

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 21, 2000, regarding Detailed Site Plan SP-82052/04 for Skyline Hills, Lot 17, Block E, the Planning Board finds:

1. The subject Revision to the Detailed Site Plan SP-82052/04 applies to 4803 Norfolk Court, Lot 17, Block E, a townhouse unit in the Skyline Hills Subdivision. The Skyline Hills Cluster Subdivision is located approximately 600 feet west of I-95 and south of Suitland Road. The applicant is proposing a deck in the rear yard which will extend beyond the building restriction line. The proposed deck will be 20 feet long and 10 feet wide. The building restriction line in the rear yard is 20 feet. The proposed deck will be setback 17 feet from the rear property line and will encroach three feet into the rear building restriction line. The Board of Zoning Appeals is unable to grant a Variance in this case because the building restriction line is shown on the Final Plat of Subdivision.
2. A Preliminary Plat 4-81073 was approved by the Planning Board on July 30, 1981 (PGCPB No. 81-160) for the Skyline Hills Cluster Subdivision. Condition #4 of the Preliminary Plat required the provision of a typical lot layout showing a generalized house location. The Preliminary Plat established a minimum rear building restriction line of 20 feet.
3. A Detailed Site Plan SP-82052 was approved on October 20, 1982 for the townhouse portion of the subdivision. The following revisions to the Detailed Site Plan have been approved by staff as the Planning Board's designee as of this date:
 - a. SP-82052/01 on November 3, 1990 for revisions to the tot lot and landscape area
 - b. SP-82052/02 on February 21, 1992 for revisions to the tot lot
 - c. SP-82052/03 on February 15, 1995 for revised architecture
4. The subject Revision to the Detailed Site Plan is presented for review by the Planning Board because the proposed deck encroaches into the rear building restriction line. The subject townhouse unit meets the minimum rear building restriction line. The proposed deck encroaches into the rear building restriction line because the subject townhouse lots are small (1,500 sq.ft) and it is very difficult to accommodate a standard deck within the rear yard without encroaching into the rear building restriction line. The proposed deck will be set back seventeen feet from the rear property line and will be screened from the adjacent properties and the street by fences along the rear and side property lines. Since the proposed deck will have minimal visual impacts on the adjacent properties, it will not impair the intent, purpose, or integrity of the approved Detailed Site Plan.

5. Building restriction lines are not frequently established on townhouse lots. In this case, it would have been more sensible if the original Detailed Site Plan had included a provision that excluded decks from the 20-foot building restriction line. At present, according to the current regulations, individual homeowners have to apply for a Detailed Site Plan application for decks that encroach into the 20-foot building restriction line. This process delays approval for these projects. Staff is therefore requesting that a provision be made to allow decks only to encroach into the 20-foot rear building restriction line. This will help streamline the approval process for the homeowners and provide flexibility in the selection of decks according to the requirements of the individual homeowners. This provision will enable the individual homeowners to apply for a building permit without getting an approval for a Revision to the Detailed Site Plan.

A condition of approval has been added to require decks to be setback a minimum of five feet from the rear property lines. This condition will provide more flexibility for the individual homeowners.

6. The Environmental Planning Section (Markovich to Srinivas, September 15, 2000) has stated that there is an approved Type II Tree Conservation Plan (TCPII/238/91) for this development and that there are no significant environmental constraints identified for this property.
7. The Department of Public Works and Transportation (Asghari to Srinivas, September 21, 2000) has stated that coordination with the Town of Morningside is necessary.
8. The Skyline Hills Townhouse Association (Wilson to Smith, August 24, 2000) has reviewed the proposed deck.
9. The Town of Morningside has been sent a referral. No comments have been received as of this date.
10. With the proposed conditions, the Revision to the Detailed Site Plan SP-82052/04 is found to represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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 Detailed Site Plan for the above-described land, subject to the following conditions:

1. Prior to issuance of building permits, the applicant shall submit a site plan showing the dimensions of the lot, the dimensions of the proposed deck and the setbacks for the deck and the existing townhouse units from the property lines and existing easements.
2. All decks in the Skyline Hills Cluster Subdivision shall be set back a minimum of five feet from the rear property line.

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 Brown, seconded by Commissioner Eley, with Commissioners Brown, Eley, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, December 21, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of January 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LS:rmk