

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 24, 2004, regarding Detailed Site Plan DSP-00043/02 for Belvidere Estates, the Planning Board finds:

1. **Request:** The subject application requests the addition of a deck, patio, pool and fence to a single-family home.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Single-family residential	Single-family residential
Acreage	.346	.346
Lots	1	1
Parcels	0	0
Dwelling Units	1	1

3. **Location:** The site is in Planning Area 73, Council District 5. More specifically, it is located at 4008 Clairton Drive, which is Lot 11 of Belvidere Estates.
4. **Surroundings and Use:** The general surroundings of the subject site includes predominantly residential land use in the form of single-family homes located in subdivisions. A major thoroughfare in the vicinity of the subject site, US 50, runs in an east/west direction, approximately 500 feet north of the subject site. The subject single-family home is located on Clairton Road, a cul-de-sac in Belvidere Estates subdivision. Three other single-family homes are located at the cul-de-sac, together with an opening into homeowners' association open space at its far westerly side. Two additional single-family homes are located in close proximity behind the subject site on the next cul-de-sac to the south, Belvidere Road. The subject site is adjacent to Belvidere (Historic Site 73-05) at 11401 Belvidere Road, which is located approximately 600 feet to the southwest.
5. **Previous Approvals:** The subject site was included in Preliminary Plan of Subdivision 4-96001, Final Plat VJ 190@96, and was the subject of DSP-00043. A requirement placed in the Planning Board's approval of DSP-00043 establishes special consideration for Lot 11, among others, as "specialty lots." As such, the Planning Board directed that the roof and chimney details be of a specifically traditional character and employ masonry materials and traditional colors and textures. In its recommendations to the Planning Board during its review of the Preliminary Plan of Subdivision for this property, staff indicated that to ensure compatibility with the adjacent

Historic Site, sheathing materials for the rear elevation of Lot 11 "...should be traditional building materials. Acceptable materials are brick, wood, or wood composite siding.... Optional features such as chimneys and decks should be detailed in a manner consistent with the overall design.... Projecting porches and decks should be simply detailed; if they are to be constructed of pressure-treated materials, the materials should be painted or opaque stained to match the house's window trim."

6. **Design Features:** The subject single-family house is located on the southerly side of the cul-de-sac formed at the westerly terminus of Clairton Road. The proposal involves the construction of a deck and patio adjacent to the house on its southerly side, allowing the applicant to utilize existing French doors to access the single-family dwelling. More precisely, the deck is proposed to be located on the southeasterly side of the house, in the elbow created by the projection of the morning room from the main body of the house. The patio is proposed to be located along the southerly edge of the projecting morning room. A six-foot-tall iron fence with brick pillars is proposed to run from the northwesterly corner around the pool area. The brick pillars are proposed to be spaced approximately 8 feet apart in the front of the subject single-family dwelling, 10 feet on the sides, and 12 feet along the rear property line. The pool and its fence are the proposed features to be located closest to the adjacent historic site, although all proposed features may be visible from the historic site through at least some portion of the year.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-441(b), which governs permitted uses in residential zones. The subject single-family detached house is a permitted use.
 - b. The proposal is also in conformance with the requirements of Section 27- 442, Regulations, for development in the R-R Zone, with the following exception for which the applicant has filed the variance application:

Section 27-442 (e) Table IV^{3/4} Yards: Section 27-442(e) requires a 20-foot setback from the rear property line. The proposed patio intrusion into the setback varies from 9 feet on its easterly to 7 feet on its westerly edge and the proposed deck intrudes into the setback 11.5 feet on its easterly edge and two feet on its westerly edge. Therefore, the maximal variance requested from the rear yard set back is 11.5 feet.

- c. Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

"(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions:"

Comment: The site is an irregularly pie-shaped piece of property on a cul-de-sac on the periphery of a subdivision adjacent to a historic site. The single-family dwelling on the subject site is located at the eastern edge of the lot, reducing its visibility from the historic site, but also locating it unusually close to the southerly property line. This finding may be made because the subject property has an unusual shape and is quite shallow at its eastern end, which is the best location for the house in relation to the historic site. The house on the property is thus sited unusually close to the property line, with the exterior French doors from the house located on the southerly side of the house on the most outward extremity of the morning room, so that the proposed deck and patio extending out from this most logical location on the house cannot avoid extending beyond the rear building restriction line.

