



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 10-03

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-4366
 www.mncppc.org/pgco

File No. SDP-0111-H1

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 January 7, 2010, regarding Specific Design Plan SDP-0111-H1 for Beech Tree, Lot 42, Block M, the Planning Board finds:

1. **Request:** This application requests the construction of a 16-foot by 18-foot deck to be attached to the rear of an existing single-family detached dwelling unit.
2. **Development Data Summary**

EXISTING

| | |
|--------------------------|--------------------|
| Zone | R-S |
| Use(s) | Residential |
| Lot size | 11,456 square feet |
| Lots | 1 |
| Number of Dwelling Units | 1 |

REQUIRED

APPROVED

| | | |
|----------------------|---|---|
| Total parking spaces | 2 | 2 |
|----------------------|---|---|

3. **Location:** The subject site is located at 2906 Galeshead Drive, approximately 100 feet northwest of the intersection of Galeshead Drive and Humberside Way. The site is also located in Planning Area 79, Council District 6, and the Developing Tier.
4. **Surrounding Uses:** The subject property is located on the west side of Galeshead Drive and is surrounded to the north and south by single-family detached units. The subject lot is bounded to the west by a homeowner's open-space parcel, which separates the rear yard of the subject lot from the rear yard of additional single-family detached units west of the open-space parcel along Symondsburry Way.
5. **Previous Approvals:** The application is subject to the requirements of Preliminary Plan of Subdivision 4-00010 (PGCPB Resolution No. 00-127), Comprehensive Design Plan CDP-9706 (PGCPB Resolution No. 98-050), Final Plat 5-04278, recorded in the Prince George's County Land Records in Plat Book REP 202 @ 73, and is subject to the requirements of Specific Design Plan SDP-0111 (PGCPB Resolution No. 02-65).

6. **Design Features:** The subject application includes a proposal for the addition of a 16-foot by 18-foot deck to a single-family detached dwelling, which was constructed in 2006 within the required setback. The subject lot is known as Lot 42, Block M of Beech Tree, East Village. The proposed deck is designed to connect to an existing deck, which, according to the applicant, was installed by the builder at the time of the construction of the home. The proposed deck will step down from the existing deck via several steps. The proposed deck is to be constructed of a composite material and will feature a PVC railing at the periphery. The proposed materials will match the existing deck materials exactly. The deck will also feature stairs accessing an existing at-grade patio which includes a freestanding brick wall with piers and an integral grill, which is not, but should be shown on the plans. Additional landscaping is proposed to be provided on the north side of the house to mitigate the view of the existing deck from the street, as required by the homeowner's association (HOA).

COMPLIANCE WITH EVALUATION CRITERIA

7. **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 27-501, which includes regulations applicable to the R-S Zone. The project also conforms to the requirements of Section 27-528 regarding required findings in specific design plan applications and Section 27-530 regarding amendments to approved specific design plan applications. See Findings 15 and 16 below for a more detailed discussion of this conformance.
8. **Comprehensive Design Plan CDP-9706:** The project is in compliance with the requirements of Comprehensive Design Plan CDP-9706, except regarding the required rear yard setback. Whereas the CDP stipulates a 20-foot minimum rear yard, the proposed deck would leave approximately nine feet between the edge of the deck and the property line.
9. **Final Plat 5-04270:** The subject project is in compliance with the requirements contained in the plat notes of Final Plat 5-04270, as recorded in Plat Book REP 202 @ 73.
10. **Specific Design Plan SDP-0111, Beech Tree, East Village, Phase 2, Section 1:** The subject project is in compliance with the requirements of Specific Design Plan SDP-0111, except for the rear yard setback. The proposed deck would extend approximately 11 feet into the required rear yard.
11. **Prince George's County Landscape Manual:** The nature of the project exempts it from the requirements of the *Prince George's County Landscape Manual*.
12. **Woodland Conservation and Tree Preservation Ordinance:** The subject lot does not contain any woodland conservation; the addition of the deck would not alter the previously made findings of conformance to the Woodland Conservation and Tree Preservation Ordinance, which were made at the time of approval of the comprehensive design plan, preliminary plan of subdivision

and specific design plan.

13. **Referral Agencies and Departments:** In a letter dated July 13, 2009, the Beech Tree Community Association stated that the Architectural Review Board of the Beech Tree Homeowners Association approved the application for the 16-foot by 18-foot deck conditional upon the installation of plant material to mitigate the visual impact of the existing deck from street and neighbor views. According to documentation attached to the HOA's approval letter, the existing deck was not constructed in accordance with the requirements of the Architectural Review Board because the deck is located partially within the side yard. The applicant has shown the requested landscaping on the plans.
14. Section 27-530(c)(3) of the Zoning Ordinance sets forth the criteria for granting minor amendments to approved specific design plans 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 subject application does not meet criterion (A) and (B) above and therefore was brought forward as a Planning Board application. The comprehensive design plan for the subject project established the rear yard setback at a minimum of 20 feet. The deck is proposed approximately nine feet from the rear property line. However, off-site negative impacts of the construction of the deck are mitigated by the fact that the lot backs to a homeowners association open-space parcel affording privacy to the occupants of both the subject property, and properties to the west. Further, the modification of the rear building restriction line to nine feet will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood. Additional landscaping will mitigate the view of the existing deck from the street and the adjacent dwelling to the north. The proposed materials and design are high quality and consistent with the architectural character and level of quality expected for Beech Tree.

15. Section 27-528 of the Zoning Ordinance sets forth the following required findings for approval of a specific design plan:
 - (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 proposed deck construction and the amendment to the rear yard building restriction line does not affect the positive finding made in Specific Design Plan SDP-0111 that the application had met the above requirement.

- (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 or provided as part of the private development;**

The proposed deck construction does not affect the positive finding made in Specific Design Plan SDP-0111 that the application had met the above requirement.

- (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; and**

The proposed deck construction does not affect the positive finding made in Specific Design Plan SDP-0111 that the application had met the above requirement.

- (4) The plan is in conformance with an approved Tree Conservation Plan.**

The proposed deck construction does not affect the positive finding made in Specific Design Plan SDP-0111 that the application had met the above requirement.

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 conditions:

1. Prior to certificate approval of the specific design plan, the applicant shall provide a corrected site plan, to scale, that delineates the location of the existing patio and freestanding wall.

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 Clark, seconded by Commissioner Squire, with Commissioners Vaughns, Clark, Squire and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, January 7, 2010 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of February 2010.

Patricia Colihan Barney
Acting Executive Director

Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

PCB:FJG:JS:ydw

APPROVED AS TO LEGAL SUFFICIENCY
Mac
M-NCPPC Legal Department
1-12-10
Dob