

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, in consideration of evidence presented at a public hearing on March 27, 2003, regarding Specific Design Plan SDP-9614/04 for Brandywine Village, Lot5, Block B, the Planning Board finds:

1. This Specific Design Plan amendment request is for the purpose of validating a stakeout error for the single-family detached dwelling located on Lot 5, Block B, of the Brandywine Village Subdivision. The single-family detached house was under construction when it was discovered that the chimney on the northerly side of the lot (adjacent to Lot 4) intruded two feet into the six-foot side yard setback required by the CDP. The applicant has submitted this request to revise the original Specific Design Plan in order to allow the home to remain where constructed and to minimize hardships to future homeowners.
2. According to the approved Comprehensive Design Plan CDP-9202 and narrative for Brandywine Village, the required minimum side yard set back for single-family detached homes is six feet.
3. **Development Data Summary**

	Existing	Proposed
Zone(s)	R-M	R-M
Use(s)	Single-family residential	Single-family residential
Acreage	Approximately .15 acre	Approximately .15 acre
Lots	1	1
Square footage/GFA	2,072	2,072
Dwelling Units:	1 detached	1 detached

4. The proposed two-foot intrusion into the required setback is minimal and does not impact the findings made by the Planning Board on previous approvals that the subject subdivision is in conformance with the CDP. Its impact on urban design considerations for the subdivision is minor in magnitude. The house was mislocated in the stakeout process and is already built. To require moving of the house to meet the required setback would incur unreasonable costs. Since the intrusion is minimal, staff recommends no mitigation.
5. This revision to the Specific Design Plan will have no impact on the previously approved Tree Conservation Plan.

6. The revision will have no effect on the previous finding regarding adequate drainage of surface water.
7. Further, this revision to the Specific Design Plan will have no impact on the previous finding of conformance to the *Landscape Manual*.
8. Lastly, this revision to the Specific Design Plan will have no impact on previous findings by the Planning Board that 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.
9. Therefore, granting the proposed revision to the Specific Design Plan will not alter previous findings made pursuant to Sec. 27-528 of Part 8 of the Zoning Ordinance required for Planning Board action on a Specific Design Plan.

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. The side yard setback for the single-family detached dwelling located on Lot 5, Block B, shall be no less than four feet.

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 Lowe, with Commissioners Eley, Lowe, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 27, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of April 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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