

Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
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## PRELIMINARY PLAN 4-02045

Application	General Data
Project Name:  <b>A. O. DILLE FARM</b>  Location:  West side of Mount Airy Road, approximately 500 feet north of its intersection with Old Marlboro Pike.  Applicant/Address:  Gehani, Taro G. 12508 Over Bridge Road Potomac, MD 20854	Date Accepted 06/05/02
	Planning Board Action Limit 11/22/02
	Tax Map & Grid 101/C-01
	Plan Acreage 0.96
	Zone R-R
	Lots 3
	Parcels 0
	Planning Area 79
	Council District 06
	Municipality N/A
	200-Scale Base Map 207SE12

Purpose of Application	Notice Dates
<b>RESIDENTIAL SUBDIVISION</b>	Adjoining Property Owners (CB-15-1998) N/A
	Previous Parties of Record (CB-13-1994) N/A
	Sign(s) Posted on Site 9/28/02
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation			Staff Reviewer: Del Balzo
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 Plan of Subdivision 4-02045  
A.O. Dille Farm, Lots 54 – 56

OVERVIEW

The subject property consists of 0.96± acres of land in the R-R Zone. It is currently identified as Part of Parcel 27, Tax Map 101, Grid C-1. This portion of Parcel 27 was separated from the remaining portion of the parcel by deed in 1947, and as such is one legal building lot. It is improved with three single-family detached homes and accessory structures, constructed in the 1940s. The applicant wishes now to create three separate lots, one for each of the dwellings.

Access is provided via a 15-foot-wide private right-of-way easement leading from the property across the remaining portion of Parcel 27 to Old Marlboro Pike. A discussion of this easement is found in Finding 15 of this report.

SETTING

The property is located on the west side of Mount Airy Lane, approximately 500 feet north of its intersection with Old Marlboro Pike. Vacant land appears to the north. To the east and south are single-family homes on parcels in the R-R Zone. To the west is a Prince George's County school bus lot.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Development Data Summary—

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Single-family detached homes	Single-family detached homes
Acreage	0.96± acres	0.96± acres
Lots	1	3
Dwelling Units:		
Detached	3	3

2. Environmental Issues—There is no woodland on the property. No Historic or Scenic roads are affected by this proposal. There are no streams, wetlands, or floodplain on the property. There are no significant nearby noise sources. 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 S-3 and W3. The soils information in the “Soils Survey for Prince George’s County” indicates that the principal soils on the site are in the Collington, Ochlockonee, Sassafras, and Westphalia soils series.

This site is not subject to the provisions of the Woodland Conservation Ordinance. Although the entire site is more than 40,000 square feet in size, it contains less than 10,000 square feet of woodland and does not have a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required. No further action is needed at this time. A Letter of Exemption will be required as part of any application for a grading or building permit.

Collington, Ochlockonee, and Sassafras soils pose no problems for development. Westphalia soils can pose problems on steep and severe slopes because of their highly erodible nature. This site is relatively flat and no special precautions are needed. No further action is needed at this time.

There are no significant environmental features on the site.

3. Community Planning—The 2002 General Plan places the property in the Developing Tier. The *Subregion VI Study Area Master Plan* recommends the property for public/quasi-public land use. The Sectional Map Amendment retained the property in the R-R Zone. There is a discrepancy with the master plan showing the property for public/quasi-public use when the lots are in private ownership. It appears this was a technical mapping error on the master plan map. In any event, this subdivision of three existing dwellings in the R-R Zone will not impair the integrity of the master plan, which should have recognized this property and its existing development for suburban density.
4. Parks and Recreation—The proposed subdivision is exempt from the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication because no *additional* dwellings are proposed. The three dwellings legally exist.
5. Trails—There are no master plan trails issues associated with this proposed subdivision.
6. Transportation—The application is a proposal to subdivide an existing lot containing three residences. Three lots are proposed. No lots would be created that would result in additional development.

The proposed subdivision would generate no net trips as a result of the subdivision. There would be no resulting impact on traffic operations at the Old Marlboro Pike/Ritchie Marlboro Road intersection, which is the development’s critical intersection, as a result of the subdivision.

The existing Mount Airy Lane, which provides access to the proposed subdivision, is a public street but is a minimal maintenance roadway, meaning that DPW&T does not maintain it. The right-of-way is very substandard. If an easement were proposed, staff would require a width of 22 feet, therefore, the existing 15 feet would not even meet that requirement.

The Subdivision Ordinance includes a provision which allows a substandard access to serve existing lots provided it is supported by DPW&T (see Finding 15). Therefore, the transportation staff, in recognizing that the residences exist, does not oppose the proposed access shown on the subdivision plan.

Given these findings, adequate access roads will exist as required by Section 24-124 of the Prince

George's County Code if the application is approved. The transportation staff is not recommending conditions at this time, but notes that the substandard access shown on the plan is supported by staff contingent upon the county's DPW&T raising no objection.

