

R E S O L U T I O N

WHEREAS, Edward Brady is the owner of an .89-acre parcel of land known as Landover Hills Brady=s Addition to, said property being in the 02 Election District of Prince George's County, Maryland, and being zoned R-20; and

WHEREAS, on May 30, 2001, Edward Brady filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 12 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01047 for Landover Hills, Brady=s Addition 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 October 18, 2001, 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 with conditions of the application with conditions; and

WHEREAS, on October 28, 2001, 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 Variance Application No. VP-01047/01 to Sections 27-442(e) and (c) and further APPROVED Preliminary Plan of Subdivision 4-01047, Landover Hills, Brady=s Addition for Lots 1-12, and APPROVAL of variations to Section 24-121(a)(3) and (4) with the following conditions:

1. Prior to the issuance of a building permit, the applicant, his heirs, successors, and/or assigns shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements, and upon state approval, along Annapolis Road (MD 450). If the state declines the sign, this condition shall be void.
2. Prior to approval of the Final Plat of Subdivision, the applicant, his heirs, successors and/or assigns shall pay a fee-in-lieu of parkland dedication.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #3267-2001-00.
4. Prior to signature approval, the preliminary plan shall be revised:
  - a. To extend by 20 feet the proposed brick pillar/board on board fencing along the side property lines of Lots 1 and 12.

- b. To indicate that the six-foot-wide landscape strip along the property=s frontage will be planted in accordance with Section 4.3 of the *Landscape Manual*.
  - c. To provide a table of the approved variances and provide reference to the variance case number.
  - d. To clearly delineate the limit of the easement and provide distances.
  - e. To indicate the location of the placement of the regulatory signs for access and parking along the ingress and egress easement.
  - f. To remove the handicap parking space and provide a note that the site is exempt from providing a handicap parking space.
5. Building permit site plans shall demonstrate the following:
- a. To provide the brick pillar/board-on-board fencing in accordance with the detail in the approved preliminary plan of subdivision
  - b. To extend by 20 feet the proposed brick pillar/board-on-board fencing along the side property lines of Lots 1 and 12.
  - c. To indicate that the six-foot-wide landscape strip along the property=s frontage will be planted in accordance with Section 4.3 of the *Landscape Manual*.
  - d. To provide a table of the approved variance and provide the variance case number.
  - e. To clearly delineate the limit of the ingress and egress easement and to provide distances.
  - f. To indicate the location of the placement of the regulatory signs for access and parking along the ingress and egress easement.
  - g. To remove the handicap parking space and provide a note that the site is exempt from providing a handicap parking space.
9. Prior to the approval of a building permit, the applicant, his heirs, and/or assigns shall obtain necessary access permits from the State Highway Administration (SHA) for access along MD 450. The applicant is required to comply with SHA requirements for signage, markings, and physical modifications, including installation of ADo Not Enter@ signage at the exit from the site, which are needed to ensure safe operations of the proposed one-way street.
10. Prior to signature approval of the preliminary plan, the plan shall be revised to show

six-foot-high board-on-board fencing on the sides of the rear yard areas of lots 1, 3, 4, 6, 7, 9, 10, and 12. The preliminary plan shall provide a detail of the required fencing.

11. At time of final plat of subdivision, a note shall be added to the plat to require that development occur in conformance with the noise abatement measures contained in the noise study dated August 6, 2001, and additional noise abatement measures previously recommended by staff. The note shall read as follows:

APrior to the issuance of permits for residential units, certification by a professional engineer with competency in acoustical analysis shall be provided that states that within the MD 450 noise corridor mitigation measures have been incorporated to attenuate interior noise levels to 45 dBA(Ldn) and exterior (active rear yard) noise levels to 65 dBA(Ldn) or less. The permit package shall include all information necessary to implement the stated mitigation measures.@

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.
2. The property is located on the north side of Annapolis Road (MD 450) approximately 570 feet east of 68<sup>th</sup> Avenue and east of the Baltimore Washington Parkway.
1. Environmental - This property has been previously reviewed by the Environmental Planning Section as pre-preliminary plan P-01001. This preliminary plan proposes the construction of 12 dwelling units. A review of the information available indicates that no streams, wetlands, or 100-year floodplain are found to occur on this property. The eastern half of this site is wooded and an area of severe slopes runs through the center of the property from north to south and continues east along MD 450. The site is located in the Northeast Branch watershed, which is a tributary to the Anacostia River.

The soils found to occur on this property according to the Prince George=s County Soil Survey include the Sandy and Clayey series, which may be unstable and exhibit high shrink/swell potential for home foundations. A soils study may be required by the Department of Environmental Resources prior to the issuance of permits. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources-Natural Heritage Program. No historic or scenic roads are affected by this proposal. The sewer and water service categories are S-3 and W-3.

This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site is less than 40,000 square feet in size, and is not subject to a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required. An exemption letter has been obtained from the Environmental Planning Section. This letter should be presented at time of application for all grading and building permits.

MD 450 is a major source of noise that will impact both exterior and interior living areas. The noise standards are 65 dBA for exterior living areas and 45 dBA for interior living areas. MD 450 is classified as a divided arterial, with the 65 dBA noise contour occurring approximately 830 feet from the centerline of the roadway. A Phase I Noise Study and a Phase II Noise Study were requested and submitted for review. The 65 dBA noise contour has been added to the preliminary plan but it was not measured from the centerline of MD 450 as required. While this discrepancy does affect the results of the Phase I Noise Study, recommended noise mitigation measures, in addition to the recommendations in the Phase II Noise Study, will adequately address the noise levels from MD 450.

Based on discussions with staff, the preliminary plan has been revised to angle the buildings to reduce the rear yard noise impacts from MD 450. It does not appear that the Phase II Noise Study evaluated the exterior noise impacts or the effectiveness of proposed fencing. A six-foot board fence has been added to the preliminary plan along the MD 450 frontage, which will serve to mitigate some of the noise in the exterior living areas, but there are gaps in the fence that will lessen the effectiveness of the fence as a mitigation measure. Staff has recommended the addition of fences on all side yards to reduce the noise levels in rear yards. These additional fences should be shown on the preliminary plan.

Recommended interior sound mitigation measures such as the appropriate type of sound transmission class (STC) for building materials were included in the Phase II Noise Study provided, but were not included on the preliminary plan.

These mitigation measures include:

STC 32 front windows, STC 29 front doors, and STC 39 front walls for the middle units.

STC 34 front windows, STC 29 front doors, STC 41 front walls, STC 41 end walls for the front rooms, and STC 39 end walls for rear rooms in the end units.

To achieve an STC 39 rating for the walls, 2" oriented strand board (OSB) sheathing should be used in lieu of 1/8" insulation board sheathing. The basic wall assembly can be modified to achieve an STC 41 rating either by using two layers of 5/8" type X gypsum board with 2" OSB sheathing, or by using brick veneer.

All recommended sound mitigation measures and details must be added to the building permit site plans. In addition, prior to signature approval of the preliminary plan, the plan should be revised to show fencing of the sides of the rear yard areas of lots 1, 3, 4, 6, 7, 9, 10, and 12. The final plat of subdivision should require that the noise abatement measures contained in the noise study dated August 6, 2001, and additional noise abatement measures previously recommended by staff will be required to be addressed at the time of building permit.

4. Community Planning - The subject property is located within the limits of the 1994

*Master Plan for Bladensburg-New Carrollton and Vicinity.* The associated Sectional Map Amendment rezoned the property in 1994 from R-55 and C-M Zones to the R-20 Zone. The land use recommendation for this property is residential development at a low urban density. The proposed application is in conformance with that recommendation. There are no master plan issues associated with this application.

5. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision Regulations, it is recommended that the applicant pay a fee-in-lieu of parkland dedication because the M-NCPPC Parks Department has determined that the land available for dedication is unsuitable due to its size and location.
6. Trails - The Adopted and Approved *Bladensburg-New Carrollton and Vicinity Master Plan* recommends that the existing Class II hiker/biker trail along MD 450 be extended into Planning Area 69. This trail will ultimately extend the entire length of MD 450 in Prince George's County. However, due to the scope of this project, the trail will be completed as part of future State Highway Administration road improvement projects and no trail construction is recommended at this time. The placement of bikeway signage along MD 450 is recommended to raise the awareness of motorists to the possible presence of bicyclists in the roadway. MD 450 is a state right-of-way, therefore, the applicant should provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, SHA should have the opportunity to review the proposed location to ensure that it is acceptable. The developer would then purchase the sign from the state and install it in accordance with the state's *Manual on Uniform Traffic Control Devices* dealing with the section on bicycle facilities. A note should be placed on the final record plat that installation will take place prior to the issuance of the first building permit if approved by SHA.
7. Transportation - No traffic study was requested of the applicant. Existing traffic counts in the area were used to make the needed finding. The findings and recommendations outlined below are based upon a review of these and other relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### Summary of Traffic Impacts

