

R E S O L U T I O N

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 April 22, 2021, regarding Comprehensive Design Plan CDP-0302-H1 for Balmoral, Lot 24 Block C (Vala Deck), the Planning Board finds:

1. **Request:** The subject homeowner’s minor amendment to a comprehensive design plan (CDP) is a request to construct an elevated deck at the rear of the existing single-family detached dwelling within the rear yard setback.

2. **Development Data Summary:**

	EXISTING
Zone	R-S
Use	Residential
Lot size	9,397 sq. ft.
Lot	1
Number of Dwelling Unit	1

3. **Location:** The subject property is located at 4001 House of Lords Drive, on the southside of Governor’s Park Lane, approximately 2,160 feet west of its intersection with US 301. The property is also located in Planning Area 79 and Council District 6.

4. **Surrounding Uses:** The subject property is surrounded by similar single-family detached homes and all are within the Residential Suburban Development (R-S) Zone.

5. **Previous Approvals:** The subject site was developed as part of the Balmoral subdivision. The site and surrounding area were rezoned under Zoning Map Amendment (Basic Plan) A-9952, which was approved on June 10, 2002, by the Prince George’s County District Council. Basic Plan A-9952 rezoned approximately 210 acres in total from the Employment and Institutional Area and Residential-Agricultural Zones to the R-S Zone. CDP-0302, for 357 single-family detached units, was originally approved by the Prince George’s County Planning Board on December 11, 2003, with 32 conditions (PGCPB Resolution No. 03-250). The District Council issued an order affirming the Planning Board’s decision on April 26, 2004, with 35 conditions.

6. **Design Features:** The subject application includes a proposal for a 36-foot-wide wide-open deck attached to the rear of the existing single-family detached home. The deck is proposed to be elevated above grade and wraps around the morning room at the rear of the house. The deck

extends into the 15-foot rear yard setback by 12 feet and is a minimum of 3 feet from the rear property line.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The project conforms with Section 27-512 of the Zoning Ordinance regarding uses permitted in the R-S Zone. A single-family detached dwelling is a permitted use in the R-S Zone. The project is also in compliance with the requirements of Section 27-513 of the Zoning Ordinance, which includes regulations applicable to the R-S Zone. The project also conforms to the requirements of Section 27-521 of the Zoning Ordinance regarding required findings for CDP applications, and Section 27-524 of the Zoning Ordinance regarding amendments to approved CDP applications. See Findings 11 and 12 below for a more detailed discussion of this conformance.
8. **Zoning Map Amendment (Basic Plan) A-9952:** The project is in compliance with the requirements of Basic Plan A-9952, as the proposed deck in the rear yard setback does not alter findings of conformance with the basic plan that were made at the time of approval of the CDP.
9. **Comprehensive Design Plan CDP-0302:** The project complies with the requirements of CDP-0302, except regarding the required rear yard setback. The CDP stipulates that open porches, decks, and patios with surfaces greater than three feet above finished grade shall be located behind the setback line, as outlined in Condition 31.f of the District Council's decision on CDP-0302, as follows:

31. The following design standards shall be added to the face of the CDP plan:

- f. **Construction that shall be used in determining the lot coverage shall include principal buildings (including covered porches and decks), accessory buildings and driveways. Uncovered and unenclosed porches, decks, patios, paved walks, and swimming pools shall not be counted toward maximum lot coverage. Uncovered and unenclosed porches, decks, and patios whose surface is within three feet of finished grade shall be set back at least two feet from side and rear lot lines. Uncovered and unenclosed porches, decks, and patios whose surface is greater than three feet above finished grade shall be located behind the setback lines.**

The proposed uncovered deck sits approximately 8 feet above grade and therefore, would have to meet the main setback of 15 feet. Therefore, this application was filed as the deck sits as close as 3 feet to the rear 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 previous findings of conformance with the Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP.

- 11.** 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 Basic Plan A-9952, as provided for in PGCPB Resolution No. 03-250. 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 (2–7) 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;**

This finding is not applicable to this project. There is no adaptive use of historic sites proposed with this homeowner's minor amendment.

- (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 Type 1 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 site is not part of a regional urban community.

- 12.** 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 is being reviewed by the Planning Board, in conformance with criterion (A) above. The Planning Board is required to make a decision on the CDP application, in conformance with criterion (C) above. In regard to criterion (B), the Planning Board finds that, based on the small size and scale of the proposed deck, the requested modifications will not substantially impair the intent, purpose, or integrity of the approved CDP. The proposed elevated deck will not be detrimental to the community and will not negatively impact the visual characteristics of the neighborhood because it will be located to the rear of an existing single-family dwelling and not visible from the street or public space.

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 Comprehensive Design Plan CDP-0302-H1 for the above described land.

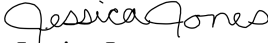
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 22, 2021, in Upper Marlboro, Maryland.

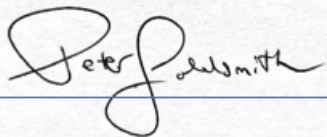
Adopted by the Prince George's County Planning Board this 22nd day of April 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TB:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: April 13, 2021