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

Note: *Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.*

DETAILED SITE PLAN DSP-02050
VARIANCE APPLICATION VD-02050

Application	**General Data**	
Project Name: Baron's Subdivision, Lot 10	Date Accepted:	12/03/2002
	Planning Board Action Limit:	Waived
	Plan Acreage:	0.32
Location: West side of Allentown Road, approximately 3,050 feet southwest of Old Branch Avenue	Zone:	R-80
	Dwelling Units:	1
	Square Footage:	1,232
Applicant/Address: Ernest L. Birkett 1116 Centennial Drive Fort Washington, MD 20744	Planning Area:	76B
	Council District:	8
	Municipality:	NA
	200-Scale Base Map:	209SE05

Purpose of Application	**Notice Dates**	
Detailed Site Plan for a single-family detached house and a variance application for a four-foot variance from 27-442(d) lot width/frontage at the building line and a 14-foot variance from 27-442(e) Building restriction line from a side street line	Adjoining Property Owners: (CB-15-1998)	11/12/2002
	Previous Parties of Record: (CB-13-1997)	NA
	Sign(s) Posted on Site:	03/28/2003
	Variance(s): Adjoining Property Owners:	03/05/2003

Staff Recommendation		**Staff Reviewer:H. Zhang**	
APPROVAL	**APPROVAL WITH CONDITIONS**	**DISAPPROVAL**	**DISCUSSION**
X			

April 7, 2003

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Henry Zhang, Urban Design Section, Development Review Division

SUBJECT: Detailed Site Plan DSP-02050, Baron's Subdivision
Variance Application, VD-02050

The Urban Design staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL as described in the recommendation section of this report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

a. The requirements of the *Zoning Ordinance* in the R-80 Zone.

b. The requirements of Final Plat, VJ184@ 12.

c. The requirements of the *Landscape Manual.*

d. The requirements of the *Prince George's County Woodland Conservation Ordinance.*

e. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject detailed site plan, the Urban Design Review staff recommends the following findings:

1. **Request:** The subject application is for approval of one single-family detached house in the R-80 Zone.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-80	R-80
Use(s)	Vacant	Residential
Acreage	0.32	0.32
Number of lots	1	1
Gross Floor Area (square foot)	N/A	1,232
Building Height (foot)	NA	21

3. **Location:** The site is located in Planning Area 76B, Council District 8. More specifically, it is situated on the northwest side of Allentown Road, close to Westchester Court.

4. **Surroundings and Use:** The subject property is bounded to the south by a roadway with variable width; to the southeast by the Allentown Road right-of-way; to the west by an existing gravel road; and to the northeast by an existing single-family residence, Lot 9 of Baron's Subdivision in the R-80 Zone.

5. **Previous Approvals**: The subject site has a Preliminary Plan of Subdivision, 4-97117, which was approved by the Planning Board on March 12, 1998 (PGCPB No. 98-39), subject to seven conditions. The plan was recorded on August 3, 1998, as final plat VJ184@12 and carried three conditions of the previously approved Preliminary Plan of Subdivision, 4-97117. The site also has a valid Stormwater Management Concept Approval #24521-2002-00 and a letter of standard exemption from the Prince George's County Woodland Conservation Ordinance.

6. **Design Features:** The proposed single-family detached house is a traditional split foyer building with a one-car garage. The gross floor area of the house is approximately 1,232 square feet. The front elevation is finished with brick veneer, while the other three side elevations are covered by vinyl siding. The proposed house is in general compatible with the existing buildings in the neighborhood.

COMPLIANCE WITH EVALUATION CRITERIA

7. ***Zoning Ordinance*:** The subject application has been reviewed for compliance with the requirements in the R-80 Zone and the site plan design guidelines of the Zoning Ordinance.

   a. The subject application is in conformance with the requirements of Section 27- 441(b), which governs permitted uses in residential zones. The proposed single-family detached house is a permitted use.

   b. The detailed site plan is in general compliance with the requirements of Section 27-442, Regulations, for development in the R-80 Zone, with the following exceptions for which the applicant has filed a variance application:

      Lot Width/Frontage: Section 27-442(d) requires that a minimum lot width at the front building line be 75 feet. The proposed site plan shows only 71 feet. A variance of four feet from the required lot width is requested.

      Side Yard Setback: Section 27-442(e) requires a 25-foot side yard setback from the street for a corner lot. The site is a corner lot defined by Allentown Road to the front and an old roadway with variable width to the left. The site plan provides only an 11-foot setback along the old roadway. A variance of 14 feet from the required side yard setback is requested.

c. Per Section 27-230 of the *Zoning Ordinance*, a variance may only be granted when the Planning Board finds that:

"**(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**"

Comment: The subject lot is a corner lot in the subdivision. The lot has a somewhat irregular configuration and is narrow in front and wide in the rear. The proposed dwelling on the site is a 44-foot by 28-foot split foyer building with a garage on the right-hand side. The applicant wishes to line up the front of the house with the existing adjacent homes in order to maintain a continuous setback along Allentown Road. The narrowness of the lot frontage prevents the layout of the dwelling from meeting the technical lot criteria on width of the Zoning Ordinance by four feet.

The site is bounded to the left by an existing roadway with variable width. This roadway serves as a private vehicular access way to a limited number of interior lots and in fact functions more like a private driveway than a public street. The traffic on the road is very light. Since the roadway is not an easement created under Section 24-128(b)(9), it has to be treated as a street according to Section 27-107.01. Thus, the site must be treated as a corner lot, which requires a side yard setback along the street of no less than 25 feet. Normally, the minimum side yard setback in the R-80 Zone is only eight feet and the total of both side yard setbacks is 17 feet. Both the narrow lot front and the technical definition of the private access way as a street create the extraordinary situation that justifies approval of the variance.

