

## 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 June 6, 2002, regarding Specific Design Plan SDP-9606 for Marleigh, the Planning Board finds:

1. On May 24, 1994, the District Council approved Comprehensive Design Zone Application A-9881 (per Zoning Ordinance 34-1994) for the subject property. Comprehensive Design Plan CDP-9407 was approved by the District Council on October 5, 1995. On October 31, 1996, the Prince George's County Planning Board approved Specific Design Plan SDP-9606 (PGCPB No. 96-328). The plans have been revised numerous times for the purpose of adding additional architecture. The subject application is for Lots 41 and 48 only.
2. The subject Specific Design Plan is for the purpose of reducing the side yard setback on Lots 41 and 48.
3. The Specific Design Plan is in conformance to the concepts of the Comprehensive Design Plan. For Lots 41 and 48, where the applicant seeks to reduce the side yard setbacks to allow for a larger house to be built on these two lots, the reduction sought varies between 1.5 feet to 5.1 feet, which will not impair the design quality or integrity of the Comprehensive Design Plan. This reduction should not be noticeable by most casual observers. The large houses allowed by these reductions will have no negative impact on neighboring properties.
4. Page 9 of approved CDP-9407 text states the following, pertaining to Lot Development Standards:

■Marleigh Lot Development Standards

■INTERIOR LOTS

-Minimum lot size =	10,000 square feet
-Front yard setback =	15 feet
-Side yard setback =	8 feet/18 feet combined total
-Rear yard setback =	30 feet
-Minimum lot width at street line =	25 feet
- Maximum building. height =	35 feet

Lots 41 and 48 are governed by the above criteria. Lot 41 proposes side yard setbacks of 6 feet 3 inches and 6 feet 10 inches for a combined total of 13 feet 1 inch. Staff is of the opinion that the house on Lot 41 should be shifted to the west so an eight-foot side yard setback is established on the east side of the house. Lot 48 proposes side yard setbacks of 7 feet and 6 feet 6 inches for a combined total of 13 feet 6 inches. While the side yards are reduced on both sides of Lot 48, the

combined distance between the adjoining houses is 13 feet on the west side and 16 feet on the east side. This reduction in the setbacks will be barely noticeable to the eye. Therefore, staff has no objection to the requests to reduce the side yard setbacks on Lots 41 and 48 only as revised by the conditions in the recommendation section of this report.

8. The Specific Design Plan revision will have no impact on provisions for draining surface water to prevent adverse effects on the subject property or any adjacent property.
9. The Specific Design Plan revision does not alter the original finding of SDP-9606 that this development will be adequately served within a reasonable time with existing or programmed public facilities and that it meets and will continue to meet the requirements of both the approved Tree Conservation Plan and the *Landscape Manual*.
10. All previously approved conditions shall remain in full force and effect when applicable with this revision.

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 conditions:

1. Prior to signature approval, the plans shall be revised to indicate an eight-foot setback on the east side of Lot 41.
2. All previous conditions shall remain in full force and effect when applicable with this revision.

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 Brown, seconded by Commissioner Scott, with Commissioners Brown, Scott, Lowe and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, June 6, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of June 2002.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:LW:rmk