



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

## CHESAPEAKE BAY CRITICAL AREA CONSERVATION PLAN CP-05011 & VC-05011

Application	General Data
<b>Project Name:</b> Tantallon on the Potomac Lot 9  <b>Location:</b> 1210 Swan Harbour Road  <b>Applicant/Address:</b> Paulette Pidcock 1210 Swan Harbour Road Fort Washington, MD	Date Accepted: 09/08/05
	Planning Board Action Limit: N/A
	Plan Acreage: 1.01
	Zone: R-R/L-D-O
	Dwelling Units: 1
	Planning Area: 80
	Council District: 8
	Municipality: N/A
	200-Scale Base Map: 216SW01

Purpose of Application	Notice Dates
Refund of filing fees for CP-05011 and VC05011	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: N/A
	Variance(s): Adjoining Property Owners: N/A

Staff Recommendation		Staff Reviewer: Jim Stasz	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Chesapeake Bay Critical Area  
Conservation Plan and Conservation Agreement CP-05011 and VC05011  
Tantallon on the Potomac, Lot 9

Council District: 8      Planning Area: 80      Municipality: none

**Refund of Filing Fee for CP-05011 and VC05011**

In August 2005 a walk-through building permit application for a second-story addition to 1210 Swan Harbour Road was rejected because the reviewer at the Peppercorn Permit Center determined that the existing garage, an accessory building, was in front of the principal structure and a variance from the Zoning Ordinance was required. The applicant was advised to apply for a Chesapeake Bay Critical Area Plan because a variance was required. All variances within the Chesapeake Bay Critical Area must be heard by the Planning Board as part of a Chesapeake Bay Critical Area Plan.

On September 8, 2005, applications for a Chesapeake Bay Critical Area Conservation Plan, CP-05011, and a variance, VC05011, were accepted by the Development Review Division.

At the Subdivision Review Committee meeting on September 23, 2005, staff determined that because the existing garage was attached to the principal structure a variance was not required. The plans indicate that the garage is connected to the principal structure by a covered walkway. Sec. 27-107.01 of the Zoning Ordinance notes (emphasis added):

- “(40) **Canopy:** A roof-like cover extending over an outdoor improvement (such as a sidewalk, a gasoline pump island, or the vehicular surface abutting a “drive-in” service window) for the sole purpose of sheltering persons from sun or precipitation. A “Canopy” is either freestanding, or attached to and projecting from the wall of a building. A “Canopy” is supported only by columns or the wall of a “Building,” and is unenclosed on all sides (except in the case of a projecting canopy where it abuts the “Building” wall). A “Canopy” shall not be considered a “Building.” A “carport” or covering over a porch, patio, deck, terrace, or stairway shall not be considered a “Canopy,” but shall be considered a portion of the “Main Building” to which it is attached or, if freestanding, an “Accessory Building.” Where an “Accessory Building” is attached to a “Canopy,” a “carport,” or a covering which is attached to the “Main Building,” that building shall not be considered a portion of the “Main Building”; however, that building is subject to the setback requirements of the “Main Building.” (CB-49-1988)

Footnote 10 of Table VIII of Section 27-442(i) permits a garage in the front yard if it was constructed prior to January 1, 1980. The 1965 M-NCPPC aerial photograph shows the garage. All of the existing development conforms to the requirements of the L-D-O and R-R Zones. Richard Thompson of the Prince George's County Department of Environmental Resources noted that proposed addition met all of the requirements for a waiver as stated on pages 1 and 2 of the “Chesapeake Bay Critical Area Conservation Manual.” The representative for Mr. and Mrs. Pidcock was given information on how to apply for a refund.

A waiver from preparing a Chesapeake Bay Critical Area Conservation Plan was issued by the Prince George's County Department of Environmental Resources.

Permit 26855-2005-00 was subsequently reviewed and approved by both DER and M-NCPPC.

The applicant has requested a refund of the filing fees of \$530 for the review of the Chesapeake Bay Critical Area Conservation Plan and \$200 for the associated variance.

**RECOMMENDATION:**

APPROVAL of a full refund of \$730.00.