



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

Request for Fee Waiver

VC-08005

Application	General Data	
Project Name: Eagle Harbor, Lots 19–22, Block 20 Location: Northeast quadrant of Juniper Trail and Weaver Trail in Eagle Harbor. Applicant/Address: Raymond and Rosslyn Mullen 23310 Pine Trail Aquasco, MD 20608	Date Accepted:	03/31/2009
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.22
	Zone:	R-R/L-D-O
	Dwelling Units:	1
	Square Footage of Proposed Structure:	240
	Planning Area:	87B
	Council District:	09
	Municipality:	Eagle Harbor
	200-Scale Base Map:	230SE16

Purpose of Application	Notice Dates	
This application is for a request to waive the fee for a variance from Section 27-442 to reduce the rear yard setback.	Adjoining Property Owners: (CB-15-1998)	N/A
	Previous Parties of Record: (CB-13-1997)	N/A
	Sign(s) Posted on Site:	N/A
	Adjoining Property Owners:	N/A

Staff Recommendation		Staff Reviewer: Theresa Dent	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			

April 14, 2009

MEMORANDUM

TO: Prince George's County Planning Board

VIA: CJ Lammers, Supervisor, Environmental Planning Section

FROM: Theresa Dent, Senior Planner, Environmental Planning Section

SUBJECT: Request for Fee Waiver VC-08005
Eagle Harbor, Lots 19–22, Block 20

The Environmental Planning Section received the above referenced request for a waiver of the variance application fee on March 31, 2009. Staff recommends approval of the waiver for the variance application fee (\$200) based on the background information provided below. The required variance is to allow the proposed enclosed deck to be constructed 9.2 feet from the rear property line where a minimum of 20 feet is required. When the application was accepted, staff was not aware that a variance would be required.

Site Description

The subject property is located within the Chesapeake Bay Critical Area Limited Development Overlay (L-D-O) Zone, on the east side of Pine Trail in Eagle Harbor. The base zone is Rural Residential (R-R). The site does not contain primary or secondary buffers of the critical area. The site is relatively flat and is developed with a single-family dwelling with appurtenances such as a gravel driveway, a front porch, a deck, and a shed. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this site. There are no floodplains, streams, Waters of the U.S., or wetlands associated with the site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property.

Background

The subject property is improved with a single-family detached house and an accessory structure that were constructed in 2001 with a building permit. Although located in the L-D-O Zone, the requirement for a conservation plan was waived by the county because the building permit showed the replacement of a house on the same footprint as one that had recently burned down. A review of the 2007 aerial photos

revealed that the circular gravel driveway, front porch, and rear deck have been added. The larger driveway and additional features have resulted in the site containing more lot coverage than the maximum allowed per Section 27-442, Footnote 9, of the Zoning Ordinance.

The current owner of the property purchased this lot in June of 2006. They were not aware that the property contained more lot coverage than allowed and proceeded to enclose the existing deck, based on their understanding of information obtained from county sources that a conservation plan was not required.

This enclosure of the deck resulted in an increase in the amount of lot coverage by 240 square feet and encroachment into the minimum rear yard setback of 20 feet per Section 27-442 of the Zoning Ordinance. The property does not exceed the Chesapeake Bay Critical Area impervious surface limits, nor does it require a variance from the Chesapeake Bay Critical Area Ordinance. The county issued a violation for the enclosure of the deck without a permit and, in order to resolve the violation and bring the subject property into conformance with the Zoning Ordinance, a variance is needed from the Planning Board.

As stated in the owner's letter dated March 27, 2009 requesting the waiver, the \$200 application fee creates an individual and family hardship. This particular request does meet the finding that the need for the variance resulted from the action of the county government and is not the result of the landowner. If the owner had been advised in advance by the Department of Public Works and Transportation that the renovations to their property would have required a variance, they would have been better able to assess their financial situation and make an informed decision as to whether they could proceed with the renovation. It is the applicant's intention to work with staff to bring the property into compliance and they have willingly complied with making an application for a Chesapeake Bay Critical Area Conservation Plan. The \$500 fee for the conservation plan was waived by the Planning Board for the same reasons that this fee waiver is being requested.

The owners have agreed to remove a portion of the gravel driveway that counts toward lot coverage, and to reduce the net lot coverage to bring it into compliance with the maximum allowed for the site under the Zoning Ordinance, thus removing the need for a variance to exceed lot coverage limits in R-R Zone. The only variance required is from Section 27-442 of the Zoning Ordinance to reduce the rear yard setback to 9.2 feet. No disturbance in the critical area buffer is proposed and no existing vegetation will be removed.

STAFF RECOMMENDATION: Approval of Fee Waiver Request