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DETAILED SITE PLAN VARIANCE APPLICATION

DSP-90115/09
VD-90115/09

Application	General Data
Project Name: Horizon Hills Subdivision, Lot 64, Block B Location: Approximately 1000 feet north of intersection of Bealle Hill Road and Livingston Road Applicant/Address: Ronald & Christine Miles 13208 Suntum Court Accokeek MD 20607	Date Accepted: 8/9/2004
	Planning Board Action Limit: 11/9/2004
	Plan Acreage: .2749
	Zone: R-R
	Dwelling Units: 1
	Square Footage: NA
	Planning Area: 84
	Tier: DEVELOPING
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 220SE01	

Purpose of Application	Notice Dates
Revision to the DSP to allow an 18-foot rear BRL for Lot 64, Block B	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-12-2003) 5/28/2004
	Sign(s) Posted on Site and Notice of Hearing Mailed: 8/23/2004

Staff Recommendation		Staff Reviewer: ZHANG, AICP	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			

September 17, 2004

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Henry Zhang, Senior Planner, Urban Design Section, Development Review Division

SUBJECT: Detailed Site Plan DSP-90115/09, Horizon Hills Subdivision, Lot 64, Block B
Variance Application VD-90115/09

The Urban Design staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL as described in the Recommendation section of this report.

EVALUATION

This Detailed Site Plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Zoning Ordinance in the R-R Zone
- b. The requirements of Detailed Site Plan DSP-90115
- c. The requirements of the *Landscape Manual*
- d. The requirements of the Woodland Conservation and Tree Preservation Ordinance
- e. Referral comments

FINDINGS

Based upon the evaluation and analysis of the subject Detailed Site Plan, the Urban Design Review staff recommends the following findings:

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:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Single-family residential	Single-family residential
Acreage	105.1	105.1
Lots	174	174
 ARCHITECTURAL MODEL		
Model	Base Finished Area (Sq.Ft.)	
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.

RECOMMENDATION

Based upon the foregoing evaluation, analysis and findings, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-90115/09 and Variance Application VD-90115/09, for Lot 64, Block B, Horizon Hills Cluster.