

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on November 12, 2009, regarding Specific Design Plan SDP-9704/H1 for Bellehaven Estates, Section II, Lot 19, Block B, the Planning Board finds:

1. **Request:** This application requests the construction of a deck to be attached to the rear of an existing single-family detached dwelling unit.
2. **Development Data Summary**

	EXISTING	
Zone	R-S	
Use(s)	Residential	
Acreage	0.1644	
Lots	1	
Number of Dwelling Units	1	
	REQUIRED	PROVIDED
Total parking spaces	2	2

3. **Location:** The subject site is located at 9805 Double Tree Lane in the northwestern corner of the T-shaped intersection formed by the termination of Cedar Crest Way into Doubletree Lane. The site is also located in Planning Area 73, Council District 5, and the Developed Tier.
4. **Surrounding Uses:** The subject property is a corner lot bounded to the north by the cul-de-sac of Doubletree Lane and Lot 18 of the Bellehaven Estates subdivision, developed with a single-family detached house; to the south by Cedar Crest Way with single-family detached houses beyond (Lots 26 and 27); to the east by Doubletree Lane with single-family detached houses beyond (Lots 13 and 14); and to the west by single-family detached houses (Lots 18 and 20).
5. **Previous Approvals:** The project is subject to the requirements of Preliminary Plan of Subdivision 4-96066 (PGCPB Resolution No. 96-386), Comprehensive Design Plan CDP-9602 (PGCPB Resolution No. 96-376), Final Plat 5-98031, recorded in the Prince George's County Land Records in Plat Book VJ 183 @ 38-42, and is subject to the requirements of Specific Design

Plan SDP-9704 (PGCPB Resolution No. 97-134). The property is also subject to the requirements of approved Stormwater Management Concept Plan 8005764-1996-0.

6. **Design Features:** The subject project involves the construction of a deck to a single-family detached dwelling which was constructed in 2001 within the required setback. The subject lot is known as Lot 19, Block B of the Bellehaven Estates subdivision. The deck is designed in two sections, the first of which measures 12 feet by 9 feet, is accessed via a door from the house and leads to the adjacent portion of the deck, which measures 8 feet by 10 feet. A railing is provided at the periphery of the deck. The yard of the subject single-family dwelling is unusually small, measuring only ten feet from the subject single-family dwelling to the property line. The proposed deck is to be constructed of a composite plastic/wood material and will not access the backyard by stairs.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The project is in compliance with Section 27-515 of the Zoning Ordinance regarding uses permitted in the R-S Zone. Single-family detached dwellings are a permitted use in the R-S Zone. The project is also in compliance with the requirements of Section 27-501, which includes regulations applicable to the R-S Zone. The project also conforms with the requirements of Section 27-528 regarding required findings in specific design plan applications and Section 27-530 regarding amendments to approved specific design applications. See Findings 15 and 16 below for a more detailed description of this conformance.
8. **Comprehensive Design Plan CDP-9602:** The project is in compliance with the requirements of Comprehensive Design Plan CDP-9602, except regarding the required side yard setback. Whereas the CDP stipulates a seven-foot minimum per side and fifteen-foot total for both side yards, the proposed deck would leave only one foot between the edge of the deck and the property line.
9. **Final Plat 5-98031:** The subject project is in compliance with the requirements contained in the plat notes of Final Plat 5-98031, as recorded in Plat Book VJ 183 @ 38-42.
10. **Specific Design Plan SDP-9704, Bellehaven Estates:** The subject project is in compliance with the requirements of Specific Design Plan SDP-9704, Bellehaven Estates, except for the side yard setback and the landscaping between Lots 19 and 20. The proposed deck would extend into the designated building restriction line.
12. **Prince George's County Landscape Manual:** The addition of the deck is exempt from the requirements of the *Prince George's County Landscape Manual* because building permits pertaining to any single-family home are exempt from Section 4.1, Section 4.2 applies only to commercial and industrial uses; Section 4.3 applies only to "parking lots" and there are no "parking lots" as defined in the Zoning Ordinance involved in this application; Section 4.4 Screening Requirements, does not apply as long as no loading areas, dumpsters or the like and or mechanical equipment or meters are involved in the subject application; Section 4.6 does not apply

because it deals only with buffering the rear of houses; and Section 4.7 does not apply because the surrounding uses are compatible.

13. **Woodland Conservation and Tree Preservation Ordinance:** Lot 19, Block B of Bellehaven Estates is covered under approved Type II Tree Conservation Plan TCPII/032/97, and the lot does not contain any woodland conservation. The addition of the deck would not impact conformance with the requirements of the Woodland Conservation and Tree Preservation Ordinance.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. The Permit Review Section comments have either been addressed by revisions to the plans or in the conditions of approval below.
 - b. Public Facilities—The proposed project will be served with and has met the requirements for the provision of adequate public facilities.
 - c. Environmental Planning Section—Lot 19, Block B of Bellehaven Estates is covered under approved TCPII/032/97 and does not contain any woodland conservation, or any other sensitive environmental features. The addition of a deck does not present any environmental issues.
 - d. Department of Public Works and Transportation (DPW&T)—In an email dated September 10, 2009, DPW&T stated that the site is consistent with Stormwater Management Concept Plan 8005764-1996-0. Further, they stated that they had no objection to the construction of the deck since it will not obstruct any natural flow through the property. They noted, however, that the applicant would have to apply for a permit from the Department of Environmental Resources prior to construction of the deck.
 - e. The City of Glenarden—During a telephone conversation on September 2, 2009, a representative of the City of Glenarden informed staff that the City would not be offering comment on the subject project.
 - f. Woodlands at Enterprise Homeowners Association—In a letter dated September 19, 2009, the president of the Woodlands at Enterprise Homeowners Association stated that the Enterprise Homeowner Association's Board of Directors, having reviewed the drawing of the proposed deck and, after canvassing neighbors surrounding the property and receiving no negative feedback, recommended approval of the installation of the deck.
15. Section 27-530(c)(3) of the Zoning Ordinance sets forth the criteria for granting minor amendments to approved specific design plans for the purpose of making home improvements requested by a homeowner (or authorized representative) and approved by the Planning Director (or designee), in accordance with specified procedures including meeting the following criteria:

- (A) **Are located within the approved Comprehensive Design Plan building lines and setbacks or any approved amendments to the Comprehensive Design Plan;**
- (B) **Are in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and**
- (C) **Will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.**

The subject application does not meet criterion (A) and (B) above and therefore required Planning Board approval. The proposed deck is at the rear of the existing dwelling; however, the area of the yard, according to the Zoning Ordinance definition of yards associated with a corner lot, is defined as the side yard. The comprehensive design plan for the subject project established the side yard setback at a minimum of seven feet. The deck is proposed approximately one foot from the property line. However, the shallowness of the lot does not provide adequate space for a usable traditional "back yard" and the deck would provide a reasonable alternative for the homeowner. In addition, off-site negative impacts of the construction of the deck are mitigated by fact that the side of the house that would be facing the deck has no windows or doors, affording privacy to the occupants of both properties. Further, the modification of the side building restriction line to one foot will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood.

16. Section 27-528 of the Zoning Ordinance sets forth the following required findings for approval of a specific design plan:

- (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
 - (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The proposed deck construction does not affect the previous positive finding in SDP-9704 that the application had met the above requirement.

- (2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the**

appropriate Capital Improvement Program or provided as part of the private development;

The proposed deck construction does not affect the previous positive finding in SDP-9704 that the application had met the above requirement.

(3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties; and

The proposed deck construction does not affect the previous positive finding in SDP-9704 that the application had met the above requirement.

(4) The plan is in conformance with an approved Tree Conservation Plan.

The proposed deck construction does not affect the previous positive finding in SDP-9704 that the application had met the above requirement.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVE the Specific Design Plan for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the specific design plan, the applicant shall make the following revisions:
 - a. Provide a corrected site plan to scale including the correct location of the deck and its dimensions, setbacks from property lines, the square footage of the lot, proposed lot coverage, and bearings and distances of the lot.
 - b. Provide details regarding the color of the decking and the design, materials, and color of the railing to be utilized at the periphery at the deck. Such details shall be approved by the Urban Design Section as designee of the Planning Board.
 - c. Reposition the deck detail on the cover sheet of the plans so as not to obscure any text or drawing on the original set of plans or provide an additional sheet in the set to accommodate the deck detail.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Cavitt, with Commissioners Vaughns, Cavitt, Squire and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, November 12, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of December 2009.

Patricia Colihan Barney
Acting Executive Director

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:RG:arj

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