

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 October 11, 2001, regarding Detailed Site Plan SP-93041/04 for Countryside, the Planning Board finds:

1. Request: The subject application is a revision to a previously approved Detailed Site Plan for a variance from side yard setback requirements for a single-family detached house in the R-80 Zone. The house is under construction.
2. Location: The site is located in Planning Area 81A, Council District 8. More specifically, it is situated on the east side of Old Branch Avenue, approximately 200 feet south of Springbrook Lane.
3. Surroundings and Use: The subject property is Countryside, Lot 1. To its north is a 30-foot landscape buffer; to its south is Lot 2; to its east are Lots 10 and 11 and to its west is Old Branch Avenue.
4. Previous Approvals: Countryside, Lot 1, is one of the lots included in a previously approved Preliminary Plat of Subdivision 4-90075, Detailed Site Plan SP-93041 and its three revisions, TCP II-107-933 and Stormwater Management Concept Plan, #908003300.
5. Site Development Data

Site Data

Zone	R-80
Number of Lots	79
Total Site Area	48.25 acres

Lot 1 Data

Lot Size	13,668 square feet
Dimensions of Building Envelope	Irregular 55' x 38' x 73' x 86'
Building Envelope Area (BEA)	3,693 square feet
Percentage of BEA of Lot Size	27 percent
Proposed Finished Building GFA	2,126 square feet
Percentage of GFA of BEA	58 percent
Building Floor Area in the Required Setback	15.5 square feet

6. Architecture: The proposed single-family detached house is a two-story building with two-car garage and cross-gable roof segments facing the front. The entrance gable is extended slightly forward for emphasis as a pavilion. The facade immediately beneath the entrance gable is a room extension at the second floor. At the first floor level is an entrance porch enclosed with columns and rails. The facade is rich in decorative details such as six-panel colonial door with transom, shuttered windows with crowns, planting box, dentils on fascia board and so on. The proposed architecture is one of the previously approved models, type C in Detailed Site Plan, DSP-93041/03.

COMPLIANCE WITH EVALUATION CRITERIA:

7. Zoning Ordinance: The subject application has been reviewed for compliance with the requirements in the R-80 Zone and the site plan design guidelines of the *Zoning Ordinance*.

The Detailed Site Plan is in compliance with the requirements of the *Zoning Ordinance* for development in the R-80 Zone, with the following exception for which the applicant has filed a variance application:

- a. Side Yard Setback: Section 27-442 (e), Table IV-Yards, of the *Zoning Ordinance*, side yard setback requirements for single-family detached dwellings in general in the R-80 Zone, requires a minimum eight-foot building setback from the adjoining property line.

The building in question in Countryside, Lot 1, has a 6.5-foot setback. A triangular portion of the garage (approximately 15.5 square feet) encroaches into the 8-foot-wide building restriction area. The applicant is requesting a 1.5-foot variance from the 8-foot side yard setback requirement.

- b. 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 staff believes that the subject site has an extraordinary design situation or condition. The subject lot is located at the north end of the Countryside Subdivision. To its north is a medium impact commercial use. According to Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*, a type ■C• bufferyard with a minimum 40-foot building setback and 30-foot landscape strip is required. An Alternative Compliance application from the type ■C• requirements was filed at the time of the Detailed Site Plan, SP-93041, and approved to reduce the minimum building setback to 30 feet. To its west, the subject lot fronts onto Old Branch Avenue, a residential collector with an ultimate right-of-way of 80 feet, which provides the only vehicular access to the site. At the time of approval of

Preliminary Plat of Subdivision 4-90076, a finding that required a 50-foot front yard building restriction line for those lots fronting onto this residential collector was proposed. The approval of Detailed Site Plan, SP-93041, finalized this 50-foot front yard setback. The *Zoning Ordinance* also requires a 20-foot backyard setback and an 8-foot southern side yard setback.

With all the mentioned restrictions and setbacks in effect, Lot 1 has an irregular and buildable envelope of approximately 3,693 square feet out of the 13,668 square feet of its lot size. The maximum frontage along Old Branch Avenue is approximately 55 feet. The irregularity of the lot shape further limits the useable frontage along the Old Branch Avenue and leads the subject site into a unique situation.

