

RESOLUTION

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 November 15, 2001, regarding Detailed Site Plan DSP-93041/05 for Countryside, Lot 31, the Planning Board finds:

1. **Request:** The subject application is a revision to a previously approved Detailed Site Plan for a variance from rear 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 31. To its northwest is Glen Robbins Court; to its northeast is Lot 30; to its southwest is Lot 32 and to its southeast is Pea Hill Branch and its associated wetlands.
4. **Previous Approvals:** Countryside, Lot 31, is one of the lots included in a previously approved Preliminary Plan of Subdivision 4-90076, Detailed Site Plan DSP-93041, TCP II-107-933, and Stormwater Management Concept Plan, #908003300.

5. **Site Development Data**

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

Lot 31 Data

Lot Size	8,012 square feet
Dimensions of Building Envelope	Irregular 36' x 60' x 62' x 86'
Building Envelope Area (BEA)	4,916 square feet
Percentage of BEA in Lot Size	61 percent
Proposed Finished Building GFA	2,126 square feet
Percentage of GFA in BEA	43 percent
Building Floor Area in the Required Setback	9 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 house is approximately 33

feet in height. 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. Rear Yard Setback: Section 27-442 (e), Table IV-Yards, of the *Zoning Ordinance*, rear yard setback requirements for single-family detached dwellings in general in the R-80 Zone, requires a minimum 20-foot rear yard building setback from the adjoining property line.

The building in question in Countryside, Lot 31, has a 17-foot rear yard setback. A triangular portion of the garage (approximately nine square feet) encroaches into the 20-foot-wide building setback area. The applicant is requesting a three-foot variance from the 20-foot rear 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 one of the end lots around Glen Robbins Court. It is flanked on both sides by Lots 32 and 30, and bounded in front by the road and at the rear by wetlands. The *Zoning Ordinance* requires a 25-foot front yard setback, 20-foot rear yard setback and an 8-foot side yard setback.

With all the setbacks in effect, Lot 31 has an irregular envelope of approximately 4,916 square feet out of the 8,012 square feet of its total lot size. But the shallowness of the lot depth and the existing layout of the driveway make the useable footprint size even less than 2,000 square feet. The irregularity of the lot shape and the shallowness of the lot depth

create a unique situation on the subject lot that generates significant constraints on the location of the house.

- (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. 20-foot rear yard setback from its southeast property line, would make it impossible to construct the initially designed two-car garage. Since the house is currently under construction by the builder, the strict application of this setback requirement would require major construction revisions such as rebuilding the corner of the house and 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 31 is situated southeast of the wetland that will be dedicated to the Homeowners Association. The encroachment in question is three feet into the 20-foot rear yard building setback in the southeast part of the property where the wetland is located. The placement of the house will maintain the 25-foot front yard setback and preserve the cohesiveness of the streetscape around Glen Robbins Court. The three-foot variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan nor generate adverse impact on the adjacent Pea Hill Branch and its associated wetlands. As a cluster development, Countryside Subdivision will not be negatively affected by approval of this variance in its design intent to provide open space and green area.

The subject Lot 31 has a set of design circumstances that justify approval of the aforementioned variance. Due to the property being located far away from both Glen Robbins Court and the adjacent wetland and burdened with an irregular building envelope with a limited useable building footprint size, granting the relief requested would not substantially impair the intent, purpose or 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 rear yard setback as discussed above.

8. Detailed Site Plan: Detailed Site Plan, SP-93041 is the Detailed Site Plan required by Condition 6 of Preliminary Plan of Subdivision, 4-90076. Since its first approval, four revisions to the Detailed Site Plan were filed to add different architectural models and to ask for a variance from the side yard setback for Lot 1. The architectural model on Lot 31, type C, which is currently under construction is one of the models approved in the third revision to SP-93041.

9. 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 backyard building restriction line that is 17 feet away from the abutting property line. The proposed new building restriction line will be a 3-foot variance from the required 20-foot rear yard setback.
10. Referral Comments: The subject application was referred to concerned agencies and divisions. Major referral comments are summarized as follows:
 - a. The Permit Review Section in a memorandum dated November 1, 2001 indicated that:

■The original building permit #50534-1999-RGU was approved with no encroachment into the required building setbacks. No revisions to the building permit have been filed.●

The staff also asked two other technical questions regarding lot coverage and variance application of Lot 31.
 - b. The application was also referred to the Zoning Section. No comments were generated.
11. The subject Detailed Site Plan, DSP-93041/05, Countryside, Lot 31, is for a variance of rear yard setback only and plans no new development beyond what was approved in DSP-93041. In 2001, a fourth revision to DSP-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 DSP-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 DSP-93041/05 and further approved Variance Application No. VD-93041/05.

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 Eley, seconded by Commissioner Lowe, with Commissioners Eley, Lowe, Scott, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 15, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of December 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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