

Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

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## PRELIMINARY PLAN

**4-02033**

Application	General Data
Project Name:  EVANSTON  Location:  South on Hilmar Drive and west on Walters Lane  Applicant/Address:  Charles L. Satterfield 3401 Walters Lane Forestville, MD 20747	Date Accepted                      04/24/02
	Planning Board Action Limit    07/02/02
	Tax Map & Grid                    089/D-01
	Plan Acreage                        .7268
	Zone                                  R-80
	Lots                                  2
	Parcels                              0
	Planning Area                      75A
	Council District                    06
	Municipality                        N/A
	200-Scale Base Map               205SE06

Purpose of Application		Notice Dates	
RESIDENTIAL SUBDIVISION		Adjoining Property Owners (CB-15-1998)	N/A
		Previous Parties of Record (CB-13-1994)	N/A
		Sign(s) Posted on Site	6/3/02
		Variance(s): Adjoining Property Owners	N/A
Staff Recommendation		Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plan 4-02033  
Evanston, Lots 11 and 12, Block D

OVERVIEW

The proposed subdivision consists of 31,658 square feet and is zoned R-80. The subject property is known as Lot 10, Block D, and is located on Tax Map 89 in Grid D-1. Lot 10 was originally subdivided in accordance with record plat WWW 87 @ 71, recorded in Land Records in 1974. The applicant is proposing to subdivide Lot 10 into two lots, both exceeding the 9,500-square-foot minimum lot size required for conventional development in the R-80 Zone. Proposed Lot 11 is 16,882 square feet and Lot 12 is 14,772 square feet.

The subject property is currently improved with two single-family dwelling units and two accessory structures. The applicant is proposing to locate each dwelling unit on its own lot, with both accessory structures being located on Lot 12. Currently having two main dwellings on one lot is not permitted by the Zoning Ordinance. The proposed subdivision will bring each dwelling into conformance with this requirement.

The subdivision as proposed was previously approved by the Planning Board in Preliminary Plan 4-91019 and Preliminary Plan 4-94068, both of which subsequently expired prior to approval of a final plat. A condition of PGCPB Resolution #94-306 (4-04068) required that the applicant obtain a variance for Lot 11 for the rear yard setback and a variance for Lot 12 for the side yard setback. The location of the line dividing Lot 11 into two lots necessitated the variances.

On March 14, 1991, the applicant obtained both of the required variances from the Board of Appeals. V-10989 was approved for a reduction of 11.5 feet from the required 20-foot rear yard setback for Lot 11. V-10990 was approved for a reduction of 2.1 feet from the required eight-foot side yard setback for Lot 12. Section 27-233 of the Zoning Ordinance establishes the validity period for the Board of Appeals decisions. In certain circumstances the decision of the Board is valid only for two years; however, because the structures and the use of the buildings were established at the time of the granting of the variances, they remain valid.

Since the review of Preliminary Plan 4-94068 and the granting of the variances by the Board of Appeals, the applicant has erected a cover on what was shown on preliminary plan 4-94068 as a concrete patio on Lot 12. Due to the location of the new lot line, Walters Lane defines the front street line for Lot 12 and, therefore, the covered patio is in the front yard of the dwelling on Lot 12. Section 27-442(i), Table VIII, Footnote 10 requires that accessory buildings in certain circumstances be located behind the rear building line of the main building. The covered patio will be located in the front yard of the dwelling located on Lot 12 and this will require the approval of a variance. This variance is necessitated by the proposed subdivision.

The property is located at the intersection of Walters Lane and Hil-Mar Drive. Lot 11 is a corner lot with access proposed via Walters Lane. Lot 12 has frontage on Walters Lane to which direct vehicular access is proposed. The two existing dwellings each have driveways which provide direct vehicular access to a public street. However, the driveway serving the dwelling on Lot 11 is circular and a portion of that driveway crosses Lot 12. That portion of the driveway serves as secondary access for Lot 11; no easement has been proposed on Lot 12. The requirement that each lot have frontage on and provide direct vehicular access to a public street has been met. The use of that portion of the driveway crossing Lot 12 by the property owner of Lot 11 is at the discretion of the property owner of Lot 12.

#### SETTING

The subject property is located in the southwest quadrant of the intersection of Hil-Mar Drive and Walters Lane, approximately 620 feet south of the intersection of Hil-Mar Drive and Pennsylvania Avenue (MD 4). The existing lot is within the Evanston Subdivision, a development of single-family dwellings in the R-80 Zone. West of this block of the Evanston Subdivision is R-18 zoned land developed with multifamily dwelling units. North across Hil-Mar Drive is land in the R-18 Zone developed with multifamily dwellings. To the northeast across Walters Lane is C-S-C zoned land primarily developed with commercial uses. To the southeast across Walters Lane is R-80 zoned land primarily developed with single-family dwellings.

#### FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site is less than 40,000 square feet in size and does not have a previously approved Tree Conservation Plan. The property is not wooded. A Tree Conservation Plan is not required.

No Historic or Scenic roads are affected by this proposal. There are no streams, wetlands, or floodplain on the property. There are no existing noise impacts on the property. The proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened, or endangered are known to occur in the in the general region. According to the sewer service and water service maps produced by DER, the property is in categories W-3 and S-3. The soils information in the Prince George's County Soils Survey indicates that the principal soils on the site are in the Beltsville soils series. Beltsville soils pose no special problems for development.

