

C O R R E C T E D R E S O L U T I O N

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 27-1704(b) of the Zoning Ordinance, projects which received development or permit approval prior to the effective date of the current ordinance may continue to be reviewed and decided in accordance with the Zoning Ordinance under which it 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, in consideration of evidence presented at a public hearing on March 2, 2023, regarding Specific Design Plan SDP-8912-H9 for Jenkins-Heim, Covington Lot 76, Block B, the Planning Board finds:

1. **Request:** The subject homeowner’s minor amendment to a specific design plan (SDP) approves construction of a 12-foot by 29-foot screened porch, with a landing and steps to grade at the rear of an existing single-family detached dwelling extending two feet into the rear yard setback.

2. **Development Data Summary:**

	EXISTING
Zone	LCD (Prior R-S)
Use	Residential
Lot size	6,182 sq. ft.
Gross Acreage	0.14
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 the Jenkins-Heim, Covington development, on the west side of Eagles Nest Drive, approximately 250 feet south of its intersection with Excalibur Drive. More specifically, the

subject property is located at 3206 Eagles Nest Drive, Bowie, Maryland, within Planning Area 71B and Council District *[7] 4.

4. **Surrounding Uses:** The subject property fronts on Eagles Nest Drive and is surrounded on three sides by similar single-family detached homes within the LCD Zone, in the Covington development, which is bounded to the north by MD 197 (Collington Road), to the east by US 301 (Robert Crain Highway), to the south by single-family detached homes in the Residential, Rural Zone (RR), and to the west by Mitchellville Road and single-family attached units in the RR Zone.
5. **Previous Approvals:** The subject site Lot 76, Block B was developed as part of the Jenkins-Heim/Covington development. A basic plan for the Jenkins and Heim tracts was approved by the Prince George's County District Council on October 28, 1975 (Prince George's County Council Resolution CR 108-1975). An amendment to this basic plan was filed concurrently with Comprehensive Design Plan CDP-8704. On December 3, 1987, the Prince George's County Planning Board approved CDP-8704 (PGCPB Resolution No. 87-524) for the Jenkins-Heim/Covington development, subject to 37 conditions, none of which are applicable to the approved homeowner's minor amendment to an SDP.

On June 9, 1988, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-88086 (PGCPB Resolution No. 88-282), subject to 25 conditions, none of which are applicable to the approved homeowner's minor amendment to an SDP.

On September 21, 1989, the Planning Board approved SDP-8912 (PGCPB Resolution No. 89-489), subject to 16 conditions, none of which are applicable to the approved homeowner's minor amendment to an SDP. Seventeen revisions to this SDP were subsequently approved, seven of which were homeowner's minor amendments for the construction of decks on individual lots. Four of the homeowner's minor amendments approved reductions to the rear building restriction lines equal to or in excess of the subject request. SDP-8912-H2 approved a 9-foot, rear building restriction line; SDP-8912-H3 approved a 12-foot rear building restriction line; SDP-8912-H5 approved a 10-foot rear building restriction line; and SDP-8912-H8 approved an 8-foot reduction of the rear building restriction line. The applicant requested and the Planning Board approves a 2-foot reduction of the building restriction line for Lot 76, Block B.

6. **Design Features:** The subject application approves development of a 12-foot by 29-foot screened porch at the rear of an existing single-family detached home. The porch will have a landing and steps to grade. The materials and roofing of the approved screened porch will match and complement the existing architecture of the home and will be constructed of wood, with a white vinyl railing system and white vinyl wrap posts and beams, enclosed with a screen and matching composite asphalt shingles for the roof. The porch extends into the 20-foot rear yard setback by 2 feet and will be 18 feet from the rear property line. The porch conforms to all side yard

*Denotes Correction

Underlining indicates new language

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setbacks. The approved screened enclosure has been approved by the design committee of the Covington Manor and the Townes at Covington Homeowners Association, Inc., as stated in a letter that was included with the application and shown on the plan.

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-7591 (CR-108-1975):** The project is in compliance with the requirements of Basic Plan A-7591 (CR-108-1975), as the screened porch addition in the rear yard setback, as approved, 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-8704:** The project complies with the requirements of CDP-8704, except regarding the required rear yard setback. The CDP stipulates that the minimum rear yard setback for single-family detached houses is 20 feet. The screened porch, as approved, will be approximately 18 feet from the rear property line, encroaching 2 feet into the rear setback.
10. **Specific Design Plan SDP-8912:** SDP-8912 was approved by the Planning Board on September 21, 1989 (PGCPB Resolution No. 89-489), with 16 conditions, none of which are applicable to the approved homeowner's minor amendment to an SDP. The subject application is in compliance with the requirements of SDP-8912 except for the rear yard setback. As stated previously, the screened porch, as approved, will encroach into the required 20-foot setback by 2 feet.
11. **2010 Prince George's County Landscape Manual:** The addition of a screened porch 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-8912 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 screened porch 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 staff 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-8704, as outlined in Finding 9, and the applicable standards of the 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 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 approved porch 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 stormwater management 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 a screened porch 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 approved homeowner's minor amendment to an 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-8912 established the rear yard setback at a minimum of 20 feet. The screened porch addition extends into this rear yard setback by 2 feet, permitting a setback of approximately 18 feet from the rear property line. The subject application does not meet Criterion (A) and, therefore, the subject homeowner's minor amendment to SDP-8912-H9 was heard by the Planning Board, as stated in Section 27-530(d)(3)(A) of the prior Zoning Ordinance.

Regarding Criterion (B) above, the screened porch addition is consistent with the architectural and site design characteristics of the approved SDP, except regarding the rear yard setback. The approved screened porch will be constructed of wood, with a white vinyl railing system and white vinyl wrap posts and beams, with a screened enclosure. The approved screened porch and roof of the enclosure 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. The modification of the minimum rear yard for the approved screened porch 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-8912-H9 for the above-described land, subject to the following condition:

1. The engineer's lot survey plan shall be revised to accurately show the right-side setback measurement on the plan. The setback shall be shown perpendicular from the property line to the closest corner of the structure.

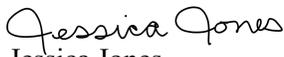
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Geraldo, with Commissioners Washington, Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, March 2, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of March 2023 *and corrected administratively on April 4, 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AS:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Council
Dated 3/9/23

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department, April 5, 2023

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language