

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 November 21, 2019, regarding Comprehensive Design Plan CDP-9403-H1 for Hampton Subdivision Lot 40, Block H (Davis Sunroom), the Planning Board finds:

1. **Request:** The subject homeowner's minor amendment to a comprehensive design plan (CDP) is a request to construct a 14-foot by 15-foot sunroom addition to the rear of an existing single-family detached dwelling within the rear yard setback.

2. **Development Data Summary:**

	EXISTING
Zone	R-S
Use	Residential
Lot size	9,742 square feet
Lot	1
Number of Dwelling Units	1

3. **Location:** The subject property is located at 8211 Grayhawk Court, on the eastern end of the Grayhawk Court cul-de-sac, approximately 300 feet east of its intersection with Poppy Hill Court. 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 similar single-family detached homes, to the west by the Grayhawk Court cul-de-sac, and to the east by open space and a stormwater pond, all within the Residential Suburban Development (R-S) Zone.
5. **Previous Approvals:** The subject site is part of a large subdivision known as the Hampton Property. The site and surrounding area were rezoned under Basic Plan A-9853-C, which was approved on September 5, 1991 by the Prince George's County Planning Board, and on May 29, 1992 by the District Council. A-9853-C rezoned approximately 189 acres in total from the Residential-Agricultural Zone (117 acres) and Rural Residential Zone (72 acres) to the R-S-Zone. CDP-9403 (PGCPB Resolution No. 94-345) was approved by the Planning Board on November 3, 1994 and included 28 conditions to guide further design development. Preliminary Plan of Subdivision 4-99048 was approved with 22 conditions on November 18, 1999. Specific Design Plan, SDP-9910 was approved with conditions by the Planning Board on March 28, 2000 for the development of site infrastructure. A series of nine additional revisions to the SDP were

approved for architectural designs, an overall development phasing plan, and for detailed development of the various phases of project implementation.

6. **Design Features:** The subject application includes a proposal for a 14-foot by 15-foot glass and aluminum sunroom on a concrete slab base attached to the rear of the existing single-family detached home, within the rear yard setback. Additionally, an existing patio, pergola, and detached shed are also located within the rear yard setback and were never permitted. The patio and pergola, which are to be validated with this application, are located directly adjacent to the rear of the single-family house, whereas the shed is located near the rear property line. The sunroom is proposed to be attached to the northeastern corner of the house and extend into the 20-foot rear yard setback by approximately 5.5 feet, or 14.5 feet from the rear property line. This homeowner minor amendment to the CDP will validate all of the improvements.

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-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 12 and 13 below for a more detailed discussion of this conformance.
8. **Zoning Map Amendment (Basic Plan) A-9853-C:** The project is in compliance with the requirements of Basic Plan A-9853-C. The homeowner amendment 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-9403:** The project is in compliance with the requirements of CDP-9403, except regarding the required rear yard setback. Whereas, the CDP stipulates a 20-foot minimum rear yard setback, the proposed sunroom would sit approximately 14 feet from the rear property line. It is noted that the proposal conforms to other lot standards established with the CDP, which specified that the setback does not apply to detached accessory structures, walks, patios, or decks.
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 sunroom 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. **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. **Permit Review**—The Planning Board reviewed a memorandum dated October 22, 2019 (Glascoe to Bossi), which suggested that plans provided be more legible and detailed.
 - b. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board reviewed a memorandum dated November 5, 2019 (Giles to Bossi), in which DPIE noted no objection to this CDP. Conformance with the County grading ordinance will be reviewed at the time of building permit.
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-9853-C), as incorporated into Zoning Ordinance No. 19-1992. The proposed sunroom 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 was found at the time of approval of the original CDP, and the proposed sunroom and existing patio, pergola, and shed do 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 homeowner amendment request does not propose an adaptive reuse of a historic site. This finding is not applicable.

- (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 sunroom and existing patio, pergola, and shed do 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 sunroom and existing patio, pergola, and shed do 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 sunroom and existing patio, pergola, and shed do 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 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 believes that the proposed sunroom and existing patio, pergola, and shed will not substantially impair the intent, purpose, or integrity of the approved CDP. The modification of the rear yard setback from 20 feet to 14 feet for the proposed sunroom will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood, because the proposed sunroom and existing patio, pergola, and shed are located to the rear of the existing single-family home, which serves to visually screen these features from the nearest roadway. The lot location at the end of a cul-de-sac, abutting a stormwater management pond, allows the proposed rear yard improvements to have minimal impact on the abutting homes to the north and south, affording privacy to the occupants of both the subject property and the adjacent homeowners.

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-9403-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, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, November 21, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of December 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:AB:nz