The application is a preliminary plat of subdivision for a residential subdivision consisting of 12 lots. The proposed development would generate 8 AM (2 in, 6 out) and 10 PM (6 in, 4 out) peak hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

MD 450 from the east:	45%
MD 450 from the west:	45%
Coopers Lane from the south:	10%

The traffic generated by the proposed preliminary plan would impact the intersection of MD 450/Coopers Lane. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition on the transportation system. The existing conditions at the critical intersection are: AM peak hour, Level-of-Service (LOS) B, with a critical lane volume (CLV) of 1117; PM peak hour, LOS B, with a CLV of 1100.

One nearby development was included in background traffic, along with an annual rate of through traffic growth of 0.6 percent along MD 450. The following background traffic conditions were determined: AM peak hour, LOS C, with a CLV of 1192; PM peak hour, LOS C, with a CLV of 1178.

With site traffic, the following operating conditions were determined: AM peak hour, LOS C, with a CLV of 1196; PM peak hour, LOS C, with a CLV of 1181.

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition for signalized intersections on the transportation system. Under total future traffic as developed using the *Guidelines*, adding the impact of the proposed development, the intersection of MD 450 and Coopers Lane was found to be operating with service levels of LOS D or better.

The transportation staff has few comments on the plan as submitted. The current plan is significantly revised from the original plan. Comments on the original plan included concerns about the width of the access street and the length of the driveways along that street. The current plan shows 12 lots arrayed along a one-way street serving the development. The width of this street has been increased to 18 feet; that is acceptable and sufficient to allow cars to move past the occasional parked delivery truck or visitor. The original plan showed driveways as short as 12 feet in length. The current plan is much better configured.

The State Highway Administration (SHA) has concerns about sight distance along MD 450 and about the configuration of the exit to the property being placed at an existing median break. The applicant has submitted sight distance information; these measurements indicate that sight distance along MD 450 is acceptable for safe operations into and out of the site. Concerning the second issue, SHA is concerned that persons entering the site may try to utilize the exit of the one-way street (instead of going outbound on MD 450, making a U-turn, and coming back), and transportation staff shares this concern. The placement of ADo Not Enter@ signage at the exit of the site should provide minimum assurances against this occurrence. In any regard, development of this site will require the applicant to obtain the necessary access permits from the SHA, and the applicant must comply with the SHA requirements for signage, markings, and physical improvements. SHA has indicated that the one-way access is permissible.

Existing right-of-way along MD 450 along the frontage of the subject property is 48 feet

from baseline according to SHA right-of-way plats. The Master Plan recommends 60 feet from baseline, suggesting that an additional 12 feet of right-of-way is required. As MD 450 is currently constructed to the functional recommendation in the Master Plan, the need for additional right-of-way has been discussed with SHA, and planning staff has determined that no further right-of-way will be required.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

8. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998) and concluded that the subdivision is exempt from the APF test for schools because it is less than 36 dwelling units and is in a Revitalization Tax District.
9. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
  - a. The existing fire engine service at Bowie Fire Station, Company 30, located at 68<sup>th</sup> Street and Annapolis Road has a service response time of 0.38 minutes, which is within the 5.25-minute response time guideline.
  - b. The existing ambulance service at Bowie Fire Station, Company 30, located at 68<sup>th</sup> Street and Annapolis Road has a service response time of 0.38 minutes, which is within the 6.25-minute response time guideline.
  - c. The existing paramedic service at Bowie Fire Station, Company 30, located at 68<sup>th</sup> Street and Annapolis Road has a service response time of 0.38 minutes, which is within the 7.25-minute response time guideline.
  - d. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facility for fire engine, ambulance and paramedic services.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

10. Police Facilities - The proposed development is within the service area for District I-Hyattsville. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county's police facilities will be adequate to serve the proposed Landover Hills, Brady=s Addition development, and the population generated by the proposed subdivision.

11. Health Department - The preliminary plan of subdivision should be revised to locate the proposed on site and off site water and sewer main extensions. The necessary water and sewer main extensions will have to be approved by the Washington Suburban Sanitary Commission before approval of the plat. In addition, a water meter was found on the property. However, the preliminary plan does not locate the meter or any water lines leading to the meter. If a water line exists, efforts should be made to remove the line to reduce the possibility of introducing contamination into the public water system.
12. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #3267-2001-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
13. Variance - There are several variances required for the development of this property as proposed. Due to the unusual configuration and zoning of the property, it was necessary to evaluate the development scenario as to the placement of structures. The property was evaluated for several different land use opportunities. Based on an overall impact, it appears that the development of single-family triple attached dwellings units would be the best and highest permitted by right use of the property.

In order to accommodate reasonable living space and to provide adequate parking, variances to the rear building setback as well as variances to the proposed lot coverage are required for several lots. It was clear through the planning process that variances would be necessary. Staff believed that it was appropriate to address these issues at the lot development stage to provide a comprehensive view of the development and provide the applicant with some reasonable understanding of the possible lot yield of this unique property.

Also evaluated was the applicability of the Prince George=s County *Landscape Manual*. The site is subject to the provisions of the *Landscape Manual*. The applicant has received tentative feedback from the Planning Department that alternative compliance may be denied because the applicant would not be able to provide a landscape planting plan that could be determined to be equal or better to the *Landscape Manual*. The applicant has proceeded with the application of a Departure from Design Standard for relief from compliance with the *Landscape Manual*. That application is not a part of this application and ultimately may be deemed not to be necessary.

In addition to reviewing for requirements which apply to the improvements on the property, staff has evaluated the noise and visual buffers that will assist in the mitigation of Annapolis Road impacts on this property. Visual buffers are recommended along the properties frontage with Annapolis Road, as well as fencing along the side lot lines of several of the exterior lots.

Section 27-442(e) Table IV of the Prince George=s County Zoning Ordinance requires a 45-foot rear building setback in the R-20 Zone for single-family triple attached dwellings.



The applicant has proposed the location of dwellings. The dwellings on Lots 1 through 9 each require a variance from this requirement. The applicant has requested that the following variances be granted based on a proposed layout.

Lots 1, 2, and 3	25-foot variance each
Lot 4	24-foot variance
Lot 5	21-foot variance
Lot 6	19-foot variance
Lot 7	14-foot variance
Lot 8	10-foot variance
Lot 9	7-foot variance

Section 27-442(c) Table II of the Prince George's County Zoning Ordinance allows that the inner lot in a row of triple-attached dwellings have a maximum lot coverage of 40 percent and that an outer lot have a maximum of 30 percent. The applicant has proposed the location of dwellings and driveways. Lots 1 through 12 each require a variance from this requirement. The applicant has requested that the following variances be granted based on a proposed layout.

Lot 1	10.8 percent variance
Lot 2*	18 percent variance
Lot 3	15.1 percent variance
Lot 4	15.5 percent variance
Lot 5*	11.4 percent variance
Lot 6	8.9 percent variance
Lot 7	11.2 percent variance
Lot 8*	9.9 percent variance
Lot 9	8.3 percent variance
Lot 10	4.8 percent variance
Lot 11* 3.5 percent variance	
Lot 12	2.7 percent variance

\* denotes inner lot

Section 27-230(a) sets forth the required findings for variance approval. A variance may only be approved if the Planning Board finds:

- A. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation of condition;** The subject property is exceptionally narrow and shallow. A lot which fronts an arterial roadway is required to be subdivided with a minimum of a 150-foot lot depth by the Subdivision Regulations. At no point is the subject property more than 130 feet deep. The property has 389 feet of frontage along Annapolis Road and is an average of 100 feet deep, a configuration not shared by adjoining properties.

- B. The strict application of this the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;** Because of the unusual configuration of the property, the options for development in strict conformance with the Zoning Ordinance are very limited. If the variances are denied only one-third of the property could be developed. In order to meet the minimum front and rear building setbacks, provide the required parking, and create a building envelope that would accommodate the dwelling proposed, the applicant would be able to develop Lots 10, 11, and 12 only. The approval of the variances would allow the applicant to develop this property with a reasonable lot yield in a reasonable manner.
- C. The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

Staff has reviewed the subject application and associated variances for compliance with the current Master Plan and General Plan and has found that the applications are in conformance with the recommendations for land use. Approval of the variance(s) would not alter the character of the subject property or the surrounding properties. Staff believes this application will not impair the intent, purpose, or integrity of the General Plan or Master Plan as proposed.

The applicant is proposing a land use in keeping with the recommendations of the Master Plan.

