

— EXISTING INDEX CONTOUR

SLOPES 15% TO 25%

SLOPES 25% OR GREATER

— — — — EXISTING INTERMEDIATE CONTOUR

----- OVERHEAD WIRE

— — NRCS Soils

-----G ------ UNDERGROUND GAS

-O- POWER POLE

IRON PIPE FOUND

• REBAR & CAP FOUND

⊙_{GUY} GUY WIRE

WATER MANHOLE

FIRE HYDRANT

→ WATER VALVE

⊕ FLOOR DRAIN

ROOF DRAIN

PRELIMINARY SUBDIVISION NOTES:

- 1. The subject property is shown on Tax Map 25-F2 & 25-F3 and WSSC 200-Foot Sheet 211NE05.
- 2. The purpose of this subdivision is to divide the existing parts of two subdivided lots
- and create two lots to allow for the construction of one additional Single Family Dwelling. 3. An exemption from the Woodland Conservation Ordinance was granted under
- S-200-2020 on December 31, 2020. NRI-075-2020 was approved on August 6, 2020.
- 4. The zoning for the entire project is R-55. Gross and net project area is 13,564 sq. ft. or 0.3114 acres.
- 5. This project is not within the Primary Management Area, has no Environmental Regulated Features.
- 6. DPIE confirmation that no floodplain exists on this site was issued on April 30, 2020 (Case No. 15847-2020-0).
- 7. There is no road dedication proposed by this subdivision. See General Note 11.
- 8. The existing Zoning is R-55. The existing use is Residential.
- 9. The proposed Zoning and Use are R-55 and Residential.
- 10. All proposed dwellings to be single family residential.
- 11. See Zoning Compliance tabulation for density, lot size, gross floor areas and other zoning compliance matters.
- 12. The property is in Sustainable Growth Tier 1.
- 13. This project is not located in a Military Installation Overlay Zone.
- 14. The subject property is not located within the 2009 Joint Base Andrews Noise Contours.
- 15. The property is not located in a Center or Corridor location.
- 16. Site Development Concept Plan (SDCP 10944-2020-0) was filed with Department of Permitting, Inspections and Enforcement (DPIE) and was approved on February 1, 2021,
- 17. The existing and proposed Water and Sewer Categories for the subject property are W-3 and S-3. Existing water and sewer serve the property.
- 18. The site is not located within an Aviation Policy Area (APA).
- 19. Lot 51 is exempt from Mandatory Park Dedication under Section 24—134(a)(3)(C) Mandatory Park Dedication for Lot 52 will be provided by payment of fee-in-lieu.
- 20. There are no cemeteries adjacent or contiguous to the property.
- 21. There are no historic sites on or in the vicinity of the subject property.
- 22. A Forest Conservation Plan is not required for this property as an exemption from the Woodland Conservation Ordinance was granted under S-200-2020 on December 31,
- 23. The site is not located within the Chesapeake Bay Critical Area (CBCA).
- 24. There are no streams or wetlands associated with this project as field verified by Marion Bundens, Qualified Professional.
- 25. There are no easements held by the Maryland Environment Trust, the Maryland Agricultural Land Preservation Foundation or any land trust or organization in or adjacent to the subject property.
- 26. The subdivision shown on the plan meets the requirements of the R-55 zone except as noted below. Front setback and side yard setback Variances were requested for the existing single family dwelling on proposed Lot 51. A Variance was requested for the accessory building rear yard setback for the existing garage on Lot 51. A Variance was requested for the lot area and lot width at the building line.

ZONING COMPLIANCE					
	Required / Allowed	Proposed			
Description	R-55 Zoning	Lot 51	Lot 52		
Net Lot Area	6,500 sq. ft.	7,264 sq. ft.	6,300 sq. ft.***		
Lot Coverage (Including Dwelling)	30%	28.5% (2,070 sq. ft.)	30% max.		
Minimum Lot Width					
At Front Street Line	45 ft.	70.00 ft.	60 ft.		
At Front Building Line	65 ft	70.00 ft.	60 ft.***		
Front Setback	25 ft.	24.2 ft. *, **	25 ft. min.		
Side Setback	17 ft. / 8 ft.	6.4 ft *, **	17 ft. min. / 8 ft. min		
Corner side yard along street	25 ft.	24.6 ft. *, **	n/a		
Rear Setback	20 ft.	43.9 ft. *	20 ft. min.		
Building Height	35 ft.	< 35 ft.	≤ 35 ft.(TBD)		
Density	6.70 units / ac.	6.42 units / ac.			
* Existing house to remain.					
** Variances requested for Lot 51 Front and					
*** Variances requested for Lot 52 Minimum	Lot Width at Front Building Line a	and Net Lot Area			

