

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 7, 2004, regarding Detailed Site Plan DSP-90115/09 for Horizon Hills Subdivision, Lot 64, Block B, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan and a variance application for a two-foot intrusion into the rear yard setback for a single-family detached residence in the R-R Zone.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-R	R-R
Use(s)	Single-family residential	Single-family residential
Acreage	105.1	105.1
Lots	174	174

**ARCHITECTURAL MODEL**

<b>Model</b>	<b>Base Finished Area (Sq.Ft.)</b>
Courtland	2,877

3. **Location:** The subject site bears a street address of 13208 Suntum Court, Accokeek, and is located on Lot 64, Block B, inside Horizon Hills Subdivision, which is located approximately 1,000 feet north of the intersection of Bealle Hill Road and Livingston Road.
4. **Surroundings and Use:** Lot 64 is surrounded on three sides by lots in Block B, except on the west side of the property, which is bounded by the right-of-way of Suntum Court.
5. **Previous Approvals:** The subject site, Lot 64, is within a 174-unit subdivision known as Horizon Hills Subdivision. The site has a previously approved Preliminary Plan of Subdivision, 4-88114, which was also recorded. The site has a detailed site plan, DSP-90115, that was approved by the Planning Board on April 4, 1991, subject to five conditions. Detailed site plan DSP-90115 has been revised eight times. This is the ninth revision to DSP-90115.

6. **Design Features:** Lot 64 has been developed with the Courtland model by Ryan Homes. The owner also has occupied the house. A 12-by-17-foot, one-story morning room has been built as an option to the approved model. The morning room extends two feet beyond the required rear yard setback for this lot. The rear elevation of the morning room features a cross-gabled roof with a Palladian window. There is one patio door on one side elevation and two sash windows with transoms on the other elevation.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
- a. Except for the two-foot intrusion into the rear yard setback, which is the subject of the variance application VD-90115/09 discussed below, the subject application is in general compliance with the requirements of the R-R Zone, the site plan design guidelines and Section 27-442, Regulations, for development in the R-R Zone.
  - b. Section 27-229, Powers and duties of the Board of Zoning Appeals, prohibits the Board of Zoning Appeals from granting a variance to any requirements applicable to cluster developments, except for home improvements as defined in Section 27-107.01. Horizon Hills Subdivision was approved by the Planning Board as a cluster subdivision in the R-R Zone, and as the request in this application is not considered a home improvement, the Board of Zoning Appeals cannot review this variance. A revision to the approved detailed site plan must be considered by the Planning Board with this variance application as an accompanying case.
  - c. Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:
    - (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

**Comment:** Lot 64 within the Horizon Hills Subdivision is located partially on the bulb of a cul-de-sac resulting in a lot with less depth than other adjacent lots. The existing house was also set further back on the lot to allow the driveway to be graded with a slightly flatter slope to make it easier to negotiate for the homeowner. As a result, the house is located considerably further back on the lot than its neighbors and the morning room was constructed at the current location, which was found after construction to be located two feet into the rear building restriction line for this site.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

**Comment:** The house and morning room in question have been constructed by the builder and occupied by the homeowners. The strict application of this Subtitle will result in demolishing the portion of the morning room that extends over the building restriction line. This would definitely be an undue hardship upon the owner of the property, as the error in locating the morning room was committed by the builder; the homeowner is blameless. Meanwhile, the two-foot encroachment is such a minimal difference that it is hard to perceive visually on site.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

**Comment:** The use of this property is in compliance with the intent and purpose of both the General Plan and area master plan. The house in question is comparable in size, location and design to the adjacent houses. The morning room is also harmonious with the existing buildings in scale, design and finish materials.

The single-family detached house and the morning room have been developed by Ryan Homes and occupied by the owner. Granting the relief requested would not substantially impair the intent, purpose or integrity of the General Plan or master plan, and a two-foot encroachment into the building restriction line is not likely to be noticed, while denying the variance request would result in a practical difficulty upon the owner of the property. The staff therefore recommends approval of the 2-foot variance from the required 20-foot setback to allow the owner to continue enjoying the morning room as delivered by the builder.

8. **Detailed Site Plan DSP-90115 and revisions:** The subject detailed site plan proposes to reduce the approved setback for Lot 64, Block B only by two feet ; the conditions attached to the approvals of DSP-90115 and its revisions remain valid.
9. **Landscape Manual:** This application does not have any landscape issues. Compliance with the *Landscape Manual* was addressed at the time of DSP-90115 approval.
10. **Woodland Conservation Ordinance:** This application does not have any woodland conservation issues. Compliance with the Woodland Conservation Ordinance was addressed at the time of DSP-90115 approval.
11. **Referral Comments:** The subject application was referred to the Permit Section. In a memorandum dated August 31, 2004, the Permit Section noted that the variance requested is appropriate and there are no other zoning issues with this case.
12. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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 Detailed Site Plan DSP-90115/09 and further approved Variance Application No. VD-90115/09

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 7, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28<sup>th</sup> day of October 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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