

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 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 July 31, 2003, regarding Detailed Site Plan DSP-90003/11 for Simmons Acres, Lot 104, Block N, the Planning Board finds:

1. The subject property is located at 18208 Merino Drive, southeast of its intersection with MD *[410] 210.
2. Development Data Summary

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Single-family Residential	Single-family Residential
Acreage	.23	.23
Lots	Lot 104, Block D	Lot 104, Block D
Dwelling Units	1	1

3. The subject property received a variance of 10 feet to the required rear yard setback from the Board of Zoning Appeals to allow construction of a deck (Permit #13000080-2003). A condition of the approval of the variance requires that the detailed site plan be corrected to show accurate lot coverage information.
4. Lot coverage (30.6 percent) exceeds the maximum permitted in the RR zone for cluster subdivisions (30 percent) in the Prince George's County Zoning Ordinance. Hence, the companion variance case has been submitted to permit a lot coverage on the site greater than the suggested maximum. The application, however, is in accordance with the Zoning Ordinance in all other respects.
5. The increased lot coverage on the subject site arose from:
 - a. Choice of one of the larger models available for a relatively small (.23 acre) lot.
 - b. Topography of the site requiring placement of the house to the rear of the site in order to maintain an acceptable slope on the driveway.

*Denotes correction

[Brackets] denotes deletion

Underlining denotes addition

- c. Construction of the deck.

6. The *Landscape Manual*—The proposed project is in conformance with the requirements of the *Landscape Manual*.
7. PGCPB No. 90-92, File No. SP-90003, required by condition that the general notes of the subject detailed site plan include percentage of lot coverage calculating the largest house on the smallest lot or a table showing the coverage of each lot.
8. Appeal Number V-58-03 granted by the Board of Zoning Appeals on May 14, 2003, approved a variance of ten feet to the rear yard setback for the construction of a deck conditioning that the property owner's house location survey, which incorrectly identified the distance on the north property line, be corrected and that the property owner apply for a revision to the approved Detailed Site Plan SP-90003 if the lot coverage on the property is found to exceed 30 percent.
9. The Woodland Conservation Ordinance—The requirements of the Woodland Conservation Ordinance have been met through the original approval of Simmons Acres.
10. Referrals: No referrals were requested for this application. Comments from the Permit Review Section, generated May 28, 2003, included:
 - a. That the site plan must be revised to show the correct distance of the north (rear) property line to match Record Plat 156-6.
 - b. That the detailed site plan must be revised to correctly reflect the 30.6 percent lot coverage.

VARIANCE REQUEST

11. The applicant is requesting a variance in accordance with Section 27-239.04 from Section 442(c) of the Prince George's County Zoning Ordinance. Section 27-230 sets forth the following criteria for approval of the variances:
 - a. **A specific parcel of land has exceptional narrowness, shallowness or shape, exceptional topographic conditions, or other extraordinary situations or conditions.**

The lot is small, measuring only .23 acre or 10,018.8 square feet and accommodates a 2,580-square-foot house and has a relatively severe grade near the street requiring additional impervious surface on the driveway to maintain a 12 percent slope.
 - b. **The strict application of the Subtitle will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.**

The house, deck and driveway are already built on the lot. Requiring removal of any of these items would cause an undue hardship upon the owner of the property.
 - c. **The variance will not substantially impair the intent, purpose or integrity of the**

General Plan or Master Plan.

The vicinity of the subject site is planned for low-density suburban land-use under the 1993 Subregion V Master Plan and SMA. Granting a minor variance in lot coverage will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan because the land use on the site will remain substantially the same.

12. The applicant has met the criteria for approval of the proposed variance.
13. The plan will, if revised in accordance with the condition of approval, 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 DSP-90003/11 and further approved Variance Application No. VD-90003/11 subject to the following condition:

1. The site plan shall be revised to show the correct distance of the north (rear) property line to match Record Plat 156-6.

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 Lowe, seconded by Commissioner Harley, with Commissioners Lowe, Harley and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, July 31, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of September 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk