

RESOLUTION

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 June 2, 2016, regarding Specific Design Plan SDP-9037-H5 for Summit Creek, Lot 18 (Stover Deck), the Planning Board finds:

1. **Request:** The subject homeowner’s minor amendment to a specific design plan (SDP) is a request to construct a 10-foot by 32-foot by 12-foot deck to be attached to the rear of an existing single-family detached dwelling within the side yard setback.
2. **Development Data Summary**

	<b>EXISTING</b>
Zone	R-S
Use	Residential
Lot size	7,573 square feet
Lot	1
Number of Dwelling Unit	1

	<b>REQUIRED</b>	<b>APPROVED</b>
Total parking spaces	2	4

3. **Location:** The subject property is located on the west side of Wooden Bridge Road, approximately 580 feet south of its intersection with Summit Creek Drive, within the Summit Creek Subdivision. The property is also located in Planning Area 81A and Council District 9.
4. **Surrounding Uses:** The subject property is bounded to the west and south by single-family detached units, to the east by the public right-of-way of Wooden Bridge Road with single-family detached units beyond, and to the north by the public right-of-way of Tiara Court with single-family detached units beyond, in the Residential Suburban Development (R-S) Zone.
5. **Previous Approvals:** The application has a previously approved Zoning Map Amendment (Basic Plan) A-9679-C, Comprehensive Design Plan CDP-8909 (PGCPB Resolution No. 90-59), Preliminary Plan of Subdivision 4-90003 (PGCPB Resolution No. 90-104), Specific Design Plan SDP-9037 (PGCPB Resolution No. 91-108), and Final Plat 5-91152, recorded in the Prince George’s County Land Records in Plat Book VJ 159 @ 38.

6. **Design Features:** The subject application includes a proposal for the addition of a 10-foot by 32-foot by 12-foot wood and composite deck to the rear of an existing single-family detached dwelling, which was constructed in 1998. The subject property, known as Lot 18, Block P, of Summit Creek, is a corner lot with an existing dwelling, which fronts on Wooden Bridge Road to the east. The proposed deck, which will be attached to the southwest corner of the dwelling, will be located within one foot of the side property line and will encroach into the side yard setback by nine feet.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The project is in compliance with Section 27-515 of the Zoning Ordinance regarding uses permitted in the R-S Zone. A single-family detached dwelling is a permitted use in the R-S Zone. The project is also in compliance with the requirements of Section 27-513, which includes regulations applicable to the R-S Zone. The project also conforms to the requirements of Section 27-528 regarding required findings for SDP applications and Section 27-530 regarding amendments to approved SDP applications. See Findings 16 and 17 below for a more detailed discussion of this conformance.
8. **Zoning Map Amendment (Basic Plan) A-9679-C:** The project is in compliance with the requirements of Basic Plan A-9679-C. The proposed deck in the side yard setback does not alter the previously made findings of approval of the basic plan that were made at the time of approval of the CDP.
9. **Comprehensive Design Plan CDP-8909 and its revision:** The project is in compliance with the requirements of Comprehensive Design Plan CDP-8909 and its revision (CDP-8909-01), except regarding the required side yard setback. Whereas the CDP stipulates a 20-foot total minimum side-yard setback for a corner lot, the proposed deck would leave approximately one foot between the proposed deck and the property line.
10. **Summit Creek, Plat Seven, recorded as Plat Book VJ 159 @ 38:** The subject project is in compliance with the requirements contained in the plat notes of Summit Creek, Plat Seven, recorded as Plat Book VJ 159 @ 38.
11. **Specific Design Plan SDP-9037:** The subject project is in compliance with the requirements of Specific Design Plan SDP-9037, except for the side yard setback. The proposed deck would extend approximately nine feet into the required side yard.
12. **2010 Prince George's County Landscape Manual:** The nature of the project exempts it from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).
13. **Prince George's County Tree Canopy Coverage Ordinance:** The subject application is exempt from the Tree Canopy Coverage Ordinance because the applicant proposes less than 5,000 square feet of gross floor area or disturbance.

14. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The subject lot does not contain any woodland conservation; the addition of the proposed deck would not alter the previously made findings of conformance with the Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP, preliminary plan, and SDP.
15. **Further Planning Board Findings and Comments from Other Entities:** The application was referred to the concerned agencies and divisions. Referral comments are summarized as follows:
  - a. **Summit Creek Community Association:** In a letter dated December 9, 2015, the Summit Creek Community Association indicated that the request for a rear deck installation associated with this application had been approved with caveats regarding permitting, construction and site plan conformance.
16. As required by Section 27-528(a) of the Zoning Ordinance, the Planning Board must make the required findings for approval of a SDP, as follows:
  - (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);**
  - (1.1) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The subject homeowner's amendment to an SDP conforms to the approved Comprehensive Design Plan, CDP-8909, as amended, and is not subject to the standards of the Landscape Manual. The proposed development is not in a regional urban community.

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, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

This finding was made with the approval of the original SDP and will not be affected by the proposed deck.

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;**

This finding was made with the approval of the original SDP and will not be affected by the proposed deck.

4. **The plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

The addition of the proposed deck does not alter the previously made findings of conformance with an approved Type 2 tree conservation plan which were made at the time of approval of the original SDP.

5. **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The subject lot does not contain any regulated environmental features that are required to be preserved and/or restored.

17. Section 27-530(c)(3) of the Zoning Ordinance sets forth the criteria for granting minor amendments to approved SDPs 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 CDP for the subject project established the side yard setbacks for a corner lot at a minimum of 20 feet total. However, the deck is proposed approximately one foot from the property line. The subject application does not meet criterion (A) and, therefore, the associated Homeowner's Minor Amendment to a Comprehensive Design Plan CDP-8909-H1, requesting the same setback modification was filed concurrently with this SDP and was approved by the Planning Board.

In regards to criterion (B) above, the proposed deck is consistent with the architectural and site design characteristic of the approved SDP, except in regards to the side yard setback. The proposed deck is to be made of wood and composite material, which is typical for residential decks.

In regards to criterion (C), the Planning Board found that the requested deck will not substantially impair the intent, purpose, or integrity of the approved CDP. The modification of the side building restriction line to one foot for the proposed deck will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood because the deck is located at the corner of the house farthest from adjacent rights-of-way and closest to the rears of the adjacent homes and an off-site wooded area, as is typical in single-family residential neighborhoods.

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 APPROVED the Specific Design Plan for the above-described land, subject to the following condition:

1. Prior to certificate approval of the specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall reference the following on the site plan:
  - a. Provide the dimension of the existing driveway on the site plan.
  - b. Label the material of the deck on the site plan.

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.

\* \* \* \* \*

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 2, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of June 2016.

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date

6/9/16

Patricia Colihan Barney  
Executive Director



By

Jessica Jones  
Planning Board Administrator