

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, in consideration of evidence presented at a public hearing on October 11, 2001, regarding Specific Design Plan SDP-9020/10 for Jenkins Heim (Oakberry/Covington), the Planning Board finds:

1. The subject revision to the Specific Design Plan SDP-9021 applies to Lot 7, Block F, 16101 Eastlawn Court in the Oakberry/Covington (Jenkins-Heim) development. The approved Specific Design Plan for this development requires a minimum side setback of five feet. The applicant is proposing a south side setback of 2'8" due to an error in the field.
2. The approved house type Model #8420 includes an optional front porch. The applicant failed to adjust the house siting before stake-out to allow room for the full porch. This resulted in a side setback of 2'8" instead of a five-foot setback for a corner of the proposed porch. There is a setback of 10'4" from the corner of the full covered porch on the subject lot to the corner of the house on the adjacent lot, 8F.
3. Although the proposed porch encroaches into the required side setback by 2'2", the proposal meets the intent of the minimum five-foot side setback established by the Specific Design Plan. A minimum five-foot side setback ensures a distance of ten feet between two houses on adjacent lots. Since the subject house on Lot 7F and the adjacent house on Lot 8F are oriented at an angle, there is a distance of more than 20 feet between the two houses. Therefore, in this case, the encroachment of the porch into the required side setback will not have any adverse impacts on the adjacent property.
4. *Section 27-530 (a), Amendments, of the Zoning Ordinance states that:*

All amendments of approved Specific Design Plans shall be made in accordance with the provisions of this division for initial approval.

The subject revision must conform with the required findings for approval of a Specific Design Plan.

*Denotes correction

[Brackets] denote deletion

Underlining denotes addition

Conformance of the Proposed Specific Design Plan with the findings for approval of a Specific Design Plan (Section 27-528, Planning Board Action)

- a. *The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual.*

The proposed setback for the subject house will not alter the existing lotting pattern and landscape plans for the subject development. Therefore the plan would continue to conform to the approved Comprehensive Design Plan and the applicable standards of the *Landscape Manual*.

- b. *The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.*

Findings for adequate public facilities were made in conjunction with the Preliminary Plat and the Specific Design Plan for the development. The minor change in side setback requirements requested by this revision will not alter the findings made for the Specific Design Plan that the development will be adequately served within a reasonable period of time with existing or programmed facilities.

- c. *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 minor change in side setback requirements requested by this revision will not alter the findings made for the Specific Design Plan that adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.

- d. *The Plan is in conformance with an approved Tree Conservation Plan.*

The minor change in side setback requirements requested by this revision will not alter any of the site conditions approved by the Specific Design Plan. This subject development is exempt from the Woodland Conservation Ordinance because the Comprehensive Design Plan was approved prior to November 1989.

Referral Responses

5. The Subdivision Section (Del Balzo to Srinivas, September 11, 2001) has stated that the lot configuration is in accordance with VJ 157@82, Lot 7, Block F.
6. The Department of Environmental Resources (De Guzman to Srinivas, August 28, 2001) has stated that coordination with the City of Bowie is required regarding stormwater management because the subject development is in the City of Bowie.
7. The City of Bowie (Fenton to Srinivas, telephone conversation, September 19, 2001) has no comments regarding this proposal.

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 Specific Design Plan for the above-described land, subject to the following condition:

1. Prior to certification of the Revision to the Specific Design Plan, the applicant shall submit a site plan showing the dimensions of the lot, the dimensions of the proposed house and porch and the setbacks for the porch and the existing single-family residence from the property lines.

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 Brown, with Commissioners Eley, Brown, Lowe, and Hewlet voting in favor of the motion, Commissioner Scot 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

TMJ:FJG:LS:rmk