: (410) 316-7818

ACCOKEEK PROPERTY
4-18031
PRELIMINARY PLAN OF
SUBDIVISION
9th COUNCIL DISTRICT, 5TH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

Scale: 1" = 50'
Date: November 27, 2019
Designed By: AW
Drawn By: AW
Reviewed By: BKC
Project #: 27-1805562
Sheet No: 1 of 1

**BEFORE THE PRINCE GEORGE'S COUNTY PLANNING BOARD
OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

IN RE:

**ACCOKEEK PROPERTY/
PRELIMINARY SUBDIVISION PLAN
4-18031**

ANFG ACCOKEEK, LLC /APPLICANT

**STATEMENT OF JUSTIFICATION IN SUPPORT OF
VARIATION TO SECTION 24-121(a)(4)**

ANFG Accokeek, LLC ("ANFG Accokeek"), the Applicant and owner of the property forming the subject matter of Preliminary Plan 4-18031, hereby files this request for a variation pursuant to the provisions of Sections 24-121(a)(4) and 24-113 of the Subdivision Ordinance. Specifically, ANFG Accokeek requests that the Planning Board approve a variation to allow a lot adjacent to an existing roadway of freeway or higher classification to be created with a platted depth of less than three hundred (300) feet. Section 24-121 of the Subdivision Ordinance addresses planning and design requirements. Specifically, Section 24-121(a)(4) provides as follows:

(4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a depth of one hundred fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

As will be discussed in greater detail *infra*, the property owned by ANFG Accokeek presently has frontage on Indian Head Highway (MD 210). This request is to allow for a lot to be created fronting on the MD 210 right of way with a lot depth of less than three hundred (300)

feet. MD 210 designated as a freeway and is under the control of the State. Specifically, proposed Lot 11 has a depth of 161 feet. In order to authorize the platting of said lot, a variation must be approved by the Planning Board pursuant to the provisions of Section 24-113 of the Subdivision Ordinance.

INTRODUCTION/OVERVIEW/ORIENTATION

The property which is the subject of the referenced Preliminary Plan of Subdivision (the “Subject Property”) consists of 9.08 acres located at 15650 Indian Head Highway in Accokeek. The property is located on the east side of MD 210, approximately 1700 feet north of its intersection with Livingston Road (MD 373). The Subject Property consists of a total of 1 parcel of land, which is referenced as Part of Parcel 87 on Tax Map 151. The purpose of this application is to subdivide the Subject Property into a total of 11 lots and 2 parcels in accordance with the underlying R-R Zone.

The proposed subdivision is consistent with surrounding development. Immediately abutting the Subject Property to the west, and extending to the north, is the Treeview Subdivision, which is accessed from the service road of MD 210. Also located to the north is a six lot subdivision known as Estates at Indian Head. The Treeview Subdivision is fully developed, the Estates at Indian Head, platted in 2008, has not been developed. Abutting the property to the south (adjacent to an environmental feature to be preserved) is the Accokeek Branch of the Prince George’s County Library and the Faith United Methodist Church, both of which front on MD 373.

NATURE OF REQUEST

The Subject Property is, and the design of any subdivision, is constrained by several factors. The Subject Property is irregularly shaped with frontage on two roadways. The Subject

Property has 106 feet of frontage on the MD 210 right of way and is located at the terminus of Henrietta Drive. Henrietta Drive was platted as part of the Treeview Estates Subdivision and dead ends at the property. Ten of the eleven lots are proposed to be accessed from Henrietta Drive. The Subject Property is also impacted by a stream flowing along the southern portion of the property. This stream, and the regulated environmental features associated with it, render 35% of the site undevelopable. Rather, this area will be preserved and conveyed to a homeowners association. The regulated environmental features and the location where Henrietta Drive enters the Subject Property dictate the lotting pattern. An area containing approximately 30,000 square feet is only accessible from MD 210, and one lot and an outparcel containing a stormwater management facility, are proposed for this area.

