

R E S O L U T I O N

WHEREAS, Residential Dev., LLC., is the owner of a .26-acre parcel of land known as Ammendale, Knotts Addition To Lot 67 - east side of Gordon Avenue, approximately 1,200 feet north with Ammendale Road, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on February 16, 2000, Ryan Homes filed an application for approval of a Preliminary Subdivision Plat and Conceptual Site Plan (Staff Exhibit #1 and #2) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat and Conceptual Site Plan, also known as Preliminary Plat and Conceptual Site Plan 4-00009, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on April 6, 2000, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on April 6, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plat of Subdivision and Conceptual Site Plan 4-00009.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
1. The sole purpose of the subject preliminary plan is to grant a modification to the front building restriction line from 25 feet to 23.5 feet for Lot 67, Block A of Knotts Addition to Ammendale.

The original Preliminary Plan 4-00009 (PGCPB No. 95-39) for the subject application was approved in 1995 and went to Final Plat in 1998 (VJ 184@11).

The purpose of this resubdivision is to grant a modification to the development regulations for Lot 67, Block A. The modification is necessary because the house was constructed 1.5 feet closer to the street than was allowed. The required front building

restriction line is 25 feet. The subject application will modify the front building restriction line from 25 feet to 23.5 feet for this lot only.

2. Modification of the Subdivision Regulations is justified because (1) the strict application of Subtitle 24 will result in undue hardship upon the owner of the property; and (2) the variation will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.
3. The reduction in front yard setback will not negatively affect the development since the difference of 1.5 feet is not visually perceptible.
4. The Planning Board can grant modification and variations to cluster regulations as stated in Subtitle 24.

ACriteria for approval. An approved cluster development shall, through creative design and variety of one-family detached dwelling styles, provide for a total development better than that which would normally be achieved under standard regulations. If, in the opinion of the Planning Board, the proposed Preliminary Plat of Subdivision, Conceptual Site Plan, Detailed Site Plan, or architectural drawings could be improved with respect to the criteria listed below by the reasonable modification of the purpose, configuration, location, or design of cluster open space or buildings, or the location or configuration of lots, streets, parking areas, or other features of the development, the proposed Preliminary Plat of Subdivision, Conceptual Site Plan, Detailed Site Plan, or architectural drawings shall be so modified or disapproved.@

5. The Board of Zoning Appeals is specifically prohibited from granting variances to any requirements applicable to cluster developments with the exception of granting variances for homeowners improvements.
6. The findings and conditions of approval of Preliminary Plan 4-00009 (PGCPB No. 95-39) are adopted by reference for the resubdivision of Lot 67, Block A.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner McNeill, seconded by Commissioner Boone, with Commissioners McNeill, Boone, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 6, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of April 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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