

Case No.: DSP-11002 and
SP-110001

Applicant: Michael Campbell

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER OF DENIAL

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 11-75, to approve Application No. DSP-11002 and Special Permit No. 110001, for the conversion of a one-family detached dwelling to a building, containing three dwelling units in the Gateway Arts District, on property described as 0.128 acres of land in the R-35/D-D-O zones, on the west side of 41st Avenue, approximately 500 feet south of Queensbury Road, is:

REVERSED, and the application, Application No. DSP-11002 and Special Permit No. 110001DSP-09015, is hereby DENIED, for the following reasons, which are hereby adopted as the findings of fact and conclusions of law of the District Council:

A. This detailed site plan and special permit application does not conform to the Traditional Residential Neighborhood (TRN) character area goal because it does not maintain a single-family neighborhood character. The goal of the character area is to preserve the single-family residential character as the anchor of the Arts District, while supporting artists who produce and teach from their homes. The main elements of single-family residential character mentioned in the sector plan include: historic and vernacular housing stock; natural wooded features; quiet; a community-oriented quality; low traffic; and density that is generally between four to ten units per an acre. The character area designation reinforces the existing single-family

residential neighborhoods and their role in stabilizing and adding value to the Gateway Arts District.

B. The subject application is for conversion of a one-family detached dwelling to a building containing three dwelling units, which is not permitted in the R-35 Zone, Zoning Ordinance Section 27-441(b)(6), with the exception of Development District Standards of the Prince George's County Gateway Arts District D-D-O Zone, where the uses are compatible with the goals of the Prince George's Gateway Arts District and purposes of the D-D-O Zone. Zoning Ordinance Section 27-548.22. This section also specifically states that general use types may be limited where uses are incompatible with, or detrimental to, the goals of the Development District and purposes of the D-D-O Zone.

C. The Gateway Arts Districts specifies a minimum unit size of 700 square feet for artist/live work units. The record indicates that the subject units are not specified as artist units, only that the units are proposed as rentals.¹ The record also indicates that the applicant is not amenable to the City of Hyattsville recommendation that the proposed basement dwelling unit serve as an enhancement to the two existing two units, *i.e.*, as an artist work space or other recreational space consistent with the intended use of the Gateway Arts District.

D. According to the record, Code Enforcement for the City of Hyattsville indicated

¹ Conversion of a one-family detached dwelling to a building containing up to three dwelling units is permitted by special permit in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* for sites within the Traditional Residential Neighborhood character area. However, prior to conversion, applications subject to special permits require detailed site plan review. According to the record, the applicant, *prior* to seeking a special permit and site plan review, made many of the modifications/conversions to the building *after* he purchased the property—including conversion of the former garage into a dwelling unit and the conversion of the basement into a dwelling unit—which he now seeks approval for. It was a mischaracterization for the Planning Board to find that the subject application was submitted in fulfillment of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* for sites within the Traditional Residential Neighborhood character area.

that the window of the converted garage dwelling unit—which replaced the pre-existing garage door—does not provide adequate secondary means of egress under the County’s standard for a secondary means of egress.

E. According to record, Code Enforcement for the City of Hyattsville indicated that the proposed basement conversion into a rental dwelling unit does not meet the minimum life safety standards and required safety codes. Specifically, the ceiling height, of the proposed basement rental dwelling unit, is not in compliance with City of Hyattsville code requirement of 7 feet.

F. The detailed site plan and special permit application as submitted is incompatible with the recommendations of the Traditional Residential Neighborhood (TRN) character area. The detailed site plan and special permit application as submitted is also incompatible with the goals of the Prince George’s County Gateway Arts District and purposes of the D-D-O Zone.

Adopted this 12th day of March, 2012, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, Toles and Turner.

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council