



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2022-110

File No. SDP-0111-H2

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, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design (LCD) Zone; and

WHEREAS, pursuant to Section 27-1903 (c) of the Zoning Ordinance, certain development applications may be reviewed and decided in accordance with the Zoning Ordinance in existence at the time of submission and acceptance of the application; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on October 27, 2022, regarding Specific Design Plan SDP-0111-H2 for Beech Tree East Village, Lot 14 Block L, the Planning Board finds:

1. **Request:** The subject homeowner's minor amendment to a specific design plan (SDP) is a request to construct a 21-foot by 12-foot deck, and an 11-foot by 16-foot screened porch on the rear of the existing single-family detached dwelling and located within the rear yard setback.
2. **Development Data Summary:**

	EXISTING
Zone	LCD (Prior R-S)
Use	Residential
Lot size	9,543 sq. ft.
Gross Acreage	0.21
Lot	1
Number of Dwelling Units	1

3. **Location:** The subject property is located in the Legacy Comprehensive Design (LCD) Zone, previously the Residential Suburban Development (R-S) Zone. The site is located within the larger development known as Beech Tree East Village. It is on the north side of Symondsburly Way, approximately 480 feet from its intersection with Galeshead Drive. More specifically, the subject property is located at 15432 Symondsburly Way, Upper Marlboro, Maryland, within Planning Area 79 and Council District 6.

4. **Surrounding Uses:** The subject property is surrounded by similar single-family detached homes within the LCD Zone, and was previously zoned R-S.
5. **Previous Approvals:** The subject site was developed as part of the Beech Tree East Village Subdivision, Section 6. On March 2, 1989, the Prince George's County Planning Board approved Zoning Map Amendment (Basic Plan) A-9763-C (PGCPB Resolution No. 89-107), to rezone the property from Residential-Agriculture (R-A) to R-S.

On October 9, 1989, Basic Plan A-9763-C) was approved by the Prince George's County District Council.

Comprehensive Design Plan CDP-9706 was reviewed by the Planning Board on February 26, 1998 (PGCPB Resolution No. 98-50), and approved by the District Council on July 14, 1998, for development of a golf course community with 2,400 dwelling units.

Preliminary Plan of Subdivision 4-00010, for the Beech Tree East Village, was approved on October 14, 1999.

On June 10, 2002, the Planning Board approved SDP-0111, for construction of single-family homes and a golf course.

A Planning Director Amendment, SDP-0111-01, was approved on April 27, 2007, for revisions to the limit of disturbance.

A Planning Director Amendment, SDP-0111-02, was approved on October 1, 2009, to add a tot lot to parcel L in East Village 7 of the Beech Tree development.

6. **Design Features:** The subject application includes a proposal for a 21-foot by 12-foot deck and an 11-foot by 16-foot screened porch, to be constructed in the rear of the existing single-family detached home. The proposed deck and porch will be constructed of wood with a white vinyl railing system and white vinyl wrap posts and beams, with a shingled roof. The proposed deck and screened porch enclosure will match the existing architecture of the home. Both the deck and porch extend 5 feet into the 15-foot rear yard setback and are a minimum of 10 feet from the rear property line.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prior Prince George's County Zoning Ordinance:** The project conforms 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 zone. The project is also in compliance with the requirements of Section 27-501 of the Zoning Ordinance, which includes regulations applicable to the R-S Zone. The project also conforms to the requirements of Section 27-528 of the Zoning Ordinance,

regarding required findings for SDP applications, and Section 27-530 of the Zoning Ordinance, regarding amendments to approved SDP applications.

8. **Zoning Map Amendment (Basic Plan) A-9763-C:** The project is in compliance with the requirements of A-9763-C, since the proposed deck and screened porch, located in the rear yard setback, do not alter findings of conformance with the basic plan, that were made at the time of approval of the SDP.
9. **Comprehensive Design Plan CDP-9706:** The project complies with the requirements of CDP-9706, except regarding the required rear yard setback. The CDP stipulates that the minimum rear yard setback for single-family detached houses, with a lot size of 6,000 to 7,999 square feet, is 15 feet. The proposed deck and screened porch encroach into the rear setback by 5 feet.
10. **Beech Tree East Village, Plat 5, recorded as Plat Book 196 page 92:** The subject project is in compliance with the requirements contained in the plat notes of Beech Tree East Village, Plat 5, recorded as Plat Book 196, page 92
11. **Specific Design Plan SDP-0111 Beech Tree East Village:** SDP-0111 was approved by the Planning Board on June 10, 2002, for construction of single-family homes and a golf course. The subject project is in compliance with the requirements of SDP-0111, Beech Tree East Village, except for the rear yard setback for lots with a lot size between 6,000–7,999 square feet. The proposed deck and screened porch would extend into the designated setback by 5 feet.
12. **2010 Prince George's County Landscape Manual:** The addition of a deck and screened porch is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because the requirements were satisfied at the time of SDP-0111 approval.
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 deck enclosure would 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 and SDP.
15. Section 27-528, Planning Board Action, of the prior Zoning Ordinance, requires that the Planning Board make the following findings before approving an SDP, unless an application is being processed as a limited minor amendment. Each required finding is listed below in **BOLD**, followed by staff comment.

(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 subject amendment conforms to the requirements of CDP-9706, as outlined in Finding 9, and the applicable standards of the Landscape Manual, as outlined in Finding 12. As the subject amendment does not involve townhouse construction, nor is located in the prior Local Activity Center Zone, the second portion of this required finding does not apply to the subject project.

- (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;**

The proposed deck and screened porch do not affect the previous finding and requirements met in SDP 0111.

- (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;**

The proposed site development is consistent with an approved stormwater management concept plan. Therefore, adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties, in accordance with this required finding.

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

The addition of a deck and screened porch to an existing single-family detached dwelling and the setback modification do not impact the previously approved Type 2 tree conservation plan.

- (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).**

No regulated environmental features exist on the subject lot. Therefore, this finding is not applicable to the subject SDP.

16. Section 27-530(c)(3) of the prior 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.**

SDP-0111 established the rear yard setback at a minimum of 15 feet. The proposed deck and screened porch extend 5 feet into the rear yard setback, with a proposed setback of approximately 10 feet from the rear property line. The subject application does not meet Criterion (A). Therefore, the subject Homeowner's Minor Amendment to SDP 0111-H2 was heard by the Planning Board, as stated in Section 27-530(d)(3)(A) of the prior Zoning Ordinance.

Regarding Criterion (B) above, the proposed deck and screened porch are consistent with the architectural and site design characteristics of the approved SDP, except in regard to the rear yard setback. The proposed deck and porch are proposed to be constructed of wood with a white vinyl railing system, and white vinyl wrap posts and beams with a shingled roof. The proposed deck and porch will match the existing house and will be of the same high-quality materials.

Regarding Criterion (C), the Planning Board believes that the proposal will not substantially impair the intent, purpose, or integrity of the approved CDP. Modification of the minimum rear yard setback to 10 feet, for the proposed screened porch and deck addition, will not be detrimental to the community. It will not negatively impact the visual characteristics of the neighborhood because the addition is at the rear of the home and not visible from the nearest public right-of-way. As a result, it provides privacy to the occupants of both the subject property and the adjacent homeowners.

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 Homeowner's Minor Amendment to a Specific Design Plan SDP-0111-H2 for Beech Tree East Village, Lot 14 Block L.


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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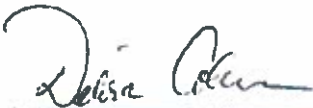
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, October 27, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of November 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:TB:jah



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 11/10/22