

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); and

WHEREAS, pursuant to Section 27-1703(a) of the Zoning Ordinance, development applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, may be reviewed and decided in accordance with the Zoning Ordinance in existence at the time of submission and acceptance of the application; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on May 5, 2022, regarding Specific Design Plan SDP-0614-H1 for Beech Tree East Village, Lot 6, Block U, the Planning Board finds:

1. **Request:** The subject homeowner’s minor amendment to a specific design plan (SDP) is a request to construct a 12- by 19-foot enclosure over an existing deck at the rear of an existing single-family detached dwelling within the rear yard setback.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	LCD Prior: R-S	LCD
Use	Residential	Residential
Lot size	7,205 square feet	7,205 square feet
Gross Acreage	0.16	0.16
Lot	1	1
Number of Dwelling Units	1	1

3. **Location:** The subject property is in the Legacy Comprehensive Design (LCD) Zone, previously the Residential Suburban Development (R-S) Zone, in the larger development known as Beech Tree East Village, which is on the west side of Sissinghurst Place, approximately 155 feet from

its intersection with Beech Tree Parkway. More specifically, the subject property is located at 2807 Sissinghurst Place, Upper Marlboro, Maryland, within Planning Area 79 and Council District 6.

4. **Surrounding Uses:** The subject property is surrounded by similar single-family detached homes within the LCD Zone, and was previously zoned R-S.
5. **Previous Approvals:** The subject site was developed as part of the Beech Tree East Village Subdivision, Section 6. On March 2, 1989, the Planning Board approved Zoning Map Amendment A-9763-C (PGCPB Resolution No. 89-107) to rezone the property from Residential Agriculture to R-S.

On October 9, 1989, the zoning map amendment was approved by the Prince George's County District Council.

Comprehensive Design Plan CDP-9706 was approved by the Planning Board on February 26, 1998 (PGCPB Resolution No. 98-50), and approved by the District Council on July 14, 1998, for approval of a golf course community with 2,400 dwelling units.

Preliminary Plan of Subdivision 4-00010 was approved on October 14, 1999.

On February 25, 2008, the Planning Board approved SDP-0614 for 10 single-family semidetached villa units, and 1 single-family detached unit.

A Planning Director amendment, SDP-0614-01, was approved on December 28, 2009, to revise the footprints allowing single-family detached units.

Stormwater Management (SWM) Concept Plan 0080-049-50 was approved on June 27, 2000.

6. **Design Features:** The subject application includes a proposal for a 12-foot by 19-foot enclosure to an existing deck of the rear of the existing single-family detached home. The single-family home contains an existing 12- by 19-foot deck on the second level and is 9 feet above ground level. The existing deck flooring will remain with the addition of a roof that will be nine feet in height. A new white vinyl railing system will be provided to match the existing railing with white vinyl wrap posts and beams. The enclosure will consist of a shingled roof. The proposed deck enclosure will match the existing architecture of the home. The enclosure extends 5 feet into the 15-foot rear yard setback and is a minimum of 10-feet from the rear property line.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prior Prince George's County Zoning Ordinance:** The project conforms with Section 27-515 of the prior Zoning Ordinance, regarding uses permitted in the R-S Zone. A single-family detached dwelling is a permitted use in the zone. The project is also in compliance with the requirements of Section 27-501, which includes regulations applicable to the R-S Zone. The

project also conforms to the requirements of Section 27-528 of the Zoning Ordinance, regarding required findings for SDP applications, and Section 27-530 of the Zoning Ordinance, regarding amendments to approved SDP applications.

