

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 (LCD) Zone; and

WHEREAS, pursuant to Section 27-1704(e) of the Zoning Ordinance, subsequent revisions or amendments to development approvals shall be reviewed and decided in accordance with the Zoning Ordinance in existence at the time of which the original development approval was approved; 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, an application was submitted by Dean Shillingford, on behalf of Enfield Chase, Lot 61 Block A, for approval of a specific design plan; and

WHEREAS, in consideration of evidence presented at a public hearing on June 8, 2023, regarding Specific Design Plan SDP-8419-H8 for Enfield Chase, Lot 61 Block A, 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-foot by 12-foot, wooden deck that is elevated two feet high with stairs to grade and a 3-foot, 6-inch railing, at the rear of an existing single-family detached dwelling, extending five to eight feet into the rear yard setback, due to the irregular shape of the lot.
2. **Development Data Summary:**

	EXISTING
Zone	LCD (Prior R-S)
Use	Residential
Lot size	5,488 sq. ft.
Gross Acreage	0.1260
Lot	1
Number of Dwelling Units	1

3. **Location:** The subject property is in the Legacy Comprehensive Design (LCD) Zone, previously the Residential Suburban Development (R-S) Zone. It is located in the larger development known as Enfield Chase on a corner lot, at the intersection of Esquilin Terrace and Emory Court. More specifically, the subject property is located at 1501 Emory Court, Bowie, MD 20716, within Planning Area 71B and Council District 4.
4. **Surrounding Uses:** The subject property is on a corner lot and fronts on Emory Court and is surrounded on four sides by similar single-family detached homes within the LCD Zone, in the Enfield Chase development, which located northwest of the intersection of Northview Drive and Mitchellville Road. It is bounded to the north, south, and west by LCD-zoned land, consisting of single-family detached homes.
5. **Previous Approvals:** The subject site, Lot 61 Block A, was developed as part of the Enfield Chase development, which has been the subject of several previous approvals of similar requests for homeowner minor amendments. On March 28, 1985, the Prince George's County District Council approved Comprehensive Design Plan CDP-8501 for Enfield Chase, which was the third and final stage of the Basic Plan A-8589 (CR-108-1975) for Bowie Town Center and was proposed to be developed with 54 single-family dwelling units, as a revision to CDP-8305. The site has an approved stormwater management (SWM) concept plan.

On May 16, 1985, the Prince George's County Planning Board approved SDP-8419 (PGCPB Resolution No. 85-153), subject to two conditions, none of which are applicable to the review of the subject SDP. Six revisions to SDP-8419, all being homeowner minor amendments, were subsequently approved: SDP-8419-H1, for the addition of a 6-foot-high fence; SDP-8419-H2 was approved by the Planning Board on June 1, 1995 for a similar 12-foot by 12-foot deck addition (PGCPB Resolution No. 95-175); SDP-8419-H3, for the validation of an existing deck (PGCPB Resolution No. 96-334); SDP-8419-H4, for the validation of an existing deck and pool (PGCPB Resolution No. 96-335); SDP-8419-H5, for the validation of an existing deck; and, SDP-8419-H6, approved a 19-foot by 14-foot deck. The applicant is requesting a 5-to 8-foot reduction of the building restriction line for Lot 61, Block A.
6. **Design Features:** The subject application includes a proposal for a 12-foot by 12-foot wooden deck, at the rear of an existing single-family detached home, sited on a corner lot. The deck is elevated 2 feet above grade and has stairs leading to the grade-level surface. The materials of the approved deck will match and complement the architecture of the existing home and will be constructed of wood, with a white vinyl railing system and white vinyl wrap posts and beams. The proposed deck extends into the 20-foot rear yard setback by 5–8 feet and will be between 12-15 feet from the rear property line, which has an irregular shaped boundary. The porch conforms to all side yard setbacks.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the R-S Zone of the prior Zoning Ordinance, as follows:

- a. The project conforms with the requirements for purposes, uses, and regulations in Sections 27-514.08, 27-514.09, and 27-514.10 of the prior Zoning Ordinance by providing low-density residential use in a planned development.
 - b. Per 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.
 - c. The project also conforms to the requirements of Section 27-528 of the prior Zoning Ordinance, regarding required findings for SDP applications, and Section 27-530 of the prior Zoning Ordinance, regarding amendments to approved SDP applications.
8. **Zoning Map Amendment (Basic Plan) A-8589 (CR-108-1975):** The project is in compliance with the requirements of Basic Plan A-8589 (CR-108-1975), as the proposed deck addition 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-8501:** The project complies with the requirements of CDP-8501, except regarding the required rear yard setback and the stipulation set by the Balmoral homeowners association. The CDP stipulates that the minimum rear yard setback for single-family detached houses is 20 feet. The proposed elevated deck would be approximately 12–15 feet from the rear property line, encroaching 5–8 feet into the rear setback.
10. **Specific Design Plan SDP-8419:** SDP-8419 was approved by the Planning Board on May 16, 1985 (PGCPB Resolution No. 85-153), with two conditions, none of which are applicable to the review of the subject SDP. The subject application is in compliance with the requirements of SDP-8419, except for the rear yard setback. The proposed elevated deck would encroach into the required 20-foot setback by approximately 5–8 feet due to the irregular shape of the rear yard boundary.
11. **2010 Prince George’s County Landscape Manual:** The addition of an elevated deck is exempt from the requirements of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) because the requirements were satisfied at the time of SDP-8419 approval.
12. **Prince George’s County Tree Canopy Coverage Ordinance:** The subject application is exempt from the Prince George’s County Tree Canopy Coverage Ordinance because the applicant proposes less than 5,000 square feet of gross floor area or disturbance.
13. **Prince George’s County Woodland Conservation and Tree Preservation Ordinance:** The proposed elevated deck would not alter the previous findings of conformance with the Prince George’s County Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP and SDP.

14. Section 27-528 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** text below, followed by Planning Board comments

(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-8501, as outlined in Finding 9, and the applicable standards of the Landscape Manual, as outlined in Finding 11. The subject amendment does not involve townhouse construction, nor is it located in the prior Local Activity Center Zone. The second portion of this required finding does not apply to the subject application.

- (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;**

This finding was made with the approval of the original SDP and will not be affected by the proposed deck addition.

- (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 site is consistent with the approved SWM concept plan, and this minor addition will not impact that approval. 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 an elevated deck 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.

15. 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-8419 established the rear yard setback at a minimum of 20 feet. The proposed elevated deck addition extends into this rear yard setback by approximately 5–8 feet, proposing a setback of approximately 12–15 feet from the rear property line. The subject application does not meet Criterion (A), and therefore, the subject homeowner's minor amendment to SDP-8419-H8 is to be heard by the Planning Board, as stated in Section 27-530(d)(3)(A) of the prior Zoning Ordinance.

Regarding Criterion (B) above, the proposed elevated deck addition is consistent with the architectural and site design characteristics of the approved SDP, except regarding the rear yard setback. The proposed deck will be constructed of wood, with a white vinyl railing system and white vinyl wrap posts and beams, with a screened enclosure. The proposed deck will be in keeping with the existing architectural and site design characteristics of the SDP in materials and design.

Regarding Criterion (C), the Planning Board finds that the requested addition will not substantially impair the intent, purpose, or integrity of the approved CDP. Modification of the minimum rear yard for the proposed elevated deck will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood.

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-8419-H8 for the above-described land, subject to the following condition:

1. The modification of the rear yard setback from 20 feet to approximately 12–15 feet to construct a 12-foot by 12-foot deck only applies to Lot 61, Block A. The applicant shall obtain the proper building permits for the proposed deck with stairs.

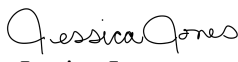
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *


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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, June 8, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of June 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AB:jah


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 6/27/23