ACCESSORY BUILDING				
	Poguirom ent	Propo	oposed	
	Requirement	Lot A	Lot B	
Coverage	25% of yard	7.9% (577 sq. ft.)	n/a	
Front Setback	60	79.8 ft. *	n/a	
Side Setback	2 ft	11.7 ft. *	n/a	
Rear Setback	2 ft	1.1 ft. *, **	n/a	

* Existing accessory building to remain ** Variance requested for Lot 51 Rear Setback.

REVISIONS

DATE

REV. NO.

OWNER / APPLICANT

HOMES DC, LLC 5019 MUSKOGEE STREET COLLEGE PARK, MD. 20740-4508 PHONE: 202-361-9210

VICINITY MAP

SCALE: 1" = 2000'

GENERAL NOTES:

- 1. Owner: Homes DC, LLC Property Description: Part of Lots 42 & 43, Block 4, Addition to Daniels Park. Plat Book 21 Plat No. 60 Deed: Liber 37534, Folio 52 Property Area: 13,564 Sq. Ft. or 0.3114 Ac. Zoning: R-55
- 2. The boundary for this property is from two Subdivision Record Plats. The first being entitle Part of Block 4, The Addition to Daniels Park and recorded among the Land Records of Prince George's County in Plat Book WWW 21 as Plat No 60. The second Plat being entitled Lot 47, Block 4, The Addition to Daniels Park and recorded among the Land Records of Prince George's County in Plat Book WWW 51 as Plat No 19. The horizontal datum for this plan is plat datum.
- 3. Topographic information on this plan is by survey conducted by Landmark Engineering, Inc. in the field in January, 2020. The vertical Datum is from WSSC Plan BR588A15 and is NGVD 1929.
- 4. Utilities on this plan are from WSSC records and supplemented by observation in the field by Landmark Engineering, Inc. survey.
- 5. The NRCS Soils Map for Prince George's County, Maryland identifies one soil type for the entire subject property. The soil is Christiana Downer Urban Complex which is hydrologic soil group D.
- 6. The subject property is shown in Zone X area of minimal flooding hazard according to flood Insurance Rate Map for Prince George's County, Maryland, Community Panel 24033C0043E effective September 16, 2016.
- 7. This project qualifies for an exemption from Stormwater Management because the disturbed area is under 5,000 sq. ft.
- 8. Since the proposed earthwork for this project would exceed 100 cu. ft. a combined concept and final Engineered Sediment Control Plan will be filed.
- 9. Site Development Concept Plan (SDCP 10944—2020—0) was approved by the Department of Permitting, Inspections and Enforcement (DPIE) on February 1, 2021.
- 10. No Rare Threatened or Endangered (RTE) species were observed on this site. In a letter date May 14, 2020, Maryland Department of Natural Resources, Environmental Review Coordinator, Lori Byrne verified that there are no official State or Federal records of listed plants or animals
- 11. In lieu of right of way dedication the owner shall enter into an agreement to provide a publi improvement easement as shown on this plan for future construction of sidewalk per letter dated September 19, 2019.

General Information Table		
Zoning (Zone)	R-55	
Aviation Policy Area (APA)	N/A	
Tax Grid (TMG)	25-F3	
WSSC Grid	211NE05	
Planning Area	Subregion 2, Number 66	
Election District	21, Berwyn	
Councilmanic District	District 1	
General Plan 2002 Tier	Developed	
Traffic Analysis Zone (COG)	907	
PG Traffic Analysis Zone	654	

Site Statistics	Total
Gross tract area	13,564sq. ft or 0.3114 ac.
Existing 100-year floodplain	n/a
Net Tract Area	13,564sq. ft or 0.3114 ac.
Existing woodland in the floodplain	n/a
Existing woodland net tract	none
Existing woodland total	n/a
Existing PMA	n/a
Regulated streams (linear feet of centerline)	n/a
Riparian (wooded) buffer up to 300 feet wide.	n/a

PROJECT NARRATIVE:

The purpose of this project is to subdivide the existing parts of two subdivided lots and create two lots. The existing buildings on the first lot will remain and one additional single family dwelling will be constructed. The surrounding property is exclusively single family dwelling development with maintained lawns with occasional landscaping and trees.