The proposed lot which will front on MD 210 is Lot 11. At this location, MD 210 is served by a service road known as Jennifer Drive. Jennifer Drive dead ends at the entrance to the Treeview Subdivision to the north, where lots either face or back up to MD 210. ANFG Accokeek proposes to access this one lot on the service road. Due to the environmental and other development constraints outlined above, as well as the unusual shape of the property, Lot 11 does not have a lot depth of 300 feet, as required by Section 24-121(a)(4). It is for this reason a variation is requested.

ANALYSIS OF VARIATION STANDARD

As noted above, Section 24-121(a) of the Subdivision Ordinance establishes design guidelines for lots that front on roads with a classification of arterial or higher. That section provides that in general, such lots are to be developed so as to provide vehicular access to either a service road or an interior driveway. Lot 11 will provide access to a service road. In addition, Section 24-121(a)(4) requires a minimum of 150-300 feet depending upon the type of roadway

classification. Since MD 210 is classified as a freeway, a 300 foot lot depth is generally required.

Notwithstanding this general requirement, the Subdivision Ordinance recognizes and acknowledges there may be certain situations when strict conformance with the provisions of the Ordinance should not be required. For that very reason, variations from the normal Subdivision Ordinance requirements are permitted pursuant to the provisions of Section 24-113. Section 24-113(a) provides as follows:

“(a) Where the Planning Board finds that (1) extraordinary hardship or 2 practical difficulties may result from strict compliance with this Subtitle and/or that the (3) purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provides that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:” (numbers and emphasis provided).

A close analysis of the criteria for the grant of a variance is both warranted and necessary. As noted from the underscored provisions of Section 24-113 above, the Planning Board may grant a variation upon finding any of the following situations to exist:

1. When an extraordinary hardship may result or;
2. When practical difficulties may result.

In each of these instances the Planning Board is not required to find that extraordinary hardship or practical difficulties will result but rather, may result from strict compliance with the Subtitle. Therefore, the Planning Board’s findings are not mandatory in the sense that the Planning Board must not find that extraordinary hardship or practical difficulties shall result from strict conformance with the Ordinance. The Planning Board is only required to find either

that extraordinary hardship or practical difficulties may result from strict application of the Subtitle.

3. In addition, the Planning Board may grant a variance if it finds that the purposes of Subtitle 24 may be served to a greater extent by an alternative proposal. Therefore, a separate ground for approval exists independent of extraordinary hardship or practical difficulties.

Section 24-113(a) goes on to note that a variation may be approved in order that “... substantial justice may be done and the public interests secured” as long as granting the variation shall not “have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article”.

In summary, an analysis of the appropriate statutory provision leads to the inescapable conclusion that a variation may be approved when the Planning Board finds:

1. An extraordinary hardship may result from strict compliance with the Subtitle; or
2. That practical difficulties may result from strict compliance with the Subtitle; or
3. The purposes of the Subtitle may be served to a greater extent by an alternative proposal.

In each of the above instances, a variation may be approved so “that substantial justice may be done and the public interest served”. Section 24-113(a) also notes that the Planning Board must make specific findings based upon evidence presented in each specific case. Those findings are set forth in five subparagraphs which will be quoted and analyzed hereinafter.

The structure of Section 24-113 is interesting in that it uses the words “extraordinary hardship or practical difficulties”, language often associated within the context of a variance. The Court of Special Appeals has noted that in proving “practical difficulty” to justify a variance, an applicant need only show that requiring strict conformance with the terms of the

restriction in question (1), "... would unreasonably prevent an owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome", (2) whether grant of the variance applied for would do substantial justice to all involved, and (3) whether relief can be provided so that the spirit of the ordinance in question can be observed. **Anderson v. Board of Appeals, Town of Chesapeake Beach**, 22 Md. App. 28, 39, 322 A.2d 200, (1974).

