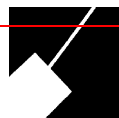


Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3470



Comment [COMMENT1]: WHEN INSERTING  
 INFORMATION AT THE @ SIGN  
 REMEMBER TO USE INDENT FOR SECOND  
 LINE - NOT TAB. ALSO, IT WILL LOOK  
 LIKE THE TEXT IS GOING WACKO, BUT  
 DON'T WORRY - IT IS FINE.

*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm)*

## PRELIMINARY PLAN VARIANCE

**4-93064  
 VP-93064/01**

Application	General Data
Project Name  Woodmont Estates	Date Accepted 09/15/1993
	Planning Board Action Limit 11/23/1993
Location  North side of Old Stage Road, Approximately 300 feet east of Church Road	ZHE Hearing Date N/A
	Plan Acreage 3.46 ACRES
Applicant/Address  Odyssey Development Group 1495 Chain Bridge Road, Suite 300 McLean VA 22101	Zone R-R
	Lots 6
	Parcels
	Planning Area 71
	Council District 06
	Municipality N/A
	200-Scale Base Map 207NE12

Purpose of Application	Notice Dates
<b>Hearing for the Reconsideration and a Variance of 7' of the required 70' lot frontage for Lot 12 and 50' of the required frontage for Lot 13 Section 27-442(d) Table III</b>	Adjoining Property Owners (CB-15-1998) N/A
	Previous Parties of Record (CB-13-1997) 11/21/2001
	Sign(s) Posted on Site 11/21/2001
	Variance(s): Adjoining Property Owners 11/21/2001

Staff Recommendation			Staff Reviewer <b>HIRSCH</b>
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

November 27, 2001

**MEMORANDUM**

To: Prince George's County Planning Board

From: Alan S. Hirsch, Planning Supervisor, Subdivision Section

Subject: Preliminary Plan of Subdivision 4-93064, Woodmont Estates  
Reconsideration Hearing

**BACKGROUND**

The subject preliminary plan of was originally approved on November 18, 1993 (PGCPB No. 93-306). The subdivision consisted of approximately 3.46 acres of land in the R-R Zone. The applicant proposed the subdivision of the site into six lots. The subject property is comprised of two parcels (D and E) that were created by a previous subdivision (VJ 145 @ 77) that was recorded in October of 1988. At the time of the approval, the applicant was required to place Parcels D and E in reservation for the future right-of-way needs of A-44 (InterCounty Connector). The reservation for both parcels expired and the applicant filed the subject application.

Four of the six lots approved in 1993 were designed with frontage and direct access to a cul-de-sac extension of Resin Court. The other two lots were designed with frontage and direct access to Old Stage Road. The preliminary plan reflected approximately 214 feet of irregularly shaped frontage along Old Stage Road. The minimum frontage on a street in the R-R Zone for a conventional lot is 70 feet. Lot 12 had approximately 90 feet of frontage and Lot 13 had approximately 124 feet of frontage.

By a letter dated August 1, 1995, the applicant requested that the Planning Board reconsider their approval of the preliminary plan based upon a specific issue regarding a mistaken representation of the existing public right-of-way for Old Stage Road. Because the public right-of-way for Old Stage Road is prescriptive in nature (existing out of use over a long period of time, but was never *dedicated* to public use) a small portion of land in front of the subject property is considered under the ownership of the property owner across the street. This narrow triangle of land prohibits the originally proposed lots from having the minimum lot frontage necessary for each lot (70 feet). The applicant's August 1, 1995 letter also proposed a solution to this mistake by requesting that the lotting pattern be revised to reflect two flag lots with a shared driveway.

On September 14, 1995 The Planning Board approved the Request for Reconsideration. At that hearing, staff indicated that the applicant's proposed solution presented subdivision ordinance conformance issues. The Board was informed that because of the reconsideration, a mandatory action time frame no longer exists and that the actual reconsideration hearing would be scheduled before the Board when an appropriate solution could be reached.