14. Variation Request to the Subdivision Regulations - The subject property has frontage on and proposed direct vehicular access to Annapolis Road (MD 450), an arterial roadway facility. Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

The applicant has proposed to construct an interior one-way private driveway to serve the proposed 12 lots. Therefore, instead of 12 individual driveways onto Annapolis Road, one entrance and one exit will exist for the 12 proposed lots. The private easement for ingress and egress is authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations due to the potentially hazardous situation with direct access onto a divided arterial roadway. Due to the extremely shallow property depth, providing a street or service road to public standards would not allow adequate area for the reasonable development of this property.

The subject property has frontage on and proposes direct vehicular access onto Annapolis Road (MD 450). Ingress is to be located on Lot 12 along the eastern portion of the property=s frontage. The egress is located on Lots 2 and 3 and is along the western portion of the property=s frontage.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation to allow access to a proposed arterial in this case and makes the following findings:

- A. **That the granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property.** One of the purposes of limiting access to an arterial is to enhance public safety, health and welfare. The only way to access the subject property is via Annapolis Road. If the applicant is not granted access, the property will be undevelopable. Staff has concerns regarding access to MD 450 but notes that the access has been evaluated and located in accordance with the recommendations of the State Highway Administration and the Transportation Planning Section.
- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** The subject property is exceptionally narrow and shallow. A lot fronting an arterial roadway is required to be subdivided with a minimum of a 150-foot lot depth by the Subdivision Regulations. At no point is the subject property more than 130 feet deep. The property has 389 feet of frontage along Annapolis Road and is an average of 100 feet deep, a configuration not shared by adjoining properties.

The zoning of the property limits the uses permitted by right. This is the only R-20 Zoned property fronting or adjacent to the north side of MD 450 between the Baltimore Washington Parkway to the west and Veterans Parkway to the east, a distances of 1.79 miles.

- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** This will not result in a violation of other applicable laws, ordinances, or regulations.
- D. **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.** If the variation is not granted, access to this property will be denied. This would result in a particular hardship upon the applicant as distinguished from a mere inconvenience.

- 15. Variation Requests to the Subdivision Regulations - Section 24-121(a)(4) of the Subdivision Regulations requires a lot depth of 150 feet adjoining a roadway classified as an arterial. Annapolis Road is an arterial roadway and therefore the 150-foot lot depth requirement applies. As noted previously, the property in its entirety is no more than 130 feet deep at any point. Therefore, the applicant requests a variation from the lot depth requirement for Lots 1 through 12.

The lot depth requirement is intended to minimize noise impacts of major roadways. Typically, roads with an arterial classification or higher include high speed and truck traffic that tends to create more noise than found on smaller roads. Staff is recommending to mitigate these impacts to bring the interior and exterior noise levels into compliance with the state standards.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variations for Lots 1 through 12.

- A. **That the granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property.** The purposes of requiring the large lot depth is to allow a house to be located far enough away from the arterial or freeway to reduce the impacts from noise. However, noise impacts are unavoidable on this property due to the shallowness of the property. Therefore, staff is requesting mitigation measures to ensure that interior noises levels do not exceed 45 dBA Ldn and that exterior noise levels do not exceed 65 dBA, Ldn, a standard established by the State of Maryland.
- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** The subject property is exceptionally narrow and shallow. A lot which fronts an arterial roadway is required to be subdivided with a minimum of a 150-foot lot depth by the Subdivision Regulations. At no point is the subject property more than 130 feet deep. The property has 389 feet of frontage along Annapolis Road and is an average of 100 feet deep, a configuration not shared by adjoining properties.

The zoning of the property limits the uses permitted by right. This is the only R-20 zoned property fronting or adjacent to the north side of MD 450 between the Baltimore Washington Parkway to the west and Veterans Parkway to the east, a distances of 1.79 miles.

- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** This will not result in a violation of other applicable laws, ordinances or regulations.
- D. **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.** If the variation is not granted the applicant will not be able to develop this property with a residential use in accordance with the Subdivision Regulations. The property is zoned residential and the Master Plan recommends a residential use for the property. The shallowness of the property does not allow for the 150-foot lot depth; the property is at its widest only 130 feet.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with Circuit Court for Prince George=s County, Maryland 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 Eley, seconded by Commissioner Brown, with Commissioners Eley, Brown, Scott, Lowe, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 18, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15<sup>th</sup> day of November 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WSC:pch