However, Section 24-113 is not a provision governing the grant of a variance. Rather, it is a standard governing the grant of a variation. Variances and variations are very specific terms of art and are different from one another. The fact that variances and variations are two specific and different applications, was discussed by the Court of Special Appeals in **Colao v. Maryland-National Capital Park and Planning Commission**, 167 Md. App. 194, 892 A.2d 579 (2005). In **Colao**, parties who had opposed the grant of a variation before the Planning Board within the context of a preliminary subdivision plan application argued on appeal that a variation was tantamount to a variance and that the judicially articulated standard of review for the grant of a variance would apply. The Court of Special Appeals disagreed and held:

"The word 'variation' is not a mere homespun curiosity of Prince George's County dialect. It is, in Prince George's County land planning law, a precise term of art. It is, moreover a term of art separate and distinct from the different term of art 'variance'. We are not dealing with variances in this case." **Colao** at 215.

The Court of Special Appeals went on to discuss the difference between variance findings and variation findings. In **Colao**, the Court upheld the Planning Board's approval of a variation to disturb sensitive environmental features when the Planning Board found that to deny the variation would result in a substantial loss of lots. The Court opined on the facts of that case that the loss of lots which the property owner would experience if the variation were not granted

outweighed the value of preserving the specific environmental features proposed to be disturbed. Colao, 217-218.

While ANFG Accokeek asserts that it could in fact carry the practical difficulty standard applied to variances, as articulated in Anderson, that burden is not required as we are dealing with a variation and not a variance.

DESCRIPTION AND ANALYSIS OF VARIATION

As noted above, the layout of the Subject Property is dictated by peculiar factors beyond the control of ANFG Accokeek. Land fronting on the service road of MD 210 has sufficient area, lot width at the street line, lot width at the building line to satisfy all of the requirements of the R-R zone. However, the lot depth is only 161 feet. The point at which Henrietta Drive abuts the Subject Property constrains the available lot depth for the lots on the north side. Lots 1 and 2 have lot frontages of 152 feet and 198 feet in order to provide the minimum lot area required. If less street frontage could be required for these lots, the cul-de-sac could theoretically be pulled back to allow greater lot depth on Lot 11, but this is not within the control of the owner. Further, even if a 300-foot lot depth could be provided, the location of the house is set by a swale that runs through Lot 11 from north to south. Under any circumstances, the house on Lot 11 would not be located east of this swale. As such, regardless of the depth of the lot, the house location is set.

The primary purpose of the lot depth requirement in Section 24-121(a)(4) is to mitigate the impacts associated with roadways of a higher classification. This is clear from the language in the requirement that “adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.” There are two factors to suggest that adequate protections are

being provided. First, even though proposed Lot 11 will front on the MD 210 right of way, that right of way includes the Jennifer Drive service road. In actuality, the lot will front on the service road, not on the freeway. The distance from the closest lanes on MD 210 and the property line is approximately 85 feet, providing a substantial setback. If the right of way for Jennifer Road were a separate 60 foot wide right of way adjacent to MD 210, no variation would be required, but because the service road is within the State right of way, the variation is required. Second, a noise analysis has been prepared to ensure that the rear yard of Lot 11 is not exposed to noise levels in excess of the State standard of 65dBA Ldn. The noise study—as required by County policy—is conservative. Not only does it assume traffic growth to the year 2040, it also assumes a widening of the road from 6 to 8 lanes as recommended by the 2009 Countywide Transportation Plan. Thus, the noise analysis assumes future circumstances that do not now exist and represents a very conservative estimate of noise. Even making these conservatives assumptions, the construction of s 6' tall noise wall, extending from the sides of the house and extending a short distance down the northern and southern property lines will ensure that the rear lot will be exposed to noise levels that meet all applicable standards. This noise wall will be a board and batten barrier. Should the homeowner desire to fully enclose the rear yard with a fence, the barrier would constitute a seamless transition. A gate of the same board and batten design will also be provided to provide access from the front yard to the rear. With this feature in place, adequate protections are provided.

It should also be noted that other lots have been approved by the Planning Board which front on the service road. Some lots front on the service road, while most back up to the service road. While some of these lots satisfy the 300 foot lot depth requirement, the rear yards of the homes—the outdoor living area, are exposed to the road noise with not noise barriers. For

example, the Farmington Woods Subdivision is located on the west side of MD 210. While most of the lots meet the 300 foot lot depth requirement, they back up to MD 210, the primary noise source. Not all lots in the subdivision satisfy the 300 foot lot depth requirement. On Plat 2, Note 7 (Plat Book 173 at Plat 95) notes that a variation from Section 27-121(a)(4) was approved. The Treeview Estates subdivision, referenced above, was approved with at least seven lots which do not satisfy the 300 foot lot depth requirement, however Plat Note 3 required that a DSP be approved “to address the noise and visual impacts of Route 210” (See Plat Book NLP 149 Plat No. 26). Finally, the most recent subdivision approved in the vicinity of the Subject Property was the Estates at Indian Head, platted in 2008 (Plat Book 228 Plat 83). The lots in this subdivision satisfy the 300-foot lot depth (as depicted on the plat), but the lot closest to MD 210 is not less exposed to the impacts of the road than proposed Lot 11 of the Subject Property. In that case, the only condition was that a certification be provided at the time of building permit that the interior noise levels are mitigated to 45 dBA Ldn.

The examples cited above are referenced for the purpose of noting that the Planning Board has approved lots located on the service road of MD 210 provided that adequate protections from noise have been addressed. In this case, the issue of noise is being addressed at the time of preliminary plan to ensure that every lot created provides a useable outdoor living area with acceptable noise exposure, regardless of the distance from the road.

With the above factors in mind, granting this requested variation meets all requirements of Section 24-113(a). A specific review of each of the criteria which the Planning Board must address follow:

- 1. The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property;**

As noted above, a noise study has been commissioned by the applicant to ensure that the proposed lots can be established and not exposed to unhealthy noise levels. Granting the variation with the requirement to construct the noise barriers as specified will ensure that no detriment results to the public safety, health or welfare. Further, granting the variation for the lot depth of one lot in this subdivision will have no impact to other property.

2. The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties:

As has been discussed in detail above, the conditions causing the request for this variation are indeed unique to the ANFG Accokeek. The shape of the property, the environmental constraints and the limitations on access caused by the existing abutting roadway all contribute to the need for the requested variation and are not applicable generally to other properties. Only one of the proposed 11 lots fronts on MD 210. The depth of the lot and the location of the house are dictated by site constraints that the owner does not control, supporting a finding that the conditions on which the variation is based are unique to this property.

3. The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

As stated above, proposed Lot 11 satisfies all of the requirements of the R-R Zone. The only provision the lot conflicts with is the general guideline set forth in Section 24-121(a)(4). Therefore, the variation does not constitute a violation of any other applicable ordinance, law or regulation.

4. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would

result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

The portion of the property which fronts on MD 210 cannot be reasonably accessed from the extension of Henrietta Drive, and existence of the regulated environmental features and property depth do not allow for a 300 foot lot depth to be provided. If the strict letter of these regulations is carried out, this area would be rendered unuseable, which would result is a particular hardship to the owner.

5. In the R-30, R-30C, R-18, R-18C, R-10A, R-10 and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

This section is inapplicable since the Subject Property is zoned R-R.

CONFORMANCE WITH PURPOSES OF SUBTITLE 24

The grant of this variation request will also serve the purposes of the Subdivision Ordinance. The purposes of the Subdivision Ordinance are set forth in Section 24-104(a). Those purposes are as follows:

(1) To protect and provide for the public health, safety and general welfare:

As has been discussed in detail above, a noise study has been prepared which demonstrates that the public health, safety and general welfare can be provided by construction of a noise barrier which, for all practical purposes, functions as a fence screening the rear yard from the impacts of MD 210.

(2) To guide development according to the General Plan, area master plans, and their amendments:

The Property lies within the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (“Master Plan” and “SMA”). The Master Plan recommends Residential Low for the Property (Map IV-1; p. 32), and the SMA retained the R-R (Rural Residential) Zone. Thus, the proposed subdivision is in accordance with the area master plan.

(3) To facilitate public and private actions in order to provide adequate and efficient transportation, water and sewerage facilities, schools, parks, playgrounds, recreation, police facilities, fire and rescue facilities, and other public facilities.

All of the applicable public facilities will be addressed in this application. It is noted that the service road along MD 210 was provided to allow access to properties abutting it. While the proposed subdivision is able to access all but one lot from an internal subdivision street connection, it is appropriate to access this lot from the service road.

(4) To provide the most beneficial relationship between the subdivision of land and the circulation of traffic, having particular regard for the avoidance of congestion on the streets and highways and the pedestrian movements appropriate to the various uses of land and buildings, and to provide for the efficient and appropriate locations and widths of streets;

Accessing one lot from the service road will not result in any congestion on the streets. The overall impact of the subdivision is being evaluated as part of the application.

(5) To insure proper legal descriptions and monumenting of subdivided land and to help County officials in securing adequate records of land title;

This purpose is inapplicable to this variation.

(6) To establish reasonable standards of design and to establish procedures for subdivision and resubdivision;

For all of the reasons set forth above, the variation being requested represents a reasonable design standard for the subdivision of this property.

(7) To ensure that public facilities will be available and will have sufficient capacity to serve the proposed subdivision;

Again, approving a single lot with less than 300-foot lot depth has no adverse impact on public facilities.

(8) To prevent the pollution of the environment; to provide for conceptual review by other agencies, when appropriate, of drainage, stormwater management, site stabilization and sediment control; and to encourage the wise use and management of nature resources throughout the Regional District in order to preserve the integrity, stability and beauty of the County, and the value of the land;

To the extent noise pollution is an appropriate consideration, the noise study has demonstrated that the proposed lot can be mitigated from the noise impacts of the adjacent freeway even without providing a 300-foot lot depth.

(9) To provide for open space through the efficient design and layout of land, including the use of cluster development, while preserving the residential densities established in the Zoning Ordinance;

The variation being requested has no impact on open space being provided.

(10) To encourage creative residential subdivision design that accomplishes these purposes in a more efficient, attractive, and environmentally sensitive manner than would be otherwise accomplished, through the provisions of the operational residential design

approach; and

As noted above, the regulated environmental features on site, along with the shape and topography of the property, create the need for this variation. The proposed subdivision design preserves these environmental features without resulting imposing practical difficulties on the owner of the Subject Property.

(11) To protect historic resources listed on the Inventory of Historic Resources of the adopted and approved Historic Sites and Districts Plan.

This variation will have no impact on historic resources.

(12) To protect archeological sites that are significant to understanding of the history of human settlement in Prince George's County.

This variation will have no impact on archeological sites.

CONCLUSION

The subdivision has been designed to conform to the requirement of Subtitle 24 to the maximum extent possible. Given the site constraints which dictate the layout of the proposed lots, the subdivision design requires one lot to access MD 210, a designated freeway. These same constraints prevent the lot from achieving a 300-foot lot depth. Notwithstanding, the lot can be designed to ensure that the rear yard is not exposed to noise above County limits. As stated above, even if 300 feet of lot depth could be provided, the topography dictates the location of the house, and County policy would have required that the impacts of noise be evaluated and addressed. In view of the facts cited above, ANFG Accokeek submits that the variation being requested is justified as both a practical difficulty may result from strict compliance with the Subtitle and the fact that the purposes of the Subdivision Ordinance will be equally served by allowing the creation of a single lot with less than a 300 foot lot depth. All of the findings

which the Planning Board is required to make in order to approve a variation are supported by substantial factual evidence in this case. In view of all of the above, ANFG Accokeek submits that the variation to allow the platting of proposed Lot 11 with a lot depth of 161 feet should be approved as requested.

Respectfully submitted,



Thomas H. Haller
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033