- (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 strict application of this Subtitle, i.e., eight-foot setback from its southern property line, would make it possible only to construct a one-car garage instead of the initially designed two-car garage. Since the house is currently under construction, the strict application of this setback requirement would require major construction revisions such as rebuilding the corner of the house that would result in unusual practical difficulties and undue hardship upon the owner of the property.

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

Comment: The subject Lot 1 is situated south of a 30-foot buffer and 50 feet east of Old Branch Avenue. To its south is lot 2 of the Countryside Subdivision. Because of their proximity to Old Branch Avenue and their possible negative traffic impact on this residential collector, driveway access to Old Branch Avenue has been minimized by the use of shared curb cuts between these two lots. The encroachment in question is 1.5 feet into the 8-foot-wide restriction area in the southern part of the property where the driveway is located. The inward, not outward, placement will preserve the cohesiveness of the streetscape of this development. The 1.5-foot variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan. As a cluster development, Countryside Subdivision will not be negatively affected in its design intent to continue to provide open space and green area by approval of this variance.

The subject lot has a set of extraordinary design circumstances that justify approval of the aforementioned variance. Due to the property being located far away from both Old Branch Avenue and the adjacent property line and left in a small and irregular building envelope with a limited useable frontage, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, while denying the variance request would result in a

peculiar or unusual practical difficulty upon the owner of the property. The staff therefore recommends approval of the variance of side yard setback as discussed above.

8. Preliminary Plat of Subdivision: Preliminary Plat of Subdivision 4- 90076 is a preliminary plat for 81 lots and one outlot. Lot 1 is located in Block A of this Preliminary Plat. It was approved by the Prince George's County Planning Board on May 18, 1990. Condition 6 attached to the approval mandated a limited Detailed Site Plan review that included the subject lot, which states:

■ Prior to the submission of the Final Plat of Subdivision, a limited Detailed Site Plan (DSP) shall be approved by the Planning Board for Lots 1-5, 9, 34-43 and 48, Block A, and Lots 1, 10-12, 20-22 and 26-33, Block B. The DSP shall address, but not be limited to, the following: house types and locations, grading, landscaping and screening, and driveway configurations that prevent vehicles from backing onto Old Branch Avenue.●
9. Detailed Site Plan: Detailed Site Plan, SP-93041, is the Detailed Site Plan required by Condition 6 of Preliminary Plat 4-90076. During this DSP review, the major restrictions for this site such as a 30-foot buffer, a 50-foot front yard setback, and shared curb-cuts were approved by Prince George's County Planning Board on November 18, 1993. Since its first approval, three revisions to the Detailed Site Plan were filed to add different architectural models. The model on Lot 1, which is currently under construction, is one of the models approved in the third revision to SP-93041.
10. The subject revision to the Detailed Site Plan, SP-93041, is in conformance with the *Landscape Manual* and the *Prince George's County Woodland Conservation Ordinance* because the revision proposes to validate the new building restriction line that is 6.5 feet away from the abutting property line. The proposed new building restriction line will be a 1.5-foot variance from the required 8-foot side yard setback.
11. Referral Comments: The subject application was referred to all concerned agencies and divisions. Major referral comments are summarized as follows:
 - a. The Permit Review Section, in a memorandum dated September 19, 2001, identified that the side yard setback requirements of *Zoning Ordinance* for R-80 Zone will apply. This side yard setback requirement is eight feet.
 - b. The application was also referred to the Zoning Section. No comments were generated.
12. The subject Detailed Site Plan, DSP-93041/04, Countryside, Lot 1, is for a variance of side yard setback only and plans no new development beyond what was approved in SP-93041. In 1998, a third revision to SDP-93041 was submitted and approved. Physical development

has been carried out on the site since the approval. Per Section 27-287 of the *Zoning Ordinance*, all findings and conditions of SP-93041 as stated in PGCPB No. 93-303 are still in full force and effect. The Detailed Site Plan will represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development from its intended uses.

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 for the above-described land and APPROVE Variance Application, VD-93041/01.

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 Brown, seconded by Commissioner Eley, with Commissioners Brown, Eley, Lowe, and Hewlett voting in favor of the motion, Commissioner Scott was absent, at its regular meeting held on Thursday, October 11, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of October 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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