



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 10-48

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. SDP-9037-H3

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 April 8, 2010, regarding Specific Design Plan SDP-9037-H3 for Summit Creek (Hlinka Addition), the Planning Board finds:

1. **Request:** This application requests the construction of a 12-foot by 22-foot addition and a 12-foot by 11-foot deck to be attached to the rear of an existing single-family detached dwelling unit, and the construction of a 240-square-foot brick patio in the rear yard.

2. **Development Data Summary**

EXISTING

Zone	R-S
Use(s)	Residential
Lot size	10,150 square feet
Lots	1
Number of Dwelling Units	1

REQUIRED

PROVIDED

Total parking spaces	2	2
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3. **Location:** The subject site is located at 7003 Chain Fern Court, on the west side of its terminus, within the Summit Creek development. The site is also located in Planning Area 81A, Council District 9, and the Developing Tier.
4. **Surrounding Uses:** The subject property is located on the west side of Chain Fern Court and is surrounded to the north by single-family detached units. The subject lot is bounded to the west and south by a homeowners open-space parcel, which separates the rear yard of the subject lot from the rear yard of additional single-family detached units west of the open-space parcel along Deep Creek Court.
5. **Previous Approvals:** The application is subject to the requirements of Comprehensive Design Plan CDP-8909 (PGCPB Resolution No. 90-59), Preliminary Plan of Subdivision 4-90008 (PGCPB Resolution No. 90-104), Specific Design Plan SDP-9037 (PGCPB Resolution

No. 91-108), and Final Plat 5-91147, recorded in the Prince George's County Land Records in Plat Book VJ 159 @ 33.

6. **Design Features:** The subject application includes a proposal for the addition of a 12-foot by 22-foot breakfast room addition and a 12-foot by 11-foot deck to a single-family detached dwelling, which was constructed in 1993 within the required setback. The subject lot is known as Lot 7, Block T of Summit Creek. The proposed addition will connect to the existing kitchen and will open out onto the proposed deck and brick patio. The addition will be finished with vinyl siding and asphalt shingles to match the existing home.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The project is in compliance with Section 27-515 of the Zoning Ordinance regarding uses permitted in the R-S Zone. A single-family detached dwelling is a permitted use in the R-S 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 regarding required findings in specific design plan applications and Section 27-530 regarding amendments to approved specific design plan applications. Findings 14 and 15 below provide a more detailed discussion of this conformance.
8. **Comprehensive Design Plan CDP-0809:** The project is in compliance with the requirements of Comprehensive Design Plan CDP-0809, except regarding the required rear yard setback. Whereas the CDP stipulates a 20-foot minimum rear yard, the proposed deck and addition would leave approximately 15 feet between the proposed structures and the property line. Although the proposed patio is located closer to the property line, patios are not required to meet the building setback.
9. **Final Plat 5-91147:** The subject project is in compliance with the requirements contained in the plat notes of Final Plat 5-91147.
10. **Specific Design Plan SDP-9037:** The subject project is in compliance with the requirements of Specific Design Plan SDP-9037, except for the rear yard setback. The proposed deck and addition would extend approximately five feet into the required rear yard.
11. **Prince George's County Landscape Manual:** The nature of the project exempts it from the requirements of the *Prince George's County Landscape Manual*.
12. **Woodland Conservation and Tree Preservation Ordinance:** The subject lot does not contain any woodland conservation; the addition of the proposed structures would not alter the previously made findings of conformance to the Woodland Conservation and Tree Preservation Ordinance, which were made at the time of approval of the comprehensive design plan, preliminary plan of subdivision, and specific design plan.
13. **Referral Agencies and Departments:** The application was referred to the concerned agencies and

divisions. Referral comments are summarized as follows:

Summit Creek Community Association: In a letter dated March 13, 2009, the Summit Creek Community Association indicated that the request for architectural change associated with this application had been approved.

Environmental: The Environmental Planning Section indicated that the proposal does not affect the previously approved Type II Tree Conservation Plan, TCP11/24/91.

Permits: The Permit Review Section offered several comments regarding the plan's conformance to the Zoning Ordinance. Where applicable, these comments have been included as conditions of approval of this specific design plan.

14. Section 27-530(c)(3) of the Zoning Ordinance sets forth the criteria for granting minor amendments to approved specific design plans 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.**

The subject application does not meet criterion (A) and (B) above and therefore was brought forward as a Planning Board application. The comprehensive design plan for the subject project established the rear yard setback at a minimum of 20 feet. The addition is proposed approximately 15 feet from the rear property line. However, off-site negative impacts of the construction of the deck are mitigated by the fact that the lot is located at the terminus of a cul-de-sac and backs to a homeowners association open-space parcel, affording privacy to the occupants of both the subject property and properties to the west. Further, the modification of the rear building restriction line to 15 feet will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood. The proposed materials and design are high quality and consistent with the architectural character of the existing home.

15. Section 27-528 of the Zoning Ordinance sets forth the following required findings for approval of a specific design plan:
 - (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 proposed addition and deck construction and the amendment to the rear yard building restriction line do not affect the positive finding made in Specific Design Plan SDP-9037 that the application had met the above requirement.

- (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 or provided as part of the private development;**

The proposed addition and deck construction do not affect the positive finding made in Specific Design Plan SDP-9037 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; and**

The proposed addition and deck construction do not affect the positive finding made in Specific Design Plan SDP-9037 that the application had met the above requirement.

- (4) **The plan is in conformance with an approved Tree Conservation Plan.**

The proposed addition and deck construction do not affect the positive finding made in Specific Design Plan SDP-9037 that the application had met the above requirement.

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 SDP-9037-H3 the Specific Design Plan for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall:

- a. Provide the dimension of the existing driveway on the site plan.
- b. Revise the plans to show the location and dimensions of the existing shed.
- c. Provide the legal description of the property on the site plan.

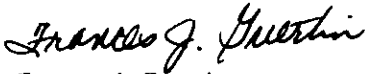
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent, at its regular meeting held on Thursday, April 8, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of April 2010.

Patricia Colihan Barney
Executive Director

By 
Frances J. Guertin
Planning Board Administrator

PCB:FJG:SA:wrc

APPROVED AS TO LEGAL SUFFICIENCY.


M.NCPPC Legal Department

Date 4/13/2010