“(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and”

Comment: The owner of a residential property should be able to enjoy his/her property and install accessory structures necessary for the enjoyment of his/her property. If the variance is not granted, the applicant will not be able to install a usable patio and deck at the most logical location adjacent to existing doors from the house. If the variance is not approved, the applicant will experience the practical difficulty of having to relocate the doors to accommodate a different location for the deck and patio.

“(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.”

Comment: The Community Planning Division, in their memorandum dated May 17, 2004, stated that there are no master plan issues associated with the subject project.

8. **Preliminary Plan of Subdivision, 4-96001:** Preliminary Plan 4-96001 was approved by the Planning Board on June 10, 1996, and formalized by the adoption of PGCPB Resolution #96-149. If the recommendations of the Historic Planning Section as reflected in recommended Condition 1 below are followed, the applicant can be said to be in conformance with the requirements of Preliminary Plan of Subdivision 4-960011

9. ***Landscape Manual:*** The proposed development is subject to the requirements of Sections 4.1 of the *Landscape Manual*.

The Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*.

10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet in area, there are more than 10,000 square feet of woodland on site, and there

are previously approved Tree Conservation Plans, TCPI/1/96 and TCPII/106/00, encompassing the lot included in this application. The Environmental Planning Section evaluated the application for compliance with TCPII/106/00 and was found to conform to the previously approved plan and, therefore, they stated that no further information with respect to TCPII/106/00 is required and no revisions to the approved Tree Conservation plan would be necessary.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**^¾ In a memorandum dated June 2, 2002, the Historic Preservation and Public Facilities Planning Section stated:

Background

The subject application for a revision to an approved detailed site plan (DSP-00043, Belvidere Estates) is adjacent to Belvidere (Historic Site 73-05), 11401 Belvidere Road, Mitchellville. Belvidere is a two-part frame house, built c.1825 and c.1856. The two-story hip roof main block was constructed in 1856 as an addition to the older two-story gable roof section. The main block was built by George W. Duvall, Jr., and exhibits the side-hall and double-parlor plan popular in the years before the Civil War. This portion of the house has Greek Revival-style interior trim. The Belvidere property was part of a tract called Beall's Gift that in the late eighteenth century belonged to Belt Brashears. Brashears lived on the property in a small frame dwelling that may have been incorporated into the kitchen wing of the present house after Brashears' death in 1815. As it stands today, Belvidere is notable for its unusual architectural form and for its connections to prominent county families including members of the Duvall family in the nineteenth century and members of the Addison family in the twentieth century. The property has been occupied by members of the Starkey family since 1951.

The subject application involves revisions to the approved detailed site plan for Lot 11, adjacent and to the east of the Belvidere Historic Site. The revisions are designed to accommodate additions to the rear of the house that will, in part, fall outside of the established building restriction line.

Findings

- (1) The subject application proposes to revise the approved detailed site plan and in particular, Lot 11, to accommodate: (1) an at-grade patio and raised deck at the southeast corner of the house, (2) a swimming pool, and (3) a masonry pier and metal picket fence (6 feet tall) encircling the swimming pool. Both the pool and its fence are proposed for the western portion of the property occupying a large portion of the rear/side yard. The pool and its fence are the proposed features to be located closest to the adjacent Historic Site, although all proposed features may be visible from the historic site through at least some portion of the year.

- (2) The Planning Board's approval of the underlying detailed site plan application (DSP-00043, Planning Board Resolution No. 01-132) establishes special consideration for Lot 11 (among others) as "specialty lots." As such, the Planning Board directed that roof and chimney details be of a specifically traditional character and employ masonry materials and traditional colors and textures.
- (3) In its recommendations to the Planning Board for its review of the Preliminary Plan of Subdivision for this property, staff indicated that to ensure compatibility with the adjacent historic site the sheathing materials for the rear elevation of Lot 11 "...should be traditional building materials. Acceptable materials are brick, wood, or wood composite siding.... Optional features such as chimneys and decks should be detailed in a manner consistent with the overall design.... Projecting porches and decks should be simply detailed: if they are to be constructed of pressure-treated materials, the materials should be painted or opaque stained to match the house's window trim."