MNCPPC APPLICATION NO. 4-20041

PROFESSIONAL CERTIFICATION PRELIMINARY PLAN OF SUBDIVISION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND FOR RESUBDIVISION OF SURVEYOR UNDER THE LAWS OF THE ATE OF MARYLAND, LICENSE NO. 2139 EXPIRATION DATE: FEBRUARY 4, 2022. PART OF LOTS 42 & 43, BLOCK 4

THE ADDITION TO DANIELS PARK

PROPERTY OF: HOMES DC, LLC, L 37534 F. 52 21 (BERWYN) ELECTION DISTRICT PRINCE GEORGE'S COUNTY, MARYLAND

11208 BUCKWOOD LANE PREL PHONE: (301) 230-5881 SCALE: 1" = 20' FAX: (301) 230-5884 DATE: JULY 22, 2021 ROCKVILLE, MARYLAND 20852 CONSULTING ENGINEERS SURVEYORS PLANNERS SHEET: 1 OF: 1



LANDMARK ENGINEERING, INC.

11208 Buckwood Lane Rockville, MD 20852

301-230-5881 Fax: 301-230-5884

E-Mail: landmarkengr@aol.com

consulting engineers • planners • surveyors

September 10, 2021

Statement of Justification for Zoning Variance Preliminary Plan 4-20041

Background:

The subject property for this variance request is located at 9501 50th Place. College Park, Maryland and is known as Part of Lots 42 & 43, Block 4, Daniels Park. The current and proposed zoning is R-55. The part of Lot 42 has an existing single family dwelling and an accessory building. As part of the minor subdivision request to adjust the lot line between this lot and the adjacent Part of Lot 43, Block 4 it was determined that the existing buildings do not meet current zoning code. The minor subdivision would create Lots 51 & 52, Block 4, Daniels Park. It is with this statement of justification that we request relief from parts of Section 27-442 of the Prince George's County Code.

According to SDAT information the primary structure was constructed in 1951. The Maryland database for plats does not include recording dates for plats this old. The plat which created the current right of way line along Kenesaw Street, Plat Book 20, Plat No. 33 was signed by WSSC in January of 1952 and presumably recorded shortly after that date. The plat recorded as Plat Book 21, Plat No. 61 established the 50th Place right of way line. This plat was signed by WSSC on October 17, 1952. It is thought that the house was constructed with the anticipation that these two streets would be dedicated as the front door for the house faces 50th Place. As a corner lot, the setback for both streets per Section 27-442(e) should be 25 feet. However, the location is off by a small amount.

The property to the rear of the lot was created by Deed on February 10, 1964 and recorded as Lot 47, Block 4, Daniels Park in Plat Book 51 Plat No. 9 in March of the same year. It is unclear if the garage was constructed prior to these dates.

Conditions Requiring variance:

The following existing conditions described in Items 1 & 2, below, require a variance from the Zoning Regulations of 27-440.

- 1. The existing structure is setback from Kenesaw Street is 24.2 and the setback from 50th Place is 24.6 feet which are both short of the 25 foot front setback required by Section 27-442(e) of the zoning regulations. This is a condition which is not created by the proposed re-subdivision of the lots. We hereby request a variance for this Section 27-442(e) of the code for existing Part of Lot 42 which is proposed Lot 51.
- 2. The rear setback of the existing accessory building is 1.1 feet which falls short of the 2 foot minimum rear yard required by Section 27- 442(i) of the zoning regulations. This condition is

not created by the proposed re-subdivision of the lots. A variance for this section is requested for existing Part of Lot 42 which is proposed Lot 51.

As mentioned above, the proposed minor subdivision would adjust the lot line to provide two recordable lots from the existing parts. There is one additional existing condition, Item 3, would require a variance based on the new lot configuration created by the proposed subdivision.

3. There is a covered porch on the corner of the house nearest to Kenesaw Street which would create a non-conforming condition with respect to the side yard setback conditions of Section 27-442(e). In order to create Lot 52 with a standard 65 foot width, the setback distance of the existing screened porch on proposed Lot 51 would be 1.4 feet from the new property line.