8. **Zoning Map Amendment (Basic Plan) A-9763-C:** The project is in compliance with the requirements of A-9839-C, as the proposed deck enclosure 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 SDP.
9. **Comprehensive Design Plan CDP-9706:** The project complies with the requirements of CDP-9706, except regarding the required rear yard setback. The CDP stipulates that the minimum rear yard setback for single-family detached houses with a lot size of 6,000-7,999 square feet is 15 feet. The proposed deck enclosure encroaches into the rear setback 5 feet.
10. **Beech Tree East Village, Plat Five, recorded as Plat Book 196 page 92:** The subject project is in compliance with the requirements contained in the plat notes of Beech Tree East Village, Plat Five, recorded as Plat Book 196, page 92.
11. **Specific Design Plan SDP-0614, Beech Tree East Village:** SDP-0614 was approved by the Planning Board on February 25, 2008, for 10 single-family semidetached villa units and 1 single-family detached unit. The subject project is in compliance with the requirements of SDP-0614, Beech Tree East Village, except for the rear yard setback and for lots with a lot size between 6,000–7,999 square feet. The proposed deck enclosure would extend into the designated setback by 5 feet.
12. **2010 Prince George’s County Landscape Manual:** The addition of a deck enclosure is exempt from the requirements of the 2010 *Prince George’s County Landscape Manual* because the requirements were satisfied at the time of SDP-0614 approval.
13. **Prince George’s County Tree Canopy Coverage Ordinance:** The subject application is exempt from the Tree Canopy Coverage Ordinance because the applicant proposes less than 5,000 square feet of gross floor area or disturbance.
14. **Prince George’s County Woodland Conservation and Tree Preservation Ordinance:** The subject lot does not contain any woodland conservation; the deck enclosure 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 and SDP.
15. **Section 27-528, Planning Board Action, of the prior Zoning Ordinance** requires that the Planning Board make the following findings before approving an SDP, unless an application is being processed as a limited minor amendment. Each required finding is listed in **BOLD** below followed by comment.

(a) Prior to approving a Specific Design Plan, the Planning Board shall find that:

- (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The subject amendment conforms to the requirements of CDP-9706, as outlined in Finding 9, and the applicable standards of the 2010 *Prince George's County Landscape Manual*, as outlined in Finding 12. As the subject amendment does not involve townhouse construction, nor is located in the prior Local Activity Center Zone, the second portion of this required finding does not apply to the subject project.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

The proposed enclosed deck does not affect the previous positive finding in SDP-0614 that the application had met the above requirement.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The proposed site development is consistent with approved SWM Concept Plan 0080-049-50. Therefore, adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties, in accordance with this required finding.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

The addition of a deck enclosure to an existing single-family detached dwelling and setback modification does not impact the previously approved Type 2 tree conservation plan.

- (5) **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

No regulated environmental features exist on the subject lot; therefore, this finding is not applicable to the subject SDP.

16. **Section 27-530(c)(3) of the prior Zoning Ordinance** sets forth the criteria for granting minor amendments to approved SDPs 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, including meeting the following criteria:

- (A) **Are located within the approved Comprehensive Design Plan building lines and setbacks or any approved amendments to the Comprehensive Design Plan;**
- (B) **Are in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and**
- (C) **Will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.**

SDP-0614 established the rear yard setback at a minimum of 15 feet. The proposed deck enclosure extends 5 feet into this rear yard setback, proposing a setback of approximately 10 feet from the rear property line. The subject application does not meet Criterion (A) and, therefore, the subject homeowner's minor amendment was heard by the Planning Board, as stated in Section 27-530(d)(3)(A).

In regard to Criterion (B) above, the proposed deck enclosure is consistent with the architectural and site design characteristics of the approved SDP, except in regard to the rear yard setback. The proposed enclosure will be constructed of wood, a white vinyl railing system, and white vinyl wrap posts and beams with a shingled roof. The proposed deck enclosure will match the existing house and will be of the same high-quality materials.

In regard to Criterion (C), the Planning Board finds that the requested deck enclosure will not substantially impair the intent, purpose, or integrity of the approved CDP. The modification of the minimum rear yard to 10 feet for the proposed enclosure will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood, because the addition is at the rear of the home and not visible from the nearest public right-of-way, 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 Specific Design Plan SDP-0614-H1 for the above-described land.

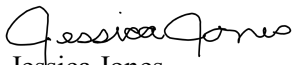
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, May 5, 2022, in Upper Marlboro, Maryland.

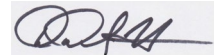
Adopted by the Prince George's County Planning Board this 5th day of May 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:TB:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: May 3, 2022