



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-89

File No. CDP-0102-H1

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 28, 2016, regarding Comprehensive Design Plan CDP-0102-H1 for Chaddsford, Section 7, Lot 22 (Anderson Deck), the Planning Board finds:

1. **Request:** The subject homeowner's minor amendment to a comprehensive design plan (CDP) is a request to construct a 12-foot by 14-foot deck attached to the rear of an existing single-family detached dwelling.

2. **Development Data Summary:**

EXISTING

Zone	R-M
Use	Residential
Lot size	5,080 square feet
Lot	1
Number of Dwelling Unit	1

REQUIRED

APPROVED

Total parking spaces	2	4
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3. **Location:** The subject property is located on the west side of Eve Way, approximately 440 feet north of its intersection with Lafayette Boulevard, within the The Glen at Chaddsford Subdivision. The property is also located in Planning Area 85A and Council District 9.
4. **Surrounding Uses:** The subject property is bounded to the north and south by single-family detached units, to the east by the public right-of-way of Eve Way with single-family detached units beyond, and to the west by homeowners association property in the Residential Medium Development (R-M) Zone.
5. **Previous Approvals:** The subject property was part of a large site rezoning from the Major Activity Center (M-A-C) and Residential Urban Development (R-U) Zones to the Employment and Institutional Area (E-I-A), Local Activity Center (L-A-C), and Residential Medium Development (R-M) Zones, approved when the District Council adopted the sectional map amendment for Subregion V (District Council Resolution CR-60-1993), which incorporated

Zoning Map Amendment A-9878-C. The application is also subject to the requirements of Comprehensive Design Plan CDP-0102 (PGCPB Resolution No. 01-186) which was approved by the Planning Board on September 13, 2001. CDP-0102-01 was subsequently amended in 2004, as approved by the District Council, to add 580 single-family dwellings and in 2005, CDP-0102-02 (PGCPB Resolution No. 05-22) for the design of the L-A-C-zoned portion of the property.

6. **Design Features:** The subject application includes a proposal for the addition of a 12-foot by 14-foot wood and vinyl deck to the rear of an existing single-family detached dwelling, which was constructed in 2015. The subject property, known as Lot 22, Block E, Section 7 of Chaddsford, is an interior lot with an existing dwelling, which fronts on Eve Way to the east. The proposed deck, which will be attached to the western elevation of the dwelling, will be located within six feet of the rear property line and will encroach into the rear yard setback by nine feet.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The project is in compliance with Section 27-515 of the Zoning Ordinance regarding uses permitted in the R-M Zone. A single-family detached dwelling is a permitted use in the R-M Zone. The project is also in compliance with the requirements of Section 27-509, which includes regulations applicable to the R-M Zone. The project also conforms to the requirements of Section 27-521 regarding required findings for CDP applications and Section 27-524 regarding amendments to approved CDP applications. See Findings 12 and 13 below for a more detailed discussion of this conformance.
8. **Zoning Map Amendment (Basic Plan) A-9878-C:** The project is in compliance with the requirements of Basic Plan A-9878-C, as incorporated into District Council Resolution CR-60-1993. The proposed deck in the rear yard setback does not alter the previously made findings of approval of the basic plan that were made at the time of approval of the CDP.
9. **Comprehensive Design Plans CDP-0102 and its revisions:** The project is in compliance with the requirements of Comprehensive Design Plan CDP-0102 and its two revisions, except pertaining to the required rear yard setback. Whereas the CDP stipulates a 15-foot minimum rear yard setback, the proposed deck would leave approximately six feet between the proposed deck and the property line.
10. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The subject lot does not contain any woodland conservation; the addition of the proposed deck would not alter the previously made findings of conformance with the Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP.
11. **Further Planning Board Findings and Comments from Other Entities:** The application was referred to the concerned agencies and divisions. Referral comments are summarized as follows:

- a. **The Glen at Chaddsford Homeowners Association**—In a letter dated June 6, 2016, The Glen at Chaddsford Homeowners Association indicated that the request for a rear deck installation associated with this application had been approved and is in-line with the covenant guidelines.
12. Prior to approving a CDP, the Planning Board must make the required findings found in Section 27-521(a) of the Zoning Ordinance:

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The CDP was previously found to be in conformance with the Basic Plan (A-9878-C) as incorporated into District Council Resolution CR-60-1993. The proposed deck does not affect that finding.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**
- (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**
- (4) **The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**
- (5) **Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**
- (A) **Amounts of building coverage and open space;**
 - (B) **Building setbacks from streets and abutting land uses; and**
 - (C) **Circulation access points**
- (6) **Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**
- (7) **The staging of development will not be an unreasonable burden on available public facilities;**

Conformance with these requirements were found at the time of approval of the original CDP and the proposed deck does not change those findings.

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
- (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
 - (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
 - (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The proposed revision does not propose an adaptive reuse of a historic site.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

Conformance with this requirement was found at the time of approval of the original CDP and the proposed deck does not change that finding.

- (10) **The Plan is in conformance with an approved Tree Conservation Plan;**

Conformance with this requirement was found at the time of approval of the original CDP and the proposed deck does not change that finding.

- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

There are no regulated environmental features on the subject lot.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Conformance with this requirement was found at the time of approval of the original CDP and the proposed deck does not change that finding.

- (13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

The subject lot is not part of a regional urban community.

13. Section 27-524(b)(3) of the Zoning Ordinance sets forth the criteria for granting minor amendments to approved CDPs for the purpose of making home improvements requested by a homeowner (or authorized representative) and approved by the Planning Director (or designee) in accordance with specified procedures, as follows:

- (A) The Planning Board shall conduct a public hearing on the requested amendments.**
- (B) Findings. The Planning Board may grant the minor amendment if it finds that the requested modifications will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.**
- (C) The Planning Board shall approve, approve with modification, or disapprove the requested amendments, and shall state its reasons for the action. The Planning Board's decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing before the Planning Board and to the District Council.**

The subject CDP application was reviewed by the Planning Board in conformance with criterion (A) above. The Board approved the CDP application in conformance with criterion (C) above. In regards to criterion (B), the Planning Board found that the requested deck will not substantially impair the intent, purpose, or integrity of the approved CDP. The modification of the rear building restriction line to six feet for the proposed deck will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood because the deck will face a homeowners association open-space parcel and will meet the side yard setbacks, affording privacy to the occupants of both the subject property and the adjacent homes to the north and south.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Comprehensive Design Plan, CDP-0102-H1, Chaddsford, Section 7, Lot 22 (Anderson Deck), for the above-described land.

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 final notice of the Planning Board's decision.

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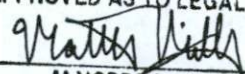
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioner Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Washington temporarily absent and with Commissioner Shoaff absent at its regular meeting held on Thursday, July 28, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of July 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:mas

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department
Date 8/1/16