

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Final Plat of Subdivision 5-03025
Lots 13-A and 14-A, Schelford North Estates.

Request for Variation to Section 24-128(b)(1)(B) of the Subdivision Regulations for two lots shown on Schelford North Estates Subdivision Plat recorded in Plat Book VJ 186, plat 54, among the Land Records of Prince George's County, Election District No. 1.

OVERVIEW

The subject property consists of two record lots located on Stan Fey Drive on the north side of Queen Anne Road in Upper Marlboro. The applicant is requesting variations to the Subdivision Regulations to permit Lots 13 and 14 to share the common access easement established by Plat VJ 186-54.

Lot 13 is improved with a single-family dwelling that is in the process of obtaining a final use and occupancy permit. Lot 14 is in the process of preparing plans for obtaining a building permit to construct a single-family dwelling.

A variation to Section 24-128(b)(1)(B) is necessary to allow lots with a net lot area below 2.00 acres to access a private right-of-way easement.

Staff erroneously approved Permit No. 8310176-2000-01 for Lot 13, which allowed the house to be constructed with the floor plan reversed from the original plan submittal to allow the side-entry garage to be on the north side of the lot at a higher elevation. Access into this side-entrance garage can only be from the private easement that was intended for two lots situated behind Lot 13. The error of the house using the private easement was discovered at final wall check survey upon completion of the house.

Upon investigation of the situation on Lot 13, staff discovered that Lot 14 was platted in error. It falls below the two-acre minimum net lot area once the area of the private easement is deducted from the total lot area. Granting a variation to Lot 14 would resolve any future discrepancies with permit applications for that lot.

Section 124-128(b)(1) permits the use of private right-of-way easements for single-family dwellings if the easement has a minimum width of 22 feet, a net lot area of two acres, and no more than four lots are served by the easement. Lots 13 and 14 are in compliance with all the requirements except the two-acre minimum net lot area. Lot 13 is 1.08 acres and Lot 14 is 2.13 acres but falls below the two-acre minimum when the area of the easement is subtracted from the gross lot area.

Approval by the Planning Board of the requested variations will allow the applicants to record a new subdivision plat (5-03025) that acknowledges the variations for both lots as well as a variance approved by the Board of Zoning Appeals for the side yard setback for the house on Lot 13.

SETTING

The properties are in the R-A zoning classification, in a subdivision developed using the varying lot size provisions of Section 27-442(b) (Table I). The property is located on the north side of Queen Anne Road, east of Crain Highway (US 301). All lots adjacent to this site, except Lot 14, are owned by private individuals and homes are constructed on them. Therefore, no additional land can be obtained to bring Lots 13 and 14 into compliance with the minimum net lot area requirements.

Lot 13 is improved with a two-story home. The 25-foot-wide easement is paved to serve Lot 13 and is graded to serve Lots 11 and 14 situated to the rear of Lot 13. Lot 14 is currently under construction.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. The single-family dwelling unit on Lot 13 was constructed in accordance with permit 8310176-2000-1, issued July 12, 2002.
2. Lot 14 has a gross lot area of 2.1302 acres, with a net lot area of 1.921 acres after subtracting the area of the 25-foot-wide private easement.
3. No additional land can be obtained from adjacent lots that are privately owned and improved with single-family dwellings.
4. Owners of both lots have joined in the application for subdivision plat (5-03025) to be recorded subsequent to the approval of variations by the Prince George's County Planning Board.
5. The new subdivision plat, entitled Lots 13A and 14A, Schelford North Estates, notes that variations were approved by the Prince George's County Planning Board and will be a matter of public record upon recordation of final plat 5-03025.
6. Lot 13-A is subject to Variance #V-12-03, granted by the Board of Zoning Appeals on February 12, 2003, for the side yard setbacks from the private easement.
7. Approval of variations will bring both lots into compliance with Section 24-128(b)(1)(B) and allow the lots to share the 25-foot-wide easement with Lot 11.
8. All parties affected by this final plat application and shared driveway easement are also parties to the recorded driveway easement and maintenance agreement recorded in Liber 16521 at folio 72.

RECOMMENDATION

APPROVAL with the following condition:

1. Recordation of final plat 5-03025.