7. 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). The proposed subdivision is exempt from the APF test for schools because it is a proposal to create lot lines around existing homes. No additional dwelling units are proposed.
8. Fire and Rescue—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
  - a. The existing fire engine service at Marlboro Fire Station, Company 20, has a service response time of 3.15 minutes, which is within the 5.25 minutes for response time guidelines.
  - b. The existing ambulance service at Marlboro Fire Station, Company 20, has a service response time of 3.15 minutes, which is within the 6.25 minutes for response time guidelines.
  - c. The existing paramedic service at Marlboro Fire Station, Company 20, has a service response time of 3.15 minutes, which is within the 7.25 minutes for response time guidelines.

These 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 service.

9. Police Facilities—The proposed development is within the service area for District II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed A.O. Dille Farm development. This police facility will adequately serve the population generated by the proposed subdivision.
10. Health Department—The Health Department raised several issues. Abandoned wells and septic systems need to be pumped, backfilled and/or sealed prior to approval of the final plat. The major issue raised by the Health Department concerns the adjoining county bus lot. The Health Department notes that the Environmental Protection Agency has determined diesel exhaust to be a “probable human carcinogen” associated with lung and skin cancer. The Health Department recommends that the applicant coordinate with the county to help develop remedial efforts to minimize the impact of diesel exhaust on the residences of the subject property.

While staff concurs that the effects of this diesel fuel exhaust may have a negative impact on the properties, staff also notes that these homes have existed for a long time. Furthermore, it is the School Board's responsibility to ensure that uses on its property are not detrimental to the health, safety and welfare of adjacent properties. Had these homes not yet existed, staff would be inclined to include a condition notifying potential property owners of the existence of the bus lot. Because the homes exist, staff is less inclined to do so.

11. Stormwater Management—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #2504-2002-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
12. Public Utility Easement—The proposed preliminary plan does not include the required 10-foot-wide public utility easement. Prior to signature approval, the preliminary plan needs to be revised to include this easement within the right-of-way serving the lots.
13. Cemeteries—The applicant’s surveyor has certified that there are no cemeteries on this property.
14. Variances—Section 27-442 of the Zoning Ordinance requires a minimum net lot area in the R-R Zone of 20,000 square feet. Section 27-442 also requires a 20-foot rear yard setback. The following variances are requested:

Section 27-442 – 20,000 Square-Foot Net Lot Area

Lot 54—a variance of 2,974 square feet

Lot 55—a variance of 9,740 square feet

Lot 56—a variance of 5,441 square feet

Section 27-442 – 20-Foot Rear Yard Setback

Lot 54—a variance of 13 feet

Lot 55—a variance of 10 feet

Lot 56—a variance of 15 feet

Staff recommends approval of all of the requested variances. Section 27-230(a) of the Zoning Ordinance sets forth the following criteria for approval of variances:

**A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or circumstances;**

**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; and**

**The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

This is a narrow property whose sole access to a public street is provided via an access easement. There are extraordinary circumstances at play here. Three homes were constructed on the property prior to the enactment of zoning laws and have been occupied intermittently since. To require their removal would result in an undue hardship on the owner. As noted previously, the *Subregion VI Study Area Master Plan* recommends the property for public/quasi-public land use, even though the property is in private ownership. It appears this was a technical mapping error on the master plan map. In any event, this subdivision of three existing dwellings in the R-R Zone will not impair the integrity of the master plan, which should have recognized this property and its existing development for suburban density.

15. Private Right-of-Way – The homes are served by a private right-of-way connecting the property to

Old Marlboro Pike. Section 24-128(c) allows the Director of the Department of Public Works and Transportation to permit the use of a 15-foot-wide right-of-way to serve existing lots of single-family dwellings. The Planning Board has, in recent past, approved subdivisions where lots were not existing, but the dwellings were. The following requirements must be met:

**The use of such lots shall be restricted to one-family detached dwellings or agricultural uses, and structures and uses accessory thereto;**

**The private right-of-way or easement width shall be a minimum of 15 feet and the travel way width shall be a minimum of 10 feet;**

**Such authorization shall be based upon a written finding that the private right-of-way or easement is adequate to serve the extent of the development proposed;**

**The private right-of-way or easement shall not lie within a municipality or connect to a street under the jurisdiction of a municipality; and**

**The development shall comply with all other applicable requirements of county code.**

In this case, with written authorization from DPW&T, these requirements are met. The private right-of-way will continue to be adequate to serve the three existing dwellings.

#### RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Development of this site shall be in conformance with the approved stormwater management concept plan, #2504-2002-00, or any revisions thereto.
2. Prior to signature approval, the preliminary plan shall be revised to include the required 10-foot-wide public utility easement within the right-of-way serving the lots.
3. Prior to approval of the final plat, the applicant shall submit written documentation from the Department of Public Works and Transportation authorizing the use of the 15-foot-wide private right-of-way.