"(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and"

Comment: The applicant is proposing to maintain the existing building setback along Allentown Road while building his desired home. The strict application of this Subtitle would result in the disruption of the existing continuous building setback along Allentown Road. It would also make it almost impossible for the applicant to build his desired home if the building maintains the required 25-foot-deep side yard and is still lined up with the existing neighborhood houses. If the applicant wants to build the proposed building and must maintain the normally required 25-foot-deep side yard, the building would have to be located at least 80 feet from Allentown Road in order to accommodate the side yard setback requirement. Given the existing adjacent house's setback at only 50 feet, there would be a 30-foot front yard setback difference between the subject site and the rest of the existing neighborhood. The denial of the variance application would make it impossible for the applicant to achieve his project goal and, therefore, generate peculiar and unusual practical difficulties.

"(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan."

Comment: The subject site is in Planning Area 76B/Camp Springs Community. The site is also in the Developing Tier of the 2002 General Plan. According to the referral comments of the Community Planning Division, the proposed single-family detached house is consistent with the land use policy of the 1981 Subregion VII Master Plan.

Granting the variance for this petition will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The proposed single-family detached dwelling has a unique design circumstance that justifies approval of the aforementioned variances. Due to the property being located in the R-80 Zone with one side yard adjacent to an existing roadway, and the applicant's desire to locate his house in such a way as to maintain a continuous setback along Allentown Road, granting the relief requested would not substantially impair the intent, purpose or integrity of the General Plan or Master Plan, while denying the variance request would result in a practical difficulty upon the owner of the property. The staff therefore recommends approval of the variances from both the required setback and lot width as discussed above.

8. **Final Plat VJ184@12:** The Preliminary Plan of Subdivision, 4-97117, was recorded as final plat VJ184@12 on August 3, 1998, and carried three conditions that were attached to the approval of 4-97117.

"Note 1. No solid, sight-tight fence shall be permitted on Lot 10."

Comment: The subject application proposes to construct one split foyer building with one-car garage. No fence of any kind is proposed on the site.

"Note 2. Prior to issuance of building permits for Lot 10, a detailed site plan shall be approved by the Planning Board, per Resolution No. PGCPB No. (sic) 98-39 (4-97117)."

Comment: The subject detailed site plan application was filed in order to fulfill the above noted condition.

"Note 3. No building permits shall be issued for Lot 10 until the projected projected (sic) percentage of capacity at Allenwood Elementary School is less than or equal to 130 percent or four years have elapsed since the date of the adoption of resolution No. 98-39 (March 12, 1998)."

Comment: Even though this is a condition at the time of building permit, because four years have elapsed since the adoption of the resolution for the Preliminary Plan of Subdivision, 4-97117, this detailed site plan review will not carry it forward as a condition of approval.

9. ***Landscape Manual:*** The proposed single-family detached house is subject to Section 4.1 Residential Requirements of the *Landscape Manual*.

The subject site has an area of 13,998 square feet, which is larger than 9,500 but less than 20,000 square feet. According to Section 4.1, the site shall be planted with a minimum of two major shade trees and one ornamental or evergreen tree. The site plan is in conformance with the requirements of the *Landscape Manual*.

10. **Woodland Conservation Ordinance:** The property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is less than 40,000 square feet and has no previously approved tree conservation plan. A tree conservation plan is not required.

11. **Referral Comments:** The subject application was referred to concerned agencies and divisions. Major referral comments are summarized as follows:

a. The Permit Review Section in a memorandum dated January 10, 2003 noted that the applicant should obtain both a variance from the required lot width pursuant to Section 27-442(d) and a variance from the required side yard setback pursuant to Section 27-442(e).

Staff Comment: The applicant filed a variance application as required by the Permit Section. Finding 7 of this report has a detailed discussion of the required variances on the subject site.

b. The subject application was referred to the Environmental Planning Section and in a memorandum dated January 7, 2003, the staff found no issues with this application.

c. In a memorandum dated January 10, 2003, the Subdivision Section staff indicated that there are no subdivision issues with this application. But staff reiterates the necessity for the subject application to be in compliance with Note 1 of the final plat regarding solid, sight-tight fence as discussed in Finding 8.

d. The Transportation Planning Section, in a memorandum dated January 10, 2003, indicated that the site plan is acceptable.

In a separate memorandum from the Transportation Planning Section dated January 27, 2003, on detailed site plan review for Master Plan trail compliance, the trails planner noted that if road frontage improvements are required by the State Highway Administration, the provision of a standard sidewalk along the subject property's frontage of Allentown Road is required.

e. In a memorandum dated March 24, 2003, the State Highway Administration (SHA) stated no objection to the approval of the subject detailed site plan.

f. In a memorandum dated January 22, 2003, the Community Planning Division found no master plan issues with this application and indicated that the proposal is consistent with the land use policy of the 1981 Subregion VII Master Plan.

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g. The application was also referred to the Department of Public Works and Transportation (DPW&T), Prince George's County. In a memorandum dated April 8, 2003, DPW&T provided standards and requirements that govern the construction of the proposed single-family detached dwelling.

12. The detailed site plan represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

RECOMMENDATION

Based upon the foregoing evaluation, analysis and findings, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-02050 for Baron's Subdivision, Lot 10, and variance application, VD-02050.