Conclusions

- (1) The subject application does not provide adequate information concerning the architectural character of the proposed revisions to the approved detailed site plan. Specifically, the design and materials of the proposed patio, deck, and masonry and metal fence must be reviewed for potential impact on the views from the adjacent Belvidere Historic Site (73-05).
- (2) In order to comply with the language and intent of the approved detailed site plan and to be considered compatible with the adjacent historic site, the materials and design of the proposed revisions to the detailed site plan should be "traditional building materials" and "should be consistent with the overall design" of the house on Lot 11.

Recommendations

Staff recommends that the Planning Board adopt the following condition, should the subject application be approved:

- (1) The applicant shall provide the Planning Board or its designee with detailed descriptions and samples of the materials and details of the proposed patio, deck and fence in order to determine compatibility with both the house on Lot 11 and the adjacent Belvidere Historic Site (73-05). In the selection of proposed materials and design features, the applicant should, to the greatest extent possible, select traditional building materials such as brick of a single color from a traditional palette, simply detailed metalwork, and paintable, finished wood components of traditional design suitable for painting or opaque staining.

- b. **Community Planning**^{3/4} The Community Planning Section, in comments dated May 17, 2004, stated that there are no Largo-Lottsford master plan (1989) issues associated with the subject application. In augmentation of their memorandum, the Community Planning Division has verbally stated that there are also no General Plan issues associated with this application.
- c. **Transportation**^{3/4} In comments made June 1, 2004, the Transportation Planning Section stated that the site plan is acceptable.
- d. **Subdivision**^{3/4} The Subdivision Section stated that Lot 11 is the subject of final plat VJ 190@96 and that there are no subdivision issues
- e. **Permits**^{3/4} In comments dated May 24, 2004, the Permit Review Section noted that the proposed deck encroaches on the side building restriction line.
- f. **Environmental Planning**^{3/4} In a memorandum dated May 12, 2004, the Environmental Planning Section offered the following results of their review:

Environmental Review

- (1) The detailed forest stand delineation (FSD) was previously reviewed and found to address the criteria for an FSD in accordance with the Prince George=s County Woodland Conservation and Tree Preservation Technical Manual

Discussion: No additional information is required with respect to the forest stand delineation.

- (2) This property is subject to the provisions of the Prince George=s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and there are previously approved Tree Conservation Plans, TCPI/1/96 and TCPII/106/00, encompassing the lot included in this application.

This application was evaluated for compliance with TCPII/106/00 and was found to conform to the previously approved plan.

Discussion: No further information with respect to TCPII/106/00 is required and no revisions to the approved tree conservation plan are necessary.

- g. **Department of Environmental Resources**^{3/4} In comments dated May 17, 2004, the Department of Environmental Resources stated that the proposed deck and patio cannot be built in the stormdrain easement.
12. As required by Section 27-285(b) of the Zoning Ordinance, the Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of

the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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 Detailed Site Plan DSP-00043/02 and further approved Variance Application No. VD-00043/02 subject to the following conditions:

1. Prior to signature approval, the applicant shall revise the plans as follows and provide the specified information:
 - a. The applicant shall provide and the Historic Preservation Planning Section as designee of the Planning Board shall approve detailed descriptions and samples of the materials and details of the proposed patio, deck, and fence in order to determine compatibility with both the house on Lot 11 and the adjacent Belvidere Historic Site (73-05). In the selection of proposed materials and design features, the applicant shall, to the greatest extent possible, select traditional building materials such as brick of a single color from a traditional palette, simply detailed metalwork, and paintable, finished wood components of traditional design suitable for painting or opaque staining.
 - b. A note shall be added to the plans that no part of the proposed deck or patio shall be built in the stormdrain easement.

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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 24, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of July 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk