



January 14, 2025

**MEMORANDUM**

**TO:** Historic Preservation Commission

**VIA:** Thomas Gross, Supervisor, Historic Preservation Section, Countywide Planning Division  
TWG

**FROM:** Tyler Smith, Historic Preservation Section, Countywide Planning Division TAG  
Jennifer Stabler, Historic Preservation Section, Countywide Planning Division JAG  
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division AGC

**SUBJECT:** 4-24016 Fairview Manor (contains Fairview, Historic Site 71A-013)

**BACKGROUND**

The subject property comprises 9.90 acres and is located at 4600 Fairview Vista Drive in unincorporated Bowie. The subject property contains the Fairview Historic Site (71A-013). The subject property is zoned R-E per the prior zoning ordinance and is within the *2022 Bowie-Mitchellville and Vicinity Master Plan* area. The subject Property is surrounded by open-space parcels associated with the planned development known as Fairwood. The subject application proposes a minor subdivision to divide one parcel into two residential lots, which the applicant states would allow proposed Lot 2 to be conveyed to the Fairwood Homeowners Association (HOA) for use as an open space parcel, or in the alternative, to another person or entity for development of a single-family dwelling.

**FINDINGS**

1. Fairview is a stately Federal-style dwelling, built ca. 1800 by Baruch Duckett. Duckett willed the property to his son-in-law, William Bowie, whose descendants retained ownership and occupied the residence until at least 2017. Fairview, at one time, was one of the largest slave-holding plantations in the County. One of its most prominent occupants, Oden Bowie (1826-1894), was a lieutenant in the Mexican War, served in the Maryland State Legislature, was elected Governor of Maryland, 1869-1872, and is buried in the family graveyard located a short distance from the house. Bowie was instrumental in the construction of Pope's Creek Railroad through this part of Prince George's County and made Fairview stables an important name in the history of American horseracing. Fairview was determined to be eligible for listing in the National Register of Historic Places in 1996.

The historic dwelling is a two-story, five-bay, central-passage building constructed of brick and clad with stucco. The house is covered with a gable roof, with stepped parapet end walls on either side of paired end chimneys. A single-story porch extends across both the front and rear elevations of the dwelling. Two extant outbuildings, including a circa-1800 smokehouse, are located northwest of the house.

2. The Fairview and Cemetery Historic Site (71A-013) is centrally located within the community of Fairwood. The development surrounds (and 'land-locks') the property by virtue of four parcels that are owned by the Fairwood HOA. The historically associated Bowie Family Cemetery,

located east of the Fairview house across Fairview Vista Drive, occupies a separate parcel and is not controlled by the owner/applicant of the subject preliminary plan.

3. The subject application proposes to subdivide the existing 9.90-acre parcel into two lots: Lot 1, containing the historic Fairview house, comprising 5.87 acres; and Lot 2, currently unimproved, comprising 4.03 acres. The applicant has submitted a supplemental statement of justification that states that Lot 2 will be developed with a single-family detached dwelling, or sold as a vacant lot for such purpose, only if said lot is not acquired by the Fairwood HOA for open space. The subject application proposes a water and sewer connection to serve Lot 2, crossing the northwest portion of Lot 1, as well as a 22-foot-wide driveway easement connecting Lot 2 to Fairwood Vista Drive.
4. The applicant's supplemental statement of justification (SOJ) states that they have engaged the services of an historic architect and structural engineer to assess the Fairview house and determine a viable pathway for restoration of the structure. The applicant states that they are working with the members of the Fairwood HOA and other interested stakeholders to create a restoration group for the Fairview house. The applicant further states that they have been applying for grants that may offset the cost to fully restore the historic house.
5. In March and April 2021, Phase I archeological testing was completed on the property in connection with a previous subdivision application. A shovel test pit (STP) survey was conducted at 50-foot intervals across the 9.90-acre parcel. A total of 178 STPs were excavated and the historic terrace to the south of and in front of the historic house was mapped. A total of 215 artifacts were recovered from the Phase I survey and ranged in date from the late eighteenth to twentieth centuries. No indigenous resources were identified. Most of the artifacts were recovered near the historic house and the two extant outbuildings.

The survey resulted in the identification of six archeological features representing potential outbuildings and yard deposits. These cultural features included three sub-plow zone brick rubble features that may be remnants of walls or outbuildings, a mid-nineteenth to early-twentieth century trash midden, a stone boundary wall, and a dense late twentieth century concentration of burned glass. The remainder of the property contained a light scatter of nineteenth and twentieth century material.

The artifact deposits and features encountered are associated with the Fairview and Cemetery Historic Site and the occupation of the property by the Bowie family, their enslaved workforce and later, tenant farmers who worked the land and tended to the family's horses and livestock. The cultural deposits identified have the potential to yield significant cultural data regarding the development of the plantation core over time and the history of African Americans, pre- and post-emancipation, who worked on the property.

6. Limited Phase II archeological investigations were conducted in January 2024 in the area where Feature 1 was identified during the Phase I excavations. The feature was encountered in both test units excavated, and in seven of the nine excavated STPs. A total of 214 artifacts were recovered, of both domestic and architectural nature, and dated primarily from the late nineteenth and early twentieth centuries. While Feature 1 is located next to a spring head, its artifact assemblage is not consistent with a springhouse and is interpreted to be a mid-twentieth century short-term fill episode to shore up the drainage swale.

7. The proposed location of the water/sewer connection for the two lots would impact Features 4 and 6. Feature 4 is located northwest of the historic house between the circa-1800 smokehouse and the early twentieth century building at the western edge of the property. It was determined to be a large midden associated with Fairview during the mid-nineteenth century through the early twentieth century and may provide evidence on the transition of the plantation from a slave-based economy to post-emancipation tenant farming system. Feature 6 is located near the northwest corner of the historic house and is architectural in nature, possibly a pier or footer for an earlier structure or a part of the existing kitchen addition. Both features are deemed to be potentially significant to the National Register-eligible Fairview site.

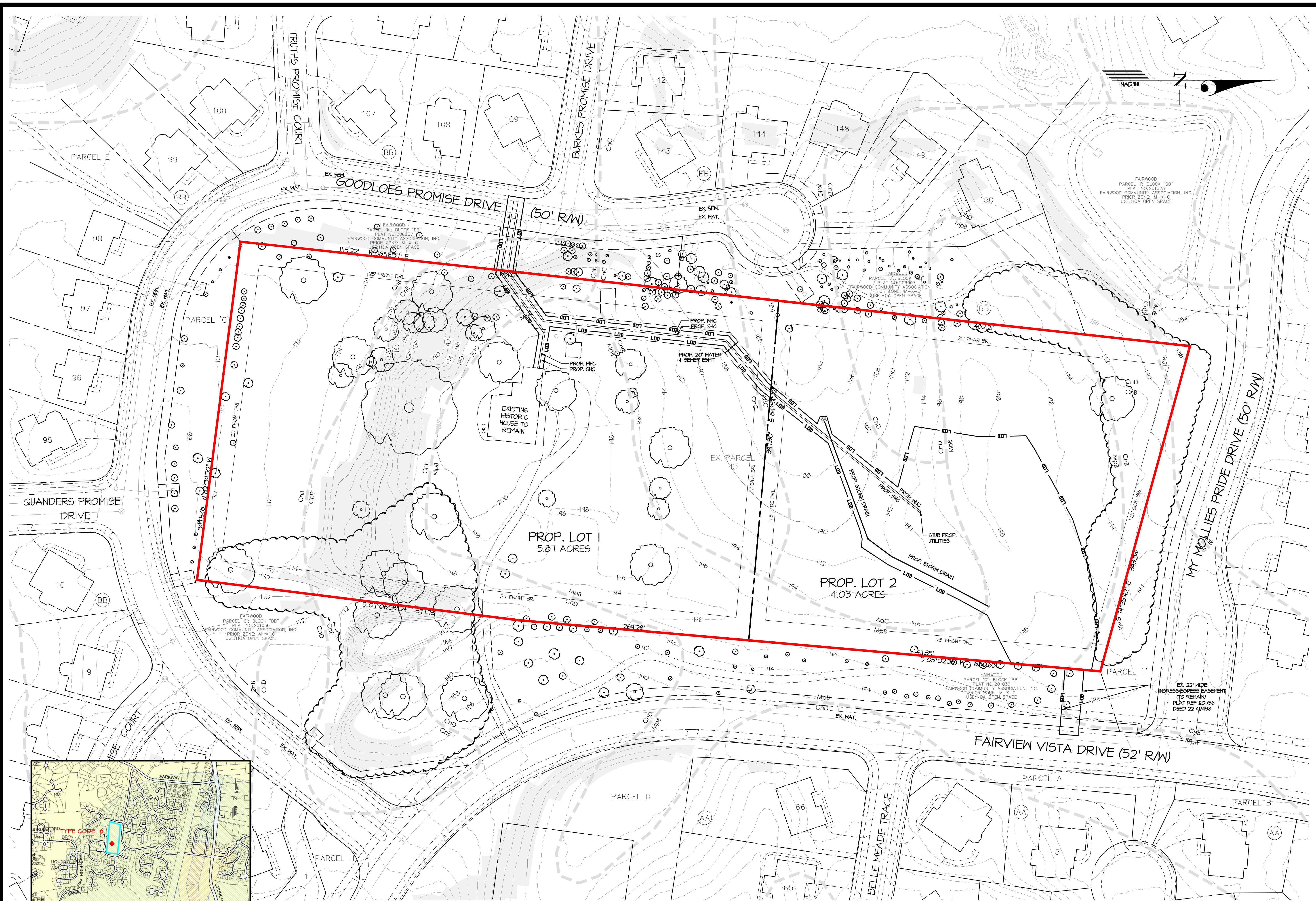
## CONCLUSIONS

1. Through a Preliminary Plan of Subdivision application, the Historic Preservation Commission (HPC) can review the lotting pattern and orientation of proposed new buildings. In this case, the Preliminary Plan proposes the creation of two lots that take into consideration existing and historic landscape features. Whether Lot 2 is ultimately acquired by the Fairwood HOA as open space or developed with a single-family dwelling, the proposed subdivision could be found to have a minimal adverse impact on the Fairview and Cemetery Historic Site.
2. Both proposed lots are currently entirely within the Environmental Setting of Fairview and Cemetery Historic Site. As such, the Historic Area Work Permit (HAWP) requirements outlined in County Code Subtitle 29, Division 4 (Historic Area Work Permits) will apply to any construction, demolition, alteration, or ground disturbance within either lot.
3. In the event that the HPC approves the removal of Lot 2 from the Environmental Setting of the Historic Site subsequent to the approval of this subdivision application, the Historic Preservation Section staff could review the orientation, massing, height, materials, and design of any proposed construction on that lot if a condition to that effect is attached to the resolution of approval for the subject subdivision.
4. The *2022 Bowie-Mitchellville and Vicinity Master Plan* calls out the Fairview and Cemetery Historic Site for its architectural and historical significance and as the site on which the Fairwood development was built (p.19). The Plan includes goals and policies related to historic preservation (pages 146–155); however, these goals and policies are not specific to the subject site or applicable to the subject application.

## RECOMMENDATION

Historic Preservation Section staff recommend that the Historic Preservation Commission recommend to the Planning Board approval of 4-24016, Fairview Manor, with the following condition:

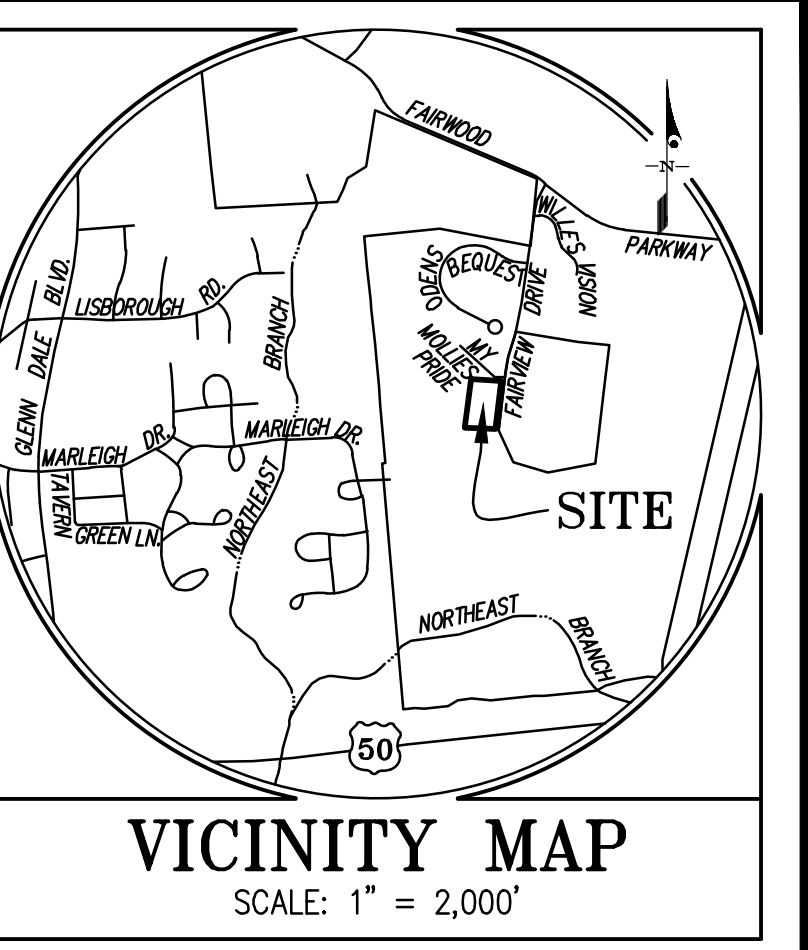
1. In the event Lot 2 is removed from the Environmental Setting of the Fairview and Cemetery Historic Site prior to its development; prior to the approval of a grading or building permit for Lot 2, details of the orientation, massing, height, materials, and design of the proposed construction, and its impact on the integrity of the Fairview and Cemetery Historic Site, shall be reviewed and approved by the Historic Preservation Section of the Planning Department.



48 Hours  
Before You Dig  
Call  
"MISS UTILITY"  
Service Protection Center

MEMBER  
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE  
1-800-257-7777



**GENERAL NOTES**

- OWNER/APPLICANT: FAIRVIEW MANOR LLC  
ATTN: TAMLA KIRKLAND  
4600 FAIRVIEW VISTA DRIVE  
BOWIE, MD 20720
- PARCEL 43, TAX ID: 07-0687183, L. 48341 F. 255
- TOPOGRAPHY FROM PRINCE GEORGES COUNTY GIS DATA.
- TAX MAP / GRID: 46-A4 54-A1
- 200 FOOT MAP REFERENCE: 206 NE II
- THE PURPOSE OF THIS MINOR PRELIMINARY PLAN IS TO SUBDIVIDE SUBJECT PROPERTY INTO 2 SINGLE FAMILY DETACHED RESIDENTIAL LOTS.
- THIS PROPERTY IS LOCATED WITHIN THE DEVELOPING TIER.
- THIS PROPERTY IS NOT LOCATED WITHIN A CENTER OR CORRIDOR, AND IS THEREFORE NOT SUBJECT TO EPIS REQUIREMENTS.
- STORMWATER MANAGEMENT CONCEPT PLAN (P03245-2024-5DC) BY GLW, APPROVED 10/15/2024.
- EXISTING WATER AND SEWER SERVICE CATEGORIES 5-4 AND W-4, PROPOSED WATER AND SEWER SERVICE CATEGORIES 5-3 AND W-3.
- HISTORICAL SITES ON OR IN THE VICINITY OF THE SITE: FAIRVIEW AND CHESTERTY, ID. 11A-015
- EXISTING HISTORIC HOUSE AND ALL EXISTING STRUCTURES LOCATED ON SITE ARE PROPOSED TO REMAIN.
- PHASE II ARCHEOLOGICAL REPORT WAS PREPARED BY THE OTTERY GROUP MARCH 2024 AND REVIEWED BY THE HISTORIC PRESERVATION SECTION OF M-NCPPC.
- A TYPE ONE TREE CONSERVATION PLAN WILL BE INCLUDED WITH THIS PPS SUBMISSION.
- THIS PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
- 100-YEAR FLOODPLAIN AREA IS NOT LOCATED ON THIS PROPERTY.
- NO KNOWN WETLANDS ARE LOCATED ON THIS PROPERTY.
- NO KNOWN STREAMS ARE LOCATED ON THIS PROPERTY.
- NATURAL RESOURCES INVENTORY PLAN (NRI-174-2020-01) BY BRADLEY SITE DESIGN, APPROVED ON MAY 6, 2022.
- THIS PROPERTY IS NOT LOCATED IN OR ADJACENT TO AN EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OR ANY LAND TRUST OR ORGANIZATION.
- GRADINGS AND LIMITS OF DISTURBANCE ARE PRELIMINARY AND ARE SUBJECT TO CHANGE.
- NEAREST POLICE STATION: BOWIE DISTRICT II STATION  
1600 BARLOW ROAD  
7.3 MILES
- NEAREST FIRE STATION: GLENN DALE STATION 816  
11900 GLENN DALE ROAD  
2.1 MILES
- THIS PROPERTY IS LOCATED WITHIN SUSTAINABLE GROWTH TIER I.
- THIS PROPERTY IS NOT LOCATED WITHIN A MILITARY INSTALLATION OVERLAY ZONE.
- THIS PROPERTY IS LOCATED WITHIN AVIATION POLICY AREA: FREEMAN AIRPORT AFA 6.
- THIS PPS HAS BEEN SUBMITTED FOR REVIEW UNDER THE PRIOR ZONING ORDINANCE AND SUBDIVISION REGULATIONS.

**LEGEND**

- GgA SOILS
- LIMIT OF PRELIMINARY PLAN
- LOT LINES
- EXISTING WATER LINE
- EXISTING SEWER LINE
- PROPOSED SEWER LINE
- PROPOSED WATER LINE
- CONCRETE SIDEWALK
- EX. CONTOURS
- EX. CURB
- EX. EDGE OF PAVING
- PROP. STORM DRAIN
- EX. STRUCTURE
- EX. FENCE
- LIMIT OF DISTURBANCE
- EXISTING TREELINE
- PROP. TREELINE
- 15%+ SLOPES
- EX. SPECIMEN TREE

**SITE DATA**

EX. SITE AREA:	EX. PARCEL 'A': 9.90 AC. PROP. LOT 1: 4.03 AC. PROP. LOT 2: 5.81 AC.
PRIOR ZONING:	RE
CURRENT ZONING:	R-E
EXISTING USE:	SFD RESIDENTIAL
PROPOSED USE:	SFD RESIDENTIAL
DENSITY PERMITTED (1.00 DUs/AC. x 9.90 AC.):	10 DUS
DENSITY PROPOSED:	2 DUS
LOT REQUIREMENTS:	40,000 S.F.
MINIMUM LOT SIZE:	150'
MINIMUM LOT WIDTH AT FRONT BUILDING LINE:	
BUILDING RESTRICTION LINES:	
FRONT:	25 FT.
SIDE:	35 FT. TOTAL / 17 FT. MIN.
REAR:	25 FT.
PARK DEDICATION REQUIRED (5.0% OF TOTAL AREA):	0.00 AC.
PARKLAND DEDICATION PROVIDED:	0.00 AC.
(PROPOSED FEE IN LIEU OF PARKLAND DEDICATION)	
NET DEVELOPABLE AREA OUTSIDE OF PMA:	9.90 AC.
ENVIRONMENTAL REGULATED FEATURES (PMA)	0.00 AC.
ROAD DEDICATION PROVIDED:	0.00 AC.

**SURVEYOR'S CERTIFICATE**

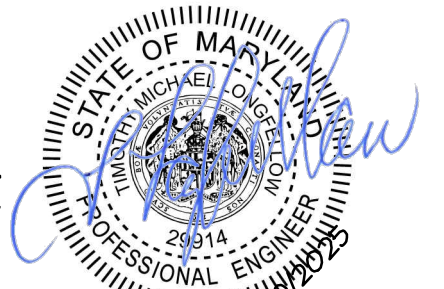
I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE INFORMATION SHOWN HEREON IS IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS PERTAINING TO PRELIMINARY PLANS.

FOR: GUTSCHICK, LITTLE & WEBER, P.A.  
BY: *William E. Gruening III*  
PROFESSIONAL LAND SURVEYOR  
MD REG. NO. 21542  
(EXP/RENEWAL 12/21/2025)



**PROFESSIONAL CERTIFICATION**

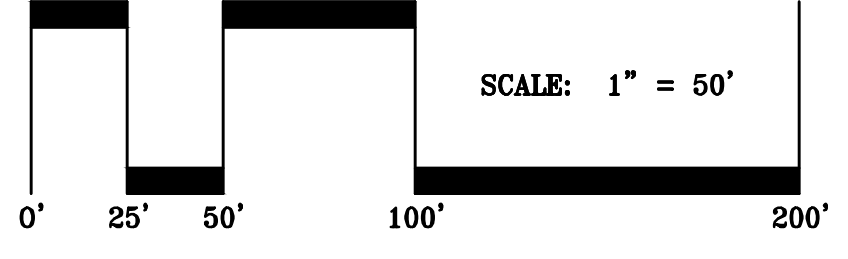
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28814, EXPIRATION DATE: JANUARY 20, 2026.



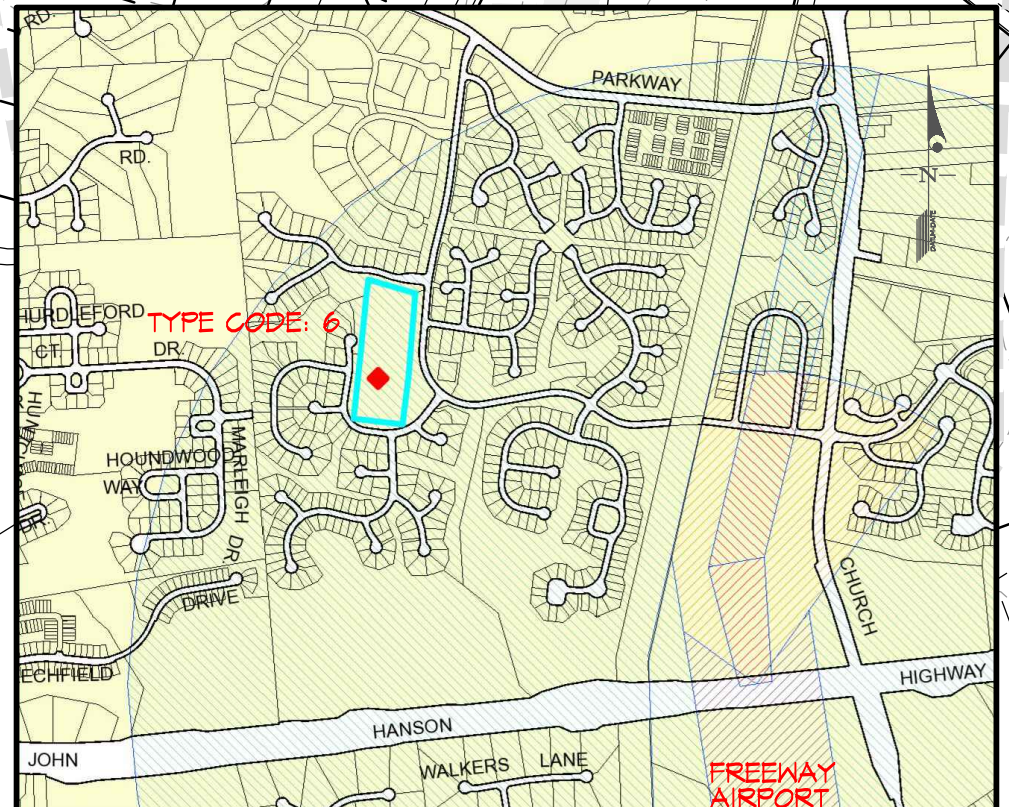
**MAPPED SOIL TYPES**

MAP UNIT	DESCRIPTION	HYDRIC RATING	HYDROLOGIC GROUP	K-WHOLE	DRAINAGE CLASS
AdB	Adelphi-Hindell Complex 2 to 5% slopes	Non-Hydric (S)	C	0.31	Moderately Well Drained
AdC	Adelphi-Hindell Complex 5 to 10% slopes	Non-Hydric (S)	C	0.31	Moderately Well Drained
CnB	Collington-Mtisi Complex 2 to 5% slopes	Non-Hydric (O)	B	0.17	Well Drained
CnC	Collington-Mtisi Complex 5 to 10% slopes	Non-Hydric (O)	B	0.17	Well Drained
CnD	Collington-Mtisi Complex 10 to 15% slopes	Non-Hydric (O)	B	0.17	Well Drained
GAe	Collington-Mtisi Complex 15 to 25% slopes	Non-Hydric (O)	B	0.17	Well Drained
MpB	Mattapex Silt Loam 2 to 5% slopes	Non-Hydric (O)	C	0.44	Well Drained

NOTE: SOILS TABLE FROM NRI-174-2020-01 APPROVED 5/6/2022.



**AVIATION POLICY AREA INSET**



**EXISTING UTILITIES NOTES**

- FOR MARKING LOCATIONS OF EXISTING UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
- INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATIONS AND ELEVATIONS OF THE UTILITIES BY DIGGING TEST PITS BY HAND AT ALL UTILITY CROSSINGS WELL IN ADVANCE OF TRENCHING. IF CLEARANCES ARE LESS THAN SPECIFIED ON THIS PLAN OR LESS THAN 12 INCHES WHEN NOT SPECIFIED, CONTACT THE ENGINEER AND THE OWNER OF THE OTHER INVOLVED UTILITY BEFORE PROCEEDING WITH CONSTRUCTION.
- FOR FIELD LOCATION OF GAS LINE SERVICES, NOTIFY WASHINGTON GAS LIGHT CO., 103-150-1000, 48 HOURS PRIOR TO THE START OF ANY EXCAVATION OR CONSTRUCTION.
- OMISSIONS AND/OR ADDITIONS OF UTILITIES FOUND DURING CONSTRUCTION SHALL BE THE SOLE RESPONSIBILITY OF ANY CONTRACTOR ENGAGED IN EXCAVATION AT THIS SITE. GUTSCHICK, LITTLE & WEBER, P.A., SHALL BE NOTIFIED IMMEDIATELY OF ANY AND ALL UTILITY INFORMATION, OMISSIONS AND ADDITIONS FOUND BY ANY CONTRACTOR.
- DUE TO THE PROXIMITY OF LIVE UNDERGROUND AND OVERHEAD UTILITIES, WE ARE NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY SUSTAINED DURING CONSTRUCTION BY ANY PERSONS, TRUCKS, TRAILERS, OR EQUIPMENT USED ON OR ADJACENT TO THE SITE.

**GLW**  
PLANNING | ENGINEERING | SURVEYING

3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20896 | GLWPA.COM  
PHONE: 301-421-4024 | BOLT: 410-880-1800 | FAX: 301-421-4188

DESIGNED BY	DATE	REVISION	BY	APPR.
TSZ				
DRWN BY				
RLG				
CHECKED BY				
TML				

PREPARED FOR:	SCALE	ZONING
FAIRVIEW MANOR LLC 4600 FAIRVIEW VISTA DRIVE BOWIE, MD 20720 TAMLA KIRKLAND (301) 938-0080	1"=50'	R-E
DATE	TAX MAP - GRID	
AUG., 2024	46-A4/54-A1	

<b>PRELIMINARY PLAN OF SUBDIVISION</b>		G. L. W. FILE NO.
FAIRVIEW MANOR LOTS 1 & 2 48347/255		23005
BOWIE ELECTION DISTRICT, NO. 7		SHEET
PRINCE GEORGES COUNTY, MARYLAND		1 OF 1

LAW OFFICES  
**SHIPLEY & HORNE, P.A.**

1101 Mercantile Lane, Suite 240  
Largo, Maryland 20774  
Telephone: (301) 925-1800  
Facsimile: (301) 925-1803  
www.shpa.com

**Russell W. Shipley**  
**Arthur J. Horne, Jr.\***  
**Dennis Whitley, III\***  
**Robert J. Antonetti, Jr.**

**Bradley S. Farrar**  
**L. Paul Jackson, II\***

\* Also admitted in the District of Columbia

October 14, 2024

**VIA ELECTRONIC DELIVERY**

Mr. Eddie Diaz-Campbell, Planner III  
Subdivision Section  
Maryland-National Capital Park  
& Planning Commission  
1616 McCormick Drive  
Largo, Maryland 20774

**RE: STATEMENT OF JUSTIFICATION**  
**Fairview Manor, Lots 1 & 2**  
**Request for Use of Private Easements - Section 24-128(b) &**  
**Variance Request from Section 27-442(d)**  
**(Companion Case - Preliminary Plan 4-24016)**

Dear Eddie:

This firm represents Fairview Manor, LLC (the "Applicant") regarding its proposed Preliminary Plan of Subdivision Application, PPS 4-24016 (the "PPS"). The land included in the PPS consists of one 9.9-acre parcel known as Parcel 43 (the "Property"). On April 1, 2022, the Countywide Map Amendment (CMA) classified the subject Property in the RE (Residential Estate) Zone and Aviation Policy Area 6 (APA-6). Prior to the CMA, the Property was classified in the R-E (Residential-Estate) Zone and APA-6. The Property is located approximately 2,100 feet south of the intersection of Fairwood Parkway and Fairview Vista Drive and is further located in Planning Area 71A. The submitted PPS proposes two lots (i.e., Lots 1 & 2), one of which will contain an existing historic mansion and cemetery, and the other to contain a proposed detached single-family dwelling. This statement of justification requests approval of the use of two (2) private 22-foot-wide easements to serve proposed Lots 1 & 2 pursuant to Section 24-128(b) of the prior Subdivision Regulations. Further, this statement of justification requests approval of a variance from Section 27-442(d) of the prior Zoning Ordinance pertaining to the minimum lot width at front street line in the prior R-E Zone.

**1. Setting:**

The subject Property is surrounded by open space parcels associated with the planned unit development known as Fairwood in the Legacy Mixed-Use Community (LMXC) Zone. The Property is currently improved with a designated historic site known as Fairview and Cemetery (71A-013). Built circa 1800, Fairview is a two-story stuccoed brick plantation house with flush end chimneys and an unusual, stepped gable at one end. Near the house stands a roughly contemporary smokehouse, as well as the preserved foundations of an early nineteenth-century bank barn. This was the home of the prominent Duckett and Bowie

families, including Oden Bowie, Governor of Maryland from 1869 to 1872, who is buried in the family graveyard located a short distance from the house. A Phase-II Archeological Report was submitted for the subject Property and reviewed by the Historic Preservation Section in March of 2024.

The surrounding community of Fairwood is a large planned-unit community that surrounds (and ‘land-locks’) the Property by virtue of the existence of four (4) HOA parcels (i.e. Parcels C, I, J, K). Several easements were recorded through the adjoining open space parcels to benefit the Property, including two, 22-foot-wide ingress and egress easements for access to a public street across Parcel C. The submitted PPS proposes to contain the existing historic site within a new 5.87-acre lot, (Lot 1), while the northern part of the tract, which is currently undeveloped, will be contained in Lot 2 and proposed for the development of one (1), single-family detached dwelling in the R-E Zone. All existing structures associated with the historic site are proposed to remain. The site contains no sensitive environmental features such as streams, wetlands, or areas of 100-year floodplain.

As previously mentioned, the subject Property is surrounded by open space parcels that are currently owned by the Fairwood Community Association, Inc. These parcels were recorded in Land Records as Plat Book REP 201, Plat 36, and include two, 22-foot-wide ingress/egress easements across Parcel C to provide the Property with direct access to a public street. The existing access easements recorded with this plat will be utilized to serve proposed Lots 1 & 2.

**ELECTION TO UTILIZE PRIOR ZONING ORDINANCE & SUBDIVISION REGULATIONS**  
**(Per Section 27-1903(d) of the prior Zoning Ordinance & Section 24-1903 of the prior Subdivision Regulations)**

On April 1, 2022, the County Council (sitting as the District Council) approved the CMA and the updated Prince George’s County Zoning Ordinance (“New Zoning Ordinance”) and Subdivision Regulations (“New Subdivision Regulations”) became effective. The CMA rezoned the subject Property to the newly created RE Zone. Notwithstanding, the Applicant elects to process the PPS application (inclusive of the request for use of private easements per Section 24-128(b)), and a companion request for a variance from Section 27-442(d) (minimum width at front street line) utilizing the applicable provisions of the prior Subdivision Regulations and Zoning Ordinance pursuant to Section 24-1903 of the New Subdivision Regulations and Section 27-1903(d) of the New Zoning Ordinance. The Applicant believes that the prior Zoning Ordinance and prior Subdivision Regulations offers the most efficient and effective processes for obtaining approval of its desired development of the Property.

**2. History**

The following prior applications are associated with the subject Property;

**December 30, 2021** – Detailed Site Plan, DSP-21050 is submitted to the Planning Department for the conversion of the existing Fairview historic site to a private school with a maximum of 80 students for the Chance Academy. This application never obtained formal acceptance.

**May 6, 2022** – Natural Resources Inventory, NRI-174-2020-01 is approved by the Environmental Planning Section

**July 28, 2022** - The Planning Board approves Preliminary Plan of Subdivision, PPS 4-21047, Type 1 Tree Conservation Plan, TCP1-008-2022, and a Variance from Section 25-122(b)(1)(G), for the Chance Academy, (PGCPB No. 2022-84). This application proposed one parcel on 9.90 acres in the RE Zone for a private school with a maximum of 80 students.

**September 2, 2022** – Type 1 Tree Conservation Plan, TCP1-008-2022, is certified by the Environmental Planning Section

**Prior Zoning Map**



**Current Aerial Map**



3. **REQUEST FOR USE OF PRIVATE EASEMENTS PER SECTION 24-128(b)**

The PPS proposes the utilization of private easements to serve proposed Lots 1 & 2 pursuant to Section 24-128(b)(1) of the Subdivision Regulations. Said section authorizes the Planning Board to approve the use of private roads and easements for land in the R-E Zone as follows:

**Section 24-128. Private roads and easements.**

***(b) The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:***

***(1) In the O-S, R-A, R-E, and R-R Zones, a private right-of-way easement may be deemed adequate by the Planning Board if no more than four (4) lots are to be served by the easement, or in Sustainable Growth Tier IV no more than seven (7) lots and a remainder agricultural parcel(s), subject to the following criteria:***

***(A) Such easement shall have a minimum right-of-way width of twenty-two (22) feet connecting the lots to a public road;***

**RESPONSE:** The PPS satisfies this criterion as both proposed Lots 1 & 2 will be served by separate 22-foot-wide driveway easements connecting to a public road (i.e., Fairwood Vista Drive). When the final plats were recorded for the Fairwood Subdivision in 2004, it was recognized that the subject Property would be completely surrounded by open space parcels with no direct frontage on a public street. As such, two (2), 22-foot-wide ingress/egress easements were recorded with Plat Book REP 201, Plat 36, that provide the subject Property with direct access to a public street through open space Parcel C.

***(B) All lots served by such easement shall have a minimum net lot area of two (2) acres, as provided in Section 24-129(a) of this Subtitle; and***

**RESPONSE:** The PPS satisfies this criterion. The submitted PPS proposes to contain the existing historic site within a new 5.87-acre lot, (Lot 1), while the northern part of the tract will be in contained in Lot 2, consisting of 4.03 acres. Said Lot 2 would then be eligible to be developed with one (1), single-family detached dwelling in the R-E Zone.

***(C) The use of such lots shall be restricted to one-family dwellings or agricultural uses.***

**RESPONSE:** The PPS satisfies this criterion. Both lots proposed in the PPS will be restricted to one-family detached dwellings. The historic dwelling on Lot 1 is already existing.

**(D) *The right-of-way easement is adequate to serve the proposed uses pursuant to Section 24-124.***

**RESPONSE:** The PPS satisfies this criterion as both proposed lots will be restricted to one-family detached dwellings, and the existing 22-foot-wide access easements can adequately serve two-way traffic entering and exiting these lots.

**4. REQUEST FOR APPROVAL OF VARIANCE FROM SECTION 27-442 (d)**

The development proposed in the PPS requires a variance from Section 27-442(d) of the prior Zoning Ordinance. Said section establishes that a lot in the prior R-E Zone should have 50 feet of frontage at the front street line. As mentioned above, the Property is surrounded by four (4) open space parcels approved by the Planning Board as part of the subdivision for the adjacent Fairwood community. These open space parcels completely deny the Property any frontage on an existing or proposed street. As such, the Property (and by extension, proposed Lots 1 & 2) has zero (0) feet of frontage at the front street line. The applicable requirements of Section 27-442(d) for frontage at the front street line are shown below:

	ZONE			
	R-O-S	O-S	R-A	R-E
Other allowed uses	300	300 <sup>1</sup>	150	150
Lot, included in a subdivision for property located within the Southern Green Line Station D-D-O Zone (CB-55-2021)	-	-	-	-
At Front Street Line (Existing or Proposed): <sup>18</sup>				
One-family detached dwellings, in general <sup>13</sup>	25	25	25	50 <sup>15</sup>

The Property is eligible for approval of a variance under Section 27-230 of the prior Zoning Ordinance as follows:

**Section 27-230. - Criteria for granting appeals involving variances.**

**(a) *A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:***

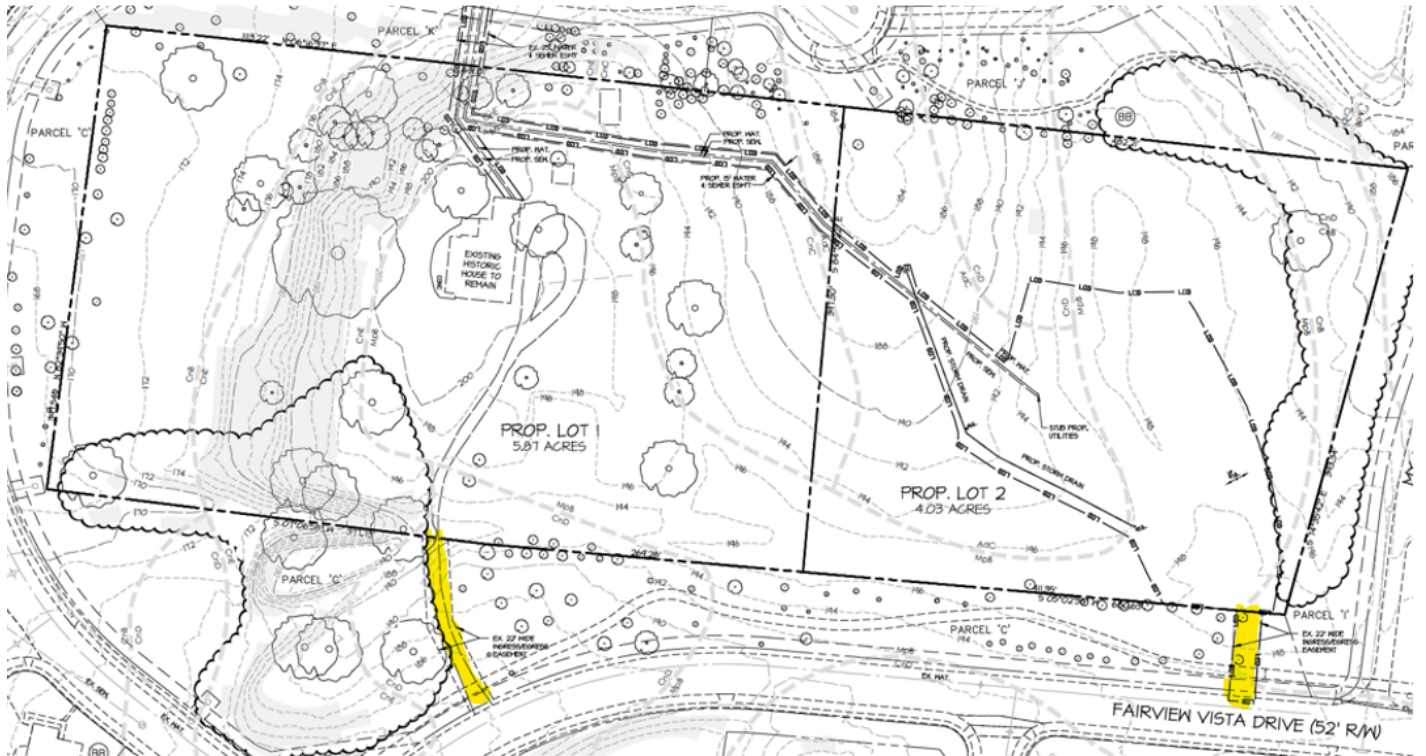
**(1) *A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to***

***exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);***

**RESPONSE:** The Property is impacted by an incredible and extraordinary condition which makes it impossible for the Applicant to conform to the frontage requirements in Section 27-442(d) of the prior Zoning Ordinance. Specifically, when the preliminary plan was processed for the adjoining Fairwood subdivision, the Planning Board approved a lot/parcel layout that resulted in the Property being completely surrounded on all sides by open space parcels (currently owned by Fairwood HOA). It is unclear how the developer/applicant of the Fairwood development was able to process and obtain approval of a subdivision with a parcel layout that effectively denied the subject Property access to a public street (thus making the Property non-conforming under the applicable R-E Zone standards). This is especially remarkable as the Fairwood subdivision proposed and ultimately constructed entirely new public roads which otherwise could have been designed to provide the Property access. Regardless, the Applicant's Property has been left in a condition where it is impossible for it to have any frontage on a public street. As such, the Applicant needs a variance from the entire 50-foot frontage requirement at front street line per Section 27-442(d). These extraordinary conditions are unique to the Property and are not present on any other parcel or lot in the vicinity. Without the requested variance, the Applicant will be denied the ability to fully utilize its Property for uses that are permitted by right in the prior R-E Zone.

**(2) *The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;***

**RESPONSE:** The extraordinary conditions referenced above, are unique to the Property and are not present on any other parcel or lot in the vicinity. Without the requested variance, the Applicant will suffer the unusual and practical difficulty of being denied the ability to fully utilize its Property for a single-family detached use that is permitted by right in the prior R-E Zone. Below is screenshot of proposed Lots 1 & 2 showing where the existing driveway easements (highlighted) benefit the Property and connect with existing Fairview Vista Drive.



- (3) *Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;*

**RESPONSE:** The variance is the minimum reasonably necessary to overcome the exceptional circumstances mentioned above.

- (4) *Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property; and*

**RESPONSE:** The subject Property is located within the Established Communities growth policy area of the current general plan (i.e. "Plan 2035"). Specifically, Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development. The Property is also located within the limits of the 2022 *Bowie-Mitchellville and Vicinity Master Plan* (the "2022 Master Plan"). The 2022 Master Plan recommends residential low land uses on the subject Property. Residential low land use is defined as densities between 0.5 and 3.5 dwelling units per acre, consisting primarily of single-family detached dwellings. The Applicant's desired use for the Property is for two (2) single-family detached homes on (2) separate lots. The Property is also located in APA-6, which allows for the same development densities and intensities as in the underlying zone, and requires every application demonstrate compliance with the height restrictions, which is 50 feet. The proposed single-family development will not exceed these

height limitations. As such, the variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject Property

- (5) *Such variance will not substantially impair the use and enjoyment of adjacent properties.*

**RESPONSE:** The proposed development in the PPS is for two (2) single-family detached homes in the R-E Zone. One home already exists on proposed Lot 1. The second home will be located on proposed Lot 2. The development on Lots 1 & 2 will have safe and appropriate access through the two (2) existing 22-foot-wide easements that benefit the Property and lead to the public street known as Fairview Vista Drive. The resulting development reflected in the PPS will be fully compatible with the large single-family detached homes existing within the adjacent Fairwood community. As a result, approval of the variance will not substantially impair the use and enjoyment of adjacent properties.

- (6) *Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.*

**RESPONSE:** As mentioned above, the practical difficulty in this matter is directly derived from the fact that the Property was land-locked by open space parcels approved as part of the subdivision for the Fairwood community. This action completely denied the Property from having any direct frontage and access to nearby public streets and essentially made it non-conforming to R-E Zone standards. The Applicant did participate in the Fairview subdivision case, and did not take any action that land-locked the Property. As a result, the practical difficulty was not self-inflicted by the owner of the property.

### **Conclusion**

Based on the above, the Applicant respectfully requests approval of the subject variance request in association with PPS 4-24016, as it meets all the applicable requirements set forth in Section 27-230(a) of the prior Zoning Ordinance. Additionally, the Applicant requests use of the existing easements to serve proposed Lots 1&2 pursuant to Section 24-128(b) of the prior Subdivision Regulations. Thank you for your attention to this matter.

Sincerely,



Robert J. Antonetti, Jr.

October 14, 2024  
Variance Request for Lots 1 & 2  
PPS 4-24016 - Fairview Manor  
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RJA/jjf

cc: Fairview Manor, LLC  
Gutschick, Little and Weber, P.A.

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\* Also admitted in the District of Columbia

January 10, 2025

**VIA ELECTRONIC DELIVERY**

Mr. Jason Bartlett, Planner II  
Subdivision Section  
Maryland-National Capital Park  
& Planning Commission  
1616 McCormick Drive  
Largo, Maryland 20774

**RE: SUPPLEMENTAL STATEMENT OF JUSTIFICATION  
Fairview Manor, Lots 1 & 2  
(Preliminary Plan 4-24016)  
Conformance with Section 24-135.01 – Historic Preservation  
Requirements**

Dear Jason:

This firm represents Fairview Manor, LLC (the “Applicant”) regarding its proposed Preliminary Plan of Subdivision Application, PPS 4-24016 (the “PPS”). The land included in the PPS consists of one 9.9-acre parcel known as Parcel 43 (the “Property”). On April 1, 2022, the Countywide Map Amendment (CMA) classified the subject Property in the RE (Residential Estate) Zone and Aviation Policy Area 6 (APA-6). Prior to the CMA, the Property was classified in the R-E (Residential-Estate) Zone and APA-6. The Property is located approximately 2,100 feet south of the intersection of Fairwood Parkway and Fairview Vista Drive and is further located in Planning Area 71A. The submitted PPS proposes two lots (i.e., Lots 1 & 2), one of which will contain an existing historic mansion, and the other to contain either an open space parcel to be used/owned by the Fairwood HOA or a future detached single-family dwelling.

On January 8, 2025, the Applicant met with members of the technical staff, (including the Historic Preservation Section and the Subdivision Section), to discuss how the proposed PPS protects the historic resources located on the Property. This supplemental statement of justification addresses conformance of the PPS with Section 24-135.01, (Historic Preservation requirements), of the Subdivision Regulations.

**1. Setting:**

The subject Property is surrounded by open-space parcels associated with the planned unit development known as Fairwood in the Legacy Mixed-Use Community (LMXC) Zone. The Property is currently improved with a designated historic site known as Fairview and Cemetery (71A-013). Built circa 1800, Fairview is a two-story stuccoed brick plantation house with flush end chimneys and an unusual, stepped gable at one end. Near the house

stands a roughly contemporary smokehouse, a small framed 20<sup>th</sup> century tenant house, as well as the preserved foundations of an early nineteenth-century bank barn (said foundation is located on a parcel owned by the Fairwood HOA). This was the home of the prominent Duckett and Bowie families, including Oden Bowie, Governor of Maryland from 1869 to 1872, who is buried in the family graveyard located a short distance from the house. A Phase-II Archeological Report was submitted for the subject Property and reviewed by the Historic Preservation Section in March of 2024.

The surrounding community of Fairwood is a large planned-unit community that surrounds (and ‘land-locks’) the Property by virtue of the existence of four (4) HOA parcels (i.e. Parcels C, I, J, K). Several easements were recorded through the adjoining open space parcels to benefit the Property, including two, 22-foot-wide ingress and egress easements for access to a public street across Parcel C. The submitted PPS proposes to contain the existing historic site within a new 5.87-acre lot, (Lot 1), while the northern part of the tract, which is currently undeveloped, will be contained in Lot 2 and proposed for the development of one (1), single-family detached dwelling in the R-E Zone. All existing structures associated with the historic site are proposed to remain. The site contains no sensitive environmental features such as streams, wetlands, or areas of 100-year floodplain.

As previously mentioned, the subject Property is surrounded by open space parcels that are currently owned by the Fairwood Community Association, Inc. These parcels were recorded in Land Records as Plat Book REP 201, Plat 36, and include two, 22-foot-wide ingress/egress easements across Parcel C to provide the Property with direct access to a public street. The existing access easements recorded with this plat will be utilized to serve proposed Lots 1 & 2.

The Applicant currently owns the Property and maintains it at great expense. Landscape maintenance of the Property alone costs nearly \$4,000 per month. The Applicant also covers expenses for property insurance and payment of real estate taxes. The approval of this PPS will help reduce these financial burdens on the Applicant by allowing the proposed Lot 2 to be transferred to the Fairwood HOA for use as an open space parcel, (or in the alternative to a person/entity for development of a single-family home).

**ELECTION TO UTILIZE PRIOR ZONING ORDINANCE & SUBDIVISION REGULATIONS - (Per Section 27-1903(d) of the prior Zoning Ordinance & Section 24-1903 of the prior Subdivision Regulations)**

On April 1, 2022, the County Council (sitting as the District Council) approved the CMA and the updated Prince George’s County Zoning Ordinance (“New Zoning Ordinance”) and Subdivision Regulations (“New Subdivision Regulations”) became effective. The CMA rezoned the subject Property to the newly created RE Zone. Notwithstanding, the Applicant elects to process the PPS application (inclusive of the request for use of private easements per Section 24-128(b)), and a companion request for a variance from Section 27-442(d) (minimum width at front street line) utilizing the applicable provisions of the prior

Subdivision Regulations and Zoning Ordinance pursuant to Section 24-1903 of the New Subdivision Regulations and Section 27-1903(d) of the New Zoning Ordinance. The Applicant believes that the prior Zoning Ordinance and prior Subdivision Regulations offers the most efficient and effective processes for obtaining approval of its desired development of the Property.

## 2. History

The following prior applications are associated with the subject Property;

**December 30, 2021** – Detailed Site Plan, DSP-21050 is submitted to the Planning Department for the conversion of the existing Fairview historic site to a private school with a maximum of 80 students for the Chance Academy. This application never obtained formal acceptance.

**May 6, 2022** – Natural Resources Inventory, NRI-174-2020-01 is approved by the Environmental Planning Section

**July 28, 2022** - The Planning Board approves Preliminary Plan of Subdivision, PPS 4-21047, Type 1 Tree Conservation Plan, TCP1-008-2022, and a Variance from Section 25-122(b)(1)(G), for the Chance Academy, (PGCPB No. 2022-84). This application proposed one parcel on 9.90 acres in the R-E Zone for a private school with a maximum of 80 students. The Chance development proposal included construction of several new buildings in the historic setting.

**September 2, 2022** – Type 1 Tree Conservation Plan, TCP1-008-2022, is certified by the Environmental Planning Section

**Prior Zoning Map**



**Current Aerial Map**



3. **CONFORMANCE WITH REQUIREMENTS OF SECTION 24-135.01**

This PPS application meets the requirements for historic preservation found in Section 24-135.01 of the Subdivision Regulations as follows:

**Sec. 24-135.01. Historic preservation requirements.**

- (a) *The Planning Board shall require the preservation of historic resources in order to protect the County's cultural heritage, to increase public awareness of the County's history, and to provide for the continued use of still-valuable historic resources. Applicants are required to use the flexibility inherent in this Subtitle, including lot size averaging and optional methods of development where appropriate, to prepare plans that minimize the impact of new subdivisions on historic resources and that promote the restoration and continued use of such resources.*

**RESPONSE:** The proposed PPS represents a division of the Property into two (2) lots to be known as Lots 1 and 2. With the exception of a necessary sewer connection to serve Lot 2, no new development is proposed for Lot 1 (which will contain the existing manor house). The Applicant proposes that Lot 2 will either become an open space parcel to be used/owned by the Fairwood HOA or will be developed with one (1) detached single-family dwelling. Any development on Lot 2 will require the approval of an Historic Area Work Permit (HAWP) prior to any work commencing. Any such HAWP for a single-family dwelling, (if such development is to occur on Lot 2 instead of an HOA open space area), will evaluate the effect of items such as the location, massing, architecture, landscaping, and materials of any new dwelling on the historic structure(s) on proposed Lot 1. It should be noted that future Lot 1 will be over 5.8 +/- acres, which represents ample area to protect and maintain the existing historic structures. Similarly, Lot 2 will consist of 4.03 acres and will provide significant area and separation for the HOA open space area or any future single-family unit to be developed. As such, the lotting pattern proposed in this PPS will adequately preserve historic resources on the Property.

It should be noted that the Applicant has engaged the services of an historic architect and structural engineer to assess the manor house and determine a viable pathway for restoration of the structure. The Applicant is also working with members of the Fairwood HOA and local interests to create a restoration group for the manor house. Further, the Applicant has been applying for grants that potentially can offset the considerable cost anticipated to be necessary to fully restore the historic house.

- (b) *The following requirements shall apply to a proposed subdivision containing or adjacent to a historic resource:*

- (1) *Lots shall be designed to minimize adverse impacts of new construction on the historic resource;*

**RESPONSE:** The PPS satisfies this criterion as both proposed Lots 1 & 2 have been designed in a manner that will minimize any potential adverse impacts on historic resources. Specifically, all existing historic trees are being preserved on Lot 1 to protect the historic manor house and buffer it from any future development on Lot 2. Further, the existing topography is also being maintained on the Property between the proposed lots, with the exception of grading shown that is necessary for a potential single family detached house on Lot 2. The development of a single-family home on Lot 2 will only occur if said lot is not used/acquired by the Fairwood HOA for open space. Access to Lot 1 and Lot 2 will occur by separate 22-foot-wide driveway easements connecting to a public road (i.e., Fairwood Vista Drive). When the final plats were recorded for the Fairwood Subdivision in 2004, it was recognized that the subject Property would be completely surrounded by open space parcels with no direct frontage on a public street. As such, two (2), 22-foot-wide ingress/egress easements were recorded with Plat Book REP 201, Plat 36, that provide proposed Lots 1 and 2 with separate and direct access to a public street through open space Parcel C. As such, any new development on proposed Lot 2 will **not** require any access through proposed Lot 1 containing the historic manor house.

(2) *Natural features (such as trees and vegetation) which contribute to the preservation of a historic resource or provide a buffer between the historic resource and new development, shall be retained; and*

**RESPONSE:** The PPS satisfies this criterion as both proposed Lots 1 & 2 will retain natural features which provide a buffer between the historic resource and any new development. As referenced above, all existing historic trees are being preserved on Lot 1 to protect the historic manor house and buffer it from any future development on Lot 2. Further, the existing topography is also being maintained on the Property between the proposed lots, with the exception of grading shown that is necessary for a potential single family detached house on Lot 2. Again, the development of a single-family home on Lot 2 will only occur if said lot is not used/acquired by the Fairwood HOA for open space. Any physical development on Lot 2 will require the approval and issuance of a HAWP.

(3) *Protective techniques (such as limits of disturbance, building restriction lines and buffers) shall be used.*

**RESPONSE:** The PPS satisfies this criterion as the PPS reflects building restriction lines (BRLs) on Lots 1 and 2. Specifically, the PPS reflects 17' & 17.5' side BRLs straddling the proposed subdivision line as the protective technique between Lots 1 and 2. It should also be noted that in the event that Lot 2 is utilized for a single-family dwelling, an additional landscape buffer will be provided between the two lots as required by the Landscape Manual. Details for this landscape buffer will be shown as part of an appropriate HAWP.

(c) *In order to safeguard the integrity of the historic resource, the Planning Board may require a Detailed Site Plan in accordance with Part 3, Division 9, of Subtitle 27*

***(the Zoning Ordinance) for the purpose of evaluating the effect of the orientation, mass, height, materials and design of the proposed development on the environmental setting.***

**RESPONSE:** The Property is entirely located within the approved environmental setting for the Fairview and Cemetery (71A-013) historic site. As such, any development on proposed Lot 2 is subject to review by the Historic Preservation Commission (HPC) and will require approval of a HAWP. An evaluation of the effect of the orientation, mass, height, materials and design of any development of a single-family home on proposed Lot 2 will occur at time of HAWP by the HPC (or its staff). As such, a detailed site plan reviewing the same items would be redundant and unnecessary given the review that would occur as part of the HAWP application. Moreover, it is premature to require a detailed site plan as part of this PPS, as it is likely that Lot 2 will be acquired by the Fairwood HOA as an open space parcel. For these reasons, the Applicant respectfully requests that the Planning Board not require a detailed site plan as a condition of approval in this PPS.

4. **Conclusion**

Based on the above, the Applicant respectfully requests approval of PPS 4-24016, as it meets all the applicable requirements set forth in Section 24-135.01 of the prior Subdivision Regulations. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert J. Antonetti, Jr.", with a stylized flourish at the end.

Robert J. Antonetti, Jr.

RJA/jjf

cc: Fairview Manor, LLC  
Gutschick, Little and Weber, P.A.