Alternatives Considered: The following options were considered as potential solutions to this situation.

- a. A variance to the setback regulations that would allow the side setback for proposed Lot 51 to be reduced from 8 feet to 1.4 feet.
- b. A variance to the minimum lot area regulations to allow Proposed Lot 52 to be 58.00 feet wide and lot area to be 6,090 square feet. This alternative would provide an 8.4 foot setback for the existing covered porch.
- c. As an alternative, we considered a combination of items a and b, above. This combination would allow a larger setback from the existing porch than would be provided in option a., above and a larger lot than in option b., above. Specifically, Lot 52 would be 60.00 feet wide and 6,300 square feet. The existing porch on Lot 51 under this proposal would be 6.4 feet from the new property line and a minimum of 14.4 feet from any possible house on Lot 52. This would be a variance of 1.6 feet. We felt that this combination would be the best solution and the variances described in the next paragraphs reflect this option.

We are requesting the proposed Lot 52 be granted a variance for width under Section 27-442(d) and be permitted to have a front Lot Width of 60.00 feet at the Building Restriction Line. This configuration would create a lot 6,300 square feet and require a variance for area less than 6,500 square feet as required under section 27-442(b). This variance is for a reduction of lot area by 200 square feet.

We are requesting a variance for Section 27-442(e) to allow the side yard for Lot 51 to be reduced from 8.0 feet to 6.4 feet. This variance is for a reduction of side yard setback by 1.6 feet.

Findings Required for variance:

Section 27-230 of the Zoning Ordinance states that a variance may only be granted when the Board of Zoning Appeals finds that:

- 1. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions
 - The existing lot is not exceptionally narrow or shallow.
 - There is nothing exceptional regarding the shape or topography.
 - The extraordinary situation is that there is an existing house that was apparently built shortly before the subdivision of the property.
- 2. The strict application of this subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the owner of the property.

- As the house has existed for more than 68 years it would be peculiar and unusual to raze or modify the structure to meet the current zoning code.
- The roof of the covered porch extends well up the line of the roof and would require considerable structural modifications to eliminate. The modification to the existing roof is well beyond what would be considered normal roofing maintenance due to the changes required in installing new rafters. The undue hardship involved would be to incur significant construction expense with no additional value to the existing house. At present there is a prohibition on rent increases due to the pandemic. The owner would have to pay the debt service on the construction until such a time as the rents could be increased. There may be tenant protections which would limit the rent increase on existing tenants.
- 3. The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan. All of these criteria must apply.
 - The Prince George's 2035 Approved General Plan shows this area as medium residential.
 - The Approved Master Plan, Adopted 1989 and Sectional Map Amendment, May 1990, Langley Park, College Park and Greenbelt also identify this area as residential.

Since the existing and proposed use are residential, there is no impairment to the intent, purpose or integrity of the General Plan or Master Plan.

- The requested variances for proposed Lot 52 would not create a lot which is out of character for the neighborhood.
 - Lot 44 which is immediately to the east of the proposed subdivision is 60 feet wide and 5,400 square feet and was created by the same record plat as Lots 42 and 43 in 1952.
 - Lot 46 which is adjacent at the northeasterly corner of the proposed Lot 52 is 50 feet wide and 6,000 square feet and was also created by the same record plat.
 - In 2013 a record plat titled Lots 48 through 50, Block 4, Daniels Park and recorded at Plat Book 238 as Plat No 46 created two lots which are less than 60 feet at the building restriction line and less than 6,000 square feet.
 - On Lot 48 there is an existing deck which is 2 feet from the property line of Lot 49.

We request that the Planning Board approve the proposed Lot 51 variances for front and rear setbacks.

Ultimately zoning codes are designed to protect property values, tax revenue and public safety. Property values and tax rates are calculated by the value of the land and the value of the improvements. Also, this subdivision is fulfilling a county goal of providing practical infill development. Since there are other existing improvements which are less than 6.4 feet in the neighborhood, we feel the variance for side yard setback on Lot 51 should be approved. Since the proposed variances are consistent with lot widths and areas for other lots in the neighborhood, we feel the variance request for the width and area for Lot 52 should be approved.

Sincerely:

-DocuSigned by:

Charles Grimsley 9/10/2021

Landmark Engineering, Inc. Charles T. Grimsley, P. E.