2. Community Planning The subject property is within the limits of the 1985 *Approved Master Plan for Suitland-District Heights and Vicinity*, in Planning Area 75B in the Suitland Community. The 2000 *Interim General Plan* locates the subject property in the Developed Tier.

The 1985 *Approved Master Plan for Suitland-District Heights and Vicinity* recommends that the subject property be developed for medium suburban residential development. The 1986 *Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*, rezoned the property from R-R to R-80.

The development proposal is consistent with the 1985 *Approved Master Plan for Suitland-District Heights and Vicinity*.

3. Parks and Recreation In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant make a payment of a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and

location. However, in accordance with Section 24-134(a)(3)(C) of the Subdivision Regulations, one lot in the subdivision is exempt from the requirement of mandatory dedication of parkland. Section 24-134 exempts lots on which a dwelling legally existed at the time of subdivision.

The Zoning Ordinance does not allow two dwellings on one lot unless the existing situation predates zoning. In this case the applicant would be required to demonstrate that the second dwelling was constructed prior to 1949 to be deemed as nonconforming and legally existing.

The dwelling constructed first is the legally existing dwelling unit because it was one dwelling on one lot. The second dwelling would not have been legal, if not constructed prior to 1949, and therefore is not legal at the time of this subdivision. The applicant must provide information in the form of permits, tax assessment records or other information adequate to determine when the dwellings were constructed.

4. Trails●There are no master plan issues associated with this application.
5. Transportation●The subdivision would generate no net trips as a result of the resubdivision. There would be no resulting impact on traffic operations at the MD 4/Walters Lane intersection, which is the development's critical intersection, as a result of the resubdivision. The existing dedication of 40 feet from center line along Walters Lane is acceptable as shown, and no further dedication is required by this plan.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

6. Schools●The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001) and concluded that the subdivision is exempt from the APF test for schools because it is in the Developed Tier.
7. Fire and Rescue●The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
  - a. The existing fire engine service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service response time of 2.46 minutes, which is within the 5.2-minute response time guideline.
  - b. The existing ambulance service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service response time of 2.46 minutes, which is within the 6.25-minute response time guideline.
  - c. The existing paramedic service at Silver Hill Fire Station, Company 12, located at 3900 Silver Hill Road has a service response time of 4.90 minutes, which is within the 7.25 minute-response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, and paramedic services.

8. Police Facilities • The proposed development is within the service area for Police District III-Landover police station. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Evanston Subdivision development. This police facility will adequately serve the population generated by the proposed subdivision.
9. Health Department • The Health Department has no comment regarding this application.
10. Stormwater Management • The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A fee-in-lieu of providing on-site stormwater management facilities will be required by the Department of Environmental Resources.
11. Variance • Section 27-442(i), Table VIII of the Zoning Ordinance requires that accessory buildings be located behind the rear building line of the main structure on a lot in certain circumstance. The subdivision will establish Walters Lane as the front street line for Lot 12 if this subdivision is approved. The existing covered patio, located on proposed Lot 12, will then be located in the front yard of the dwelling on Lot 12. The variance is necessitated by this application.

Section 27-230 of the Zoning Ordinance sets forth the required findings for approval of variance requests. The applicant addressed the required findings in the statement of justification. Staff concurs and supports the variance. A variance may only be approved if:

- A. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions.** Existing Lot 10 has an exceptional shape. All the other lots in the Evanston subdivision are generally rectangular, whereas the subject lot is ■boot• shaped. Existing Lot 10 is 79.15 feet at the front street line, then fans out at the rear to 222.57 feet ■ shape not shared by the surrounding lots.
- B. **The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.** The applicant converted an existing patio structure into a covered patio. If the variance is not approved, an unusual practical difficulty could result with the applicant having to demolish the accessory structure.

Due to the location of the existing dwelling on Lot 12, approximately 112 feet from the front street line, the area for the placement of an accessory structure on that lot is severely limited if it is to be located behind the rear building line of the dwelling as required by code.

- C. **The variance will not substantially impair the integrity of the General Plan or Master Plan.** Existing Lot 10 is one of the larger lots in the Evanston Subdivision. The lot was originally subdivided in 1974 when the property was in the R-R Zone; even at that time the lot exceeded the minimum lot size of 20,000 square feet by 11,658 square feet. In 1986 the

*Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity* rezoned the property to the R-80 Zone, which requires 9,500 square feet for the construction of a single-family-dwelling unit lot. Both Lot 11 and 12 exceed this minimum by 7,382 square feet and 5,272 square feet, respectively. The lot size and use of these properties is consistent with the master plan recommendation.

#### RECOMMENDATION

APPROVAL, subject to the following conditions:

1. At the time of the Final Plat of Subdivision, the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication unless it is determined that one of the dwellings legally existed at the time of subdivision.
2. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan.
3. Prior to signature approval the preliminary plat shall be revised:
  - a. To demonstrate a ten-foot public utility easement along the property's entire street frontage.
  - b. To demonstrate a ten-foot public utility easement from the street to the exiting utility pole located on proposed Lot 11.
  - c. To provide the Stormwater Management Concept Plan number and approval date.
  - d. To provide specific reference to each variance approved for this development. That reference shall include the variance number, the lot each variance pertains to, and the amount of the variance approved.