

I hereby certify that this drawing is based on a field survey made on 8/4/2021 by me or under my supervision and to the best of my knowledge information & belief correctly represents the facts found at the time of survey.



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### **JUSTIFICATION STATEMENT**

#### **DIAMATIO PROPERTY**

**4-19041**

#### **DESCRIPTION OF PROPOSED USE/REQUEST**

THIS PROJECT PROPOSES A MINOR SUBDIVISION TO SUBDIVIDE THIS 1.09/1.23 ACRE PARCEL INTO TWO (2) LOTS AS SHOWN IN THE SITE DEVELOPMENT CONCEPT PLAN. THE OWNER ANTICIPATES FUTURE (LONG-TERM) DEVELOPMENT OF ONE NEW HOUSE ON THE PROPOSED LOT. THE PROPOSED MINOR SUBDIVISION'S LOCATION IS 14907 BERRY ROAD ACCOKEEK, MARYLAND 20706

#### **DESCRIPTION OF LOCATION AND THE SUBJECT PROPERTY**

THIS SITE CONTAINS 1.09 ACRES (PRINCE GEORGE'S COUNTY MD SDAT RECORD), HOWEVER, 1.23 ACRES (SURVEY COMPUTED) AND APPROXIMATE 0.81 ACRES OF THE SITE IS WOODED AREA. THE PROPERTY IS ZONED R-R WITH AN EXISTING HOUSE APPROXIMATELY 1,057 SF IN SIZE. THE EXISITING HOUSE WILL REMAIN. THERE ARE TWO (2) SPECIMEN CHAMPION OR HISTORIC TREES ON-SITE. THE PROJECT SITE IS LOCATED WITHIN SOUTH PISCATAWAY SUBDIVISION IN ACCOKEEK, PRINCE GEORGE'S COUNTY, MD. THE SITE IS LOCATED OFF BERRY ROAD AND APPROXIMATELY 800 LF TO THE SOUTH FROM THE INTERSECTION OF BERRY ROAD AND AIRPORT LANE. THE SITE IS BOUNDED BY EXISTING RESIDENTIAL DEVELOPMENTS TO THE NORTH AND WEST, VACANT PARK LAND TO THE SOUTH AND BERRY ROAD TO THE EAST.

#### **DESCRIPTION OF REQUIRED FINDINGS**

##### **Sec. 24-103. - Policy.**

(a) It is hereby declared to be the policy of Prince George's County to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the County, pursuant to the General Plan, for the orderly, planned, efficient, and economical development of the County.

(b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, safety, and welfare. Land shall not be subdivided until needed public facilities are available, or will be made available in the foreseeable future, and proper provision has been made for capital improvements, such as schools, police facilities, fire and rescue facilities, parks, recreational facilities, transportation facilities, and other improvements.

### **Sec. 24-105. - Authority.**

By authority of Article 28 of the Annotated Code of Maryland, and other applicable laws, statutes, ordinances, and regulations of the State of Maryland, the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission does hereby exercise the power and authority to review, approve, approve with modifications or conditions, or disapprove preliminary plans and final plats for the subdivision of land in that part of the Regional District within Prince George's County, which show lots, blocks, or sites, with or without new streets or highways

### **Sec. 24-107. - Jurisdiction**

(a) This Subtitle shall apply to all subdivision of land, as defined herein, within the boundaries of that part of the Regional District in Prince George's County, Maryland.

(b) No land shall be subdivided within the Regional District in Prince George's County until:

(1) The subdivider or his agent shall obtain approval of the preliminary plan and final plats by the Planning Board (or the Planning Director in the case of minor subdivisions as determined by the Director); and

(2) The approved final plat is filed in the Land Records of Prince George's County.

### **Sec. 24-111. - Resubdivision of land.**

(a) In any case where land has been legally subdivided according to the law in existence at the time of such subdivision and the present owner desires to change the relationships between a lot and the street shown on the record plat, or between one lot and another, action by the Planning Board shall be governed by the same procedures, rules, and regulations as for a new subdivision, except where filing a final plat is optional, as provided by [Section 24-107\(d\)](#).

(b) In accordance with specific provisions of the Zoning Ordinance, the Planning Board may approve the resubdivision of residentially zoned land which creates new lots that may not comply with all current requirements of the Zoning Ordinance applicable to new subdivisions. Such resubdivision may only be approved for land previously subdivided in accordance with the Zoning Ordinance standards applicable at the time of the previous subdivision. Such resubdivision may be approved only in those residential zones for which the Zoning Ordinance specifically provides alternative minimum development standards, and only in accordance with the following requirements:

(1) No greater number of lots shall be created;

(2) All requirements of this Subtitle have been met including the dedication of land for parks.

(3) A petition to vacate the previously recorded plat has been filed; and

(4) The proposed subdivision is better than the recorded one in terms of design amenities, environmental conservation, or energy conservation.



(5) Is not located within Sustainable Growth Tier IV.

If for the purpose of resubdivision, the recorded final plat is submitted without modifications, the Planning Board shall approve the resubdivision as submitted if it finds that adequate public facilities exist or are programmed for the area within which the subdivision is located, as defined in Division 3 of this Subtitle. If the recorded final plat is submitted with modifications, the Planning Board may approve the resubdivision in accordance with Subsection (a) or (b), above.

(d) Paragraph (c) of this Section does not apply to properties subject to the ILUC provisions established in [Sec. 24-120.03](#)(b) of the County Code.

**NEW vs. OLD ORDINANCE SECTIONS 24-1904(a)(b):**

(a) The Project has been designed with the old regulations in mind. The applicant does not wish to start the design from the beginning with the new ordinance

(b) The applicant has anticipated long-term development for the proposed lot to erect a new house. The proposed use of the property will be two single family detached dwellings.

**SUMMARY / CONCLUSION OF REQUEST**

THIS REQUEST FOR A MINOR SUBDIVISION IS WELL WITHIN THE COUNTY REQUIREMENTS TO SUBDIVIDE ONE LOT INTO TWO LOTS AS IDENTIFIED IN THE DESCRIPTION OF REQUIRED FINDINGS. THE EXISTING HOUSE WILL REMAIN ON SITE AS IS WITH NO PLANS FOR EXPANSION/ADDITION TO CURRENT SQUARE FOOTAGE. THE OWNER IS ANTICIPATING FUTURE NEW DEVELOPMENT OF ONE NEW HOUSE WITH THIS PROJECT. THE OWNER IS REQUESTING TWO NEW LOT NUMBERS AND TWO NEW TAX ACCOUNT NUMBERS. THE NEW HOUSE DOES NOT PROPOSE A BASEMENT, AS SUCH NO EROSION AND SEDIMENT CONTROL WILL BE REQUIRED FOR THIS PROJECT. STORMWATER MANAGEMENT HAS BEEN APPROVED FOR THIS PROJECT. THE SITE CURRENTLY HAS WATER AND SEWER HOUSE CONNECTIONS FOR THE EXISTING HOUSE. THERE WILL BE A 15 FEET RIGHT-OF-WAY DEDICATION AT LOT FRONTAGE WITH THIS PLAN.

Respectfully,

*Kim Lee Comedy*

Kim L. Comedy

Managing Member

Millennium Engineering, LLC