

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive 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 December 3, 2020, regarding Comprehensive Design Plan CDP-9503-H2 for Bealle Hill Forest, Lot 4, Block D, the Planning Board finds:

1. **Request:** The subject homeowner's minor amendment to a comprehensive design plan (CDP) is a request to construct a 16-foot by 20-foot open deck attached to the rear of an existing single-family detached dwelling within the rear yard setback.

2. **Development Data Summary:**

	EXISTING
Zone	R-L
Use	Residential
Lot size	20,669 square feet
Lot	1
Number of Dwelling Units	1

3. **Location:** The subject property is located at 314 Farmhouse Road, on the east end of the cul-de-sac, within the Bealle Hill Forest Subdivision. The property is located in Planning Area 84 and Council District 9.
4. **Surrounding Uses:** The subject property is bounded by the right-of-way of Farmhouse Road and a homeowner's association property developed with a pedestrian path to the west, and to the north, east, and south by a single, vacant, forested parcel, owned by the Archaeological Conservancy. All surrounding uses are in the Residential Low Development (R-L) Zone.
5. **Previous Approvals:** On September 14, 1993, the Prince George's County District Council approved the *Subregion V Master Plan and Sectional Map Amendment*, which included the Basic Plan A-9874-C, for the subject property. This action rezoned the property from the Residential-Agricultural (R-A) Zone to the R-L Zone, as stated in Prince George's County Council Resolution CR-60-1993, with 13 conditions and 4 considerations. Subsequent to the rezoning of the property to the R-L Zone, the southern 53.5 acres of the site were sold to the Maryland State Highway Administration in association with the construction of MD 228 (Berry Road). On February 26, 1998, the Prince George's County Planning Board approved CDP-9503 (PGCPB Resolution No. 98-51).

6. **Design Features:** The subject application includes a proposal for a 16-foot by 20-foot open deck attached to the rear of the existing single-family detached home, within the rear yard setback. The subject property, known as Lot 4, Block D of Bealle Hill Forest, includes a single-family detached dwelling constructed in 2010 that fronts on the cul-de-sac at the end of Farmhouse Road to the west. The deck is proposed to be attached to the east side (rear) of the house and extend into the 20-foot rear yard setback by approximately 7 to 9 feet, or between 11 and 13 feet from the rear property line. The dwelling and rear property line are at a slight angle to each other, creating the slight range in distance between the proposed deck and rear property line. The location of the proposed deck, at the rear of the dwelling, will not be visible from other nearby residential dwellings.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The project conforms with Section 27-515 of the Zoning Ordinance, regarding uses permitted in the R-L Zone. A single-family detached dwelling is a permitted use in the R-L Zone. The project is also in compliance with the requirements of Section 27-514.10 of the Zoning Ordinance, which includes regulations applicable to the R-L Zone. The project also conforms to the requirements of Section 27-521 of the Zoning Ordinance, regarding required findings for CDP applications, and Section 27-524 of the Zoning Ordinance, regarding amendments to approved CDP applications. See Findings 11 and 12 below for a more detailed discussion of this conformance.
8. **Zoning Map Amendment (Basic Plan) A-9874-C:** The project is in compliance with the requirements of Basic Plan A-9874-C, as incorporated into CR-60-1993. The proposed deck in the rear-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-9503:** The project is in compliance with the requirements of CDP-9503, except regarding the required rear-yard setback. Whereas, the CDP stipulates a 20-foot minimum rear-yard setback, the proposed deck would sit a variable distance of approximately 11 feet to 13 feet from the rear property line.
10. **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 will not alter the previous findings of conformance with the Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP.
11. **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. **Bealle Hill Forest Architectural Committee**—The Planning Board adopts, herein by reference, a letter dated September 16, 2020, (Bealle Hill Forest, c/o Maredith Management to Anyanwu), which indicated that the homeowner's request for deck is approved.

- b. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not provide any comments on the subject application.
 - c. **Permits**—There are no permit-related comments on the subject application.
12. Prior to approving a CDP, the Planning Board must make the required findings found in Section 27-521(a) of the Zoning Ordinance:
- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The CDP was previously found to be in conformance with the Basic Plan A-9874-C, as incorporated into CR-60-1993. The proposed deck does not affect that finding.
 - (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**
 - (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**
 - (4) **The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**
 - (5) **Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**
 - (A) **Amounts of building coverage and open space;**
 - (B) **Building setbacks from streets and abutting land uses; and**
 - (C) **Circulation access points**
 - (6) **Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**
 - (7) **The staging of development will not be an unreasonable burden on available public facilities;**

Conformance with these requirements (2–7) was found at the time of approval of the original CDP and the proposed deck does not change those findings.

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
- (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
 - (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
 - (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The proposed revision does not propose an adaptive reuse of a historic site. This finding is not applicable.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

Conformance with this requirement was found at the time of approval of the original CDP, and the proposed deck does not change that finding.

- (10) **The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

Conformance with this requirement was found at the time of approval of the original CDP and the proposed deck does not change that finding.

- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

There are no regulated environmental features on the subject lot.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Conformance with this requirement was found at the time of approval of the original CDP and the proposed deck does not change that finding.

- (13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

The subject lot is not part of a regional urban community.

- 13.** Section 27-524(b)(3) of the Zoning Ordinance sets forth the criteria for granting minor amendments to approved CDPs 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, as follows:
- (A) The Planning Board shall conduct a public hearing on the requested amendments.**
- (B) Findings. The Planning Board may grant the minor amendment if it finds that the requested modifications will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.**
- (C) The Planning Board shall approve, approve with modification, or disapprove the requested amendments, and shall state its reasons for the action. The Planning Board's decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing before the Planning Board and to the District Council.**

The subject CDP application is being reviewed by the Planning Board, in conformance with criterion (A) above. The Planning Board is required to make a decision on the CDP application, in conformance with criterion (C) above. In regard to criterion (B), the Planning Board finds that the proposed deck will not substantially impair the intent, purpose, or integrity of the approved CDP. The modification of the rear yard setback from 20 feet to a variable setback of 11 to 13 feet for the proposed deck will not be detrimental to the community. The proposed deck will not negatively impact the visual characteristics of the neighborhood because it will be located to the rear of an existing single-family dwelling and is not visible from abutting dwellings, the street, or public space.

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 Comprehensive Design Plan CDP-9503-H2 for the above described land.

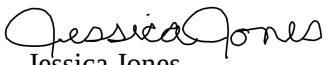
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 3, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of December 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:AB:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: November 12, 2020