The hearing for the reconsideration was set for December 6, 2001 and notice of the this hearing was sent to all parties of record in the subject application, in accordance with Section 10f. of the Planning Board's Rules of Procedure. A notice of public hearing sign was also posted on the site.

#### **FINDINGS AND REASONS FOR STAFF RECOMMENDATION**

1. Lotting Pattern - The revised lotting pattern proposed in 1995 utilized a flag lot configuration that would have required the use of a shared driveway encumbered with a private right-of-way easement. The ability to use shared driveways on flag lots in the R-R Zone was eliminated in 1989. The currently proposed lotting pattern allows for two separate driveways to be constructed adjacent to each other at a point where the common lot boundary line exists. While there will be one 20 foot curb cut, each driveway will provide *direct* vehicular access to the public right-of-way.

Because of the location of the privately owned property, the applicant has a very limited ability to locate a curb cut within the public right-of-way. Because the common boundary line between the two lots must be centered on the curb cut, the amount of street frontage apportioned to each lot is relatively fixed. While the proposed lots (12 and 13) meet all other minimum zoning ordinance requirements for development, they do not meet the minimum standard for lot width at the street line, therefore approval of a variance is necessary for the creation of these lots.

Erv T. Becker, District Engineer for the Department of Public Works and Transportation (DPW&T) has reviewed the location of the curb cut on to Old Stage Road that will serve the two driveways. On October 1, 2001, Mr. Becker signed a concurrence letter accepting this design and location.

2. Lot-Width Variance - The revised preliminary plan requires a variance for lot width at the street line. Section 27-442(d) Table III of the Zoning Ordinance requires a minimum lot width of 70 feet at the street line. Lot 12 is proposed to have approximately 63 of width at the street line and needs a variance of 7 feet. Lot 13 is proposed to have approximately 20 of width at the street line and needs a variance of 50 feet. The applicant has filed a companion variance application, VP-93064/01, seeking the required variance for each lot.

Section 27-230 of the Zoning Ordinance sets forth the required findings for approval of variance requests. The following are the required findings for the approval of a variance, the applicant's justification statement pertaining to each finding and staff's comment:

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

Applicant's Justification: The necessity of this request results from the relationship of privately owned land upon which Old Stage Road, and the supporting roadbed, lies. The proposed lot pattern for lots 12 and 13 have been designed in such a fashion so as to have access to the publicly owned portion of Old Stage Road only, and thus, access via a curb cut to publicly dedicated roads. This design results in the reduction of lot frontage due to the awkward shape of the public right-of-way.

Staff Comment: The configuration of the existing dedicated public right-of-way in front of the subject property and the limited ability to use that right-of-way, given the location of the privately owned property, is unique and constitutes an extraordinary condition.

- 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.**

Applicant's Justification: Without this variance, access can not be achieved for this portion of the property.

Staff Comment: Access to this portion of the property can be achieved without the need for a variance, but for only one lot. The approval of this variance will enable the applicant to create two lots with generally one point of access. The strict application of the lot-width at the street line standard will deny the applicant the right to implement the two lots that were anticipated by the original approval. In staff's opinion, this can be viewed as an unusual practical difficulty.

- C. **The variance will not substantially impair the integrity of the General Plan or Master Plan.**

Applicant's Justification: This variance will not conflict with the General Plan or the Master Plan.

Staff Comment: The master plan recommends single-family detached dwellings for this property and the zoning ordinance classifies the property in the R-R Zone. The minimum lot size for conventional development in the R-R Zone is 20,000 square feet. At 22,553 square feet (Lot 12) and 22,150 square feet (Lot 13), the lots meet zoning ordinance minimum size requirements. Both lots also meet the minimum lot width at the building line requirement (80 feet) and do not require any other variances. The proposed lots will not substantially impair the integrity of the General Plan or Master Plan.

## **RECOMMENDATION**

It is staff's recommendation, that the Planning Board approve Preliminary Plan of Subdivision 4-93064 with all the original findings and conditions with the inclusion of additional findings pertaining to the requested variance.

STAFF RECOMMENDS APPROVAL OF VARIANCE APPLICATION VP-93064/01.