



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

# DETAILED SITE PLAN VARIANCE

**DSP-03019**  
**VD-03019**

Application	General Data
<b>Project Name:</b> SPRING MEADOWS  <b>Location:</b> SOUTHEAST CORNER OF CHURCH ROAD AND ANNAPOLIS ROAD  <b>Applicant/Address:</b> K & P BUILDERS, INC. 13627 ANNAPOLIS ROAD BOWIE, MD 20720	Date Accepted: 04/16/2003
	Planning Board Action Limit: 06/19/2003 (waived)
	Plan Acreage: 33.01
	Zone: R-R
	Dwelling Units: 52
	Square Footage: NA
	Planning Area: 71B
	Council District: 6
	Municipality: NA
	200-Scale Base Map: 208NE12

Purpose of Application	Notice Dates
SINGLE-FAMILY RESIDENTIAL CLUSTER SUBDIVISION—RECONSIDERATION OF VARIANCE APPROVAL FOR FRONT YARD SETBACK FOR LOT 17	Previous Parties of Record: 5/2/05 (CB-13-1997)

Staff Recommendation		Staff Reviewer: STEVE ADAMS	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

May 2, 2005

**MEMORANDUM**

TO: Prince George's County Planning Board

FROM: Steve Adams, Urban Design Supervisor

SUBJECT: Reconsideration of Spring Meadows  
Detailed Site Plan DSP-03019 and Variance VD-03019

The Urban Design staff has reviewed the Reconsideration of Detailed Site Plan DSP-03019 and Variance VD-03019 as described in a letter dated March 23, 2005, from William E. Knight of Knight, Manzi, Nussbaum & LaPlaca, P.A. The staff presents the following evaluation and additional findings and recommends APPROVAL of the Reconsideration.

**ADDITIONAL FINDINGS**

1. The Planning Board adopted the approving Resolution PGCPB No. 03-175 for DSP-03019 and VD-03019 on September 4, 2003. Finding 18 of that resolution describing and justifying the variance is quoted below in its entirety:

**18. Variance**

**Section 27-442(e), Regulations, of the Zoning Ordinance requires a minimum 25-foot front yard setback for all one-family detached dwellings in the R-R Zone.**

**The existing house on Lot 17 was built in 1949. At the time the house was constructed, it met all the requirements of the 1949 Ordinance of Prince George's County. The subdivision of existing Parcels 11 and 12 will cause the existing home on Lot 17 to be too close to Church Road, thus no longer meeting the front yard setback requirements. This house has been in existence for over 50 years and has existed in its current condition. The front yard setback for this lot has been reduced to nine feet. A variance for 16 feet from the front yard setback is required.**

**Section 27-230 of the Zoning Ordinance requires the Planning Board to make the following findings prior to approving an application for a variance:**

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

**The existing house on Lot 17 was built before the lots were subdivided. The subdivision of the lot reduced the front yard setback to nine feet. In order to meet the current front yard setback requirements, the existing house would have to be relocated. Therefore, a variance of 16 feet from the front yard setback requirements is needed due to the extraordinary situation caused by the street line moving closer to the house when the Preliminary Plan of Subdivision was approved.**

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

**The strict application of this subtitle would result in the applicant having to relocate the existing house. The proposal meets all other requirements of the R-R Zone. The existing house on Lot 17 was built before the lots were subdivided. Therefore, the granting of the variance is justified to address existing site conditions. The strict application of this subtitle would result in peculiar or unusual difficulties to the owner of the property because it would result in the unreasonable expense of the owner having to relocate the existing house.**

- (3)     *The Variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.***

**The residential use of the subject property is consistent with the master plan that shows low suburban residential use for the subject property. The granting of the variance for the front setback of the existing house will not impair the intent, purpose or integrity of the General Plan or master plan.**

**Staff finds that the approval of the variance application, VD-03019, is justified based on the fulfillment of the criteria mentioned above.**

2. The applicant requested and received approval of VD-03019 based on information from the Planning Department staff that additional dedication for widening of Church Road in connection with the Spring Meadows subdivision would reduce the front yard setback for the house on Lot 17 to nine feet, thus necessitating a variance of 16 feet of the front yard setback.
3. In the course of applying for approval of the final plat including Lot 17, it came to the attention of the applicant and the Subdivision staff that the information on which the original variance approval was based was in error. Dedication for widening of Church Road has reduced the setback for the existing house on Lot 17 not to nine feet, but to zero (0) feet. Therefore, the amount of variance required is not 16 feet as previously approved, but 25 feet.
4. The applicant in the subject reconsideration states that the original approval of VD-03019 was based on a mistake and requests the subject reconsideration to allow the Planning Board to correct the mistake by reapproving VD-03019 with a 25-foot variance of the front yard setback.
5. Section 27-230 of the Zoning Ordinance requires the Planning Board to make three findings prior to approving an application for a variance. The first of the three findings previously made by the Planning Board in Finding 18 of PGCPB No. 03-175 should be modified as follows to reflect the reconsideration request:

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

The existing house on Lot 17 was built before the lots were subdivided. The subdivision of the lot reduced the front yard setback to [nine] zero (0) feet. In order to meet the current front yard setback requirements, the existing house would have to be relocated. Therefore, a variance of [16] 25 feet from the front yard setback requirements is needed due to the extraordinary situation caused by the street line moving closer to the house when the preliminary plan of subdivision was approved.

The second and third findings required to be made by the Planning Board by Section 27-230 prior to approving an application for a variance, as previously made in Finding 18 of PGCPB No. 03-175, still apply in their entirety and without modification to the revised variance request which is the subject of the instant reconsideration.

Staff finds that the approval of the modified variance application, VD-03019, submitted in the context of the subject reconsideration, is justified based on the fulfillment of the criteria in Section 27-230 of the Zoning Ordinance.

6. The detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

#### RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the additional findings proposed in this report and REAPPROVE DSP-03019 with no changes to the original approval and REAPPROVE Variance Application VD-03019 modified to provide a variance of 25 feet from the front yard setback of Lot 17.