

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 6, 2005, regarding Detailed Site Plan DSP-05003 for Piscataway Hills, Lots 252 and 253, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan and an accompanying variance application from side yard setbacks for two single-family detached residences in the R-E Zone.
2. **Development Data Summary:**

| | EXISTING | PROPOSED |
|---------|------------------------------------|------------------------------------|
| Zone(s) | R-E | R-E |
| Use(s) | Single-family detached residential | Single-family detached residential |
| Acreage | 2.43 | 2.43 |
| Lots | 2 | 2 |

Architectural Model

| Model | Base Finished Area (Sq.Ft.) |
|---------------|------------------------------------|
| 502 Pine Road | 3,948 |
| 503 Pine Road | 3,630 |

3. **Location:** The subject site consisting of Lots 252 and 253 is located south of Pine Road, less than 1,000 feet west of its intersection with Piscataway Drive, in Planning Area 80, Council District 8.
4. **Surroundings and Use:** The subject site is bounded to the north by the right-of-way of Pine Road. Across Pine Road to the north is property in the R-R (Rural Residential) Zone. To the west of the property are single-family detached houses in the R-E (Residential Estate) and the R-R (Rural Residential) Zones; to the east of the property are other lots in the Timber Ridge Subdivision in the R-E Zone; and to the south of the property are single-family detached residences in the R-R Zone.
5. **Previous Approvals:** The subject site is within a seven-lot subdivision originally approved as Timber Ridge, which was approved by the Planning Board (PGCPB No. 89-503) as Preliminary Plan of Subdivision 4-89110, subject to seven conditions. Preliminary Plan 4-89110 was recorded as Final Plat 5-91052 (Plat Book VJ 158 @ 80). Condition 4 of the preliminary plan requires a limited detailed site plan approval prior to final plat. Subsequently, Detailed Site Plan DSP-90085,

Timber Ridge, was approved on October 30, 1990, as a staff level case.

6. **Design Features:** Two custom-built architectural models have been proposed on the two lots. Due to the presence of Marlboro Clay on the subject site that significantly limits the buildable envelope for the two lots, both of the proposed buildings are located very close to the street frontage along Pine Road. Most of the site of both lots will be preserved due to the presence of steep slopes and Marlboro Clay. Each house has one access point off Pine Road.

The model proposed for Lot 252 features a hip roof, two-story in height with a walk-out basement, and a three-car garage with various architectural treatments, such as concrete quoins and brick soldier course band dividing each story. The house is finished with brick veneer. The model for Lot 253 is a normal two-story house with a gabled roof, in-ground basement and a two-car garage. The building is finished with the standard vinyl siding.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-E Zone and the site plan design guidelines of the Zoning Ordinance.
- a. This application includes a variance from the required side yard setback but is in general compliance with the remaining requirements in the R-E Zone, the site plan design guidelines and Section 27-442, Regulations, for development in the R-E Zone. Pursuant to Section 27-442(e), in the R-E Zone, the required total of both side yards is 35 feet and the minimum of either side yard is 17 feet. For Lot 252, the total of both side yard setbacks is 21 feet; the building encroaches approximately eight feet into one side yard and meets the minimum setback for the other side yard. The following variances are requested:
- A six-foot variance from the western side yard setback
 - A seven-foot variance from the eastern side yard setback
 - A 14-foot variance from the total side yard setback.
- For Lot 253, the total of both side yard setbacks is 26 feet; the building encroaches approximately eight feet into one side yard and seven feet into the other side yard. The following variances are requested:
- An eight-foot variance from the western side yard setback
 - A nine-foot variance from the total side yard setback.
- b. 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: Both Lots 252 and 253 are in the R-E Zone with lot sizes of 1.17 acres and 1.26 acres respectively. However, both lots have only a 120-foot frontage and the lots are extremely deep with a depth of more than 500 feet. Furthermore, during the subdivision approval, a geotechnical report was submitted and a building restriction line was established and approved because of the presence of Marlboro Clay and steep slopes. As indicated in the final plat notes, no structure is permitted south of the indicated building restriction line (B1-B15 as shown on the plat); thus the presence of Marlboro Clay results in a very small deep area in which building can take place. Both lots are narrow and deep, and making matters worse, the lots have their street frontage set at an angle to the side lot lines. The exceptional shape, topographic and soil conditions limit the buildable envelopes for both sites to a very confined and extremely irregular shape along the Pine Road frontage and create an extraordinary condition for the two lots.

- (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: As seen from the final plat, which shows the building restriction line, Lots 252 and 253 have the smallest building envelopes in the Timber Ridge Subdivision due to Marlboro Clay and steep slopes, but have a comparable lot size with the rest of the lots. The proposed houses on the two subject lots are comparable in finished square footage with the rest of the houses in the subdivision as well. The strict application of the normal side yard setbacks would make the proposed models unbuildable for the two sites, which would result in peculiar and unusual practical difficulties and undue economic hardship upon the owners of the property. Furthermore, the owners of the two lots if not granted a variance will have to build much smaller houses, which are out of character with the adjacent houses.

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

Comment: The proposed use of this property is in compliance with the intent and purpose of both the General Plan and area Master Plan. The two houses in question are comparable in size, location and design to the adjacent houses. The two lots are also located away from major roadways and intersections. The approval of the requested variance will not substantially impair the intent, purpose, or integrity of the General Plan and area Master Plan.

The two lots in question have an exceedingly long and narrow shape and the smallest building envelopes in the subdivision due to the presence of Marlboro Clay and steep slopes. Granting the relief requested would not substantially impair the intent, purpose or integrity of the General Plan or Master Plan, while denying the variance request would

result in a practical difficulty upon the owners of the properties. The staff therefore recommends approval of the requested variances from the required side yard setbacks to allow the owners to build their homes.

8. **Preliminary Plan of Subdivision 4-89110 and Final Plat 5-91052:** Preliminary Plan of Subdivision 4-89110 was approved by the Planning Board subject to seven conditions. Subsequently, 4-89110 was recorded as Final Plat 5-91052 with three notes. The conditions and notes that are applicable to the review of this detailed site plan are discussed as follows:

1. **The development of this site shall be in compliance with the approved geotechnical study.**

Comment: The approved geotechnical study submitted with the Preliminary Plan of Subdivision 4-89110 established a building restriction line that protects the houses from possible slope failure due to the presence of Marlboro Clay and steep slopes on the site. The proposed detailed site plan locates the building within the limits of the building restriction line and thus is in compliance with the approved geotechnical study.

5. **All architectural plans submitted shall address the provision of specific, up-to-date security hardware such as adequate deadbolt locks.**

Comment: The above condition was attached at the time of Preliminary Plan 4-89110 approval, which was more than 15 years ago. At present, the provision of security hardware such as deadbolt locks is the industry standard.

Note 1. Development of this site shall follow the recommendations of the geotechnical report, SEA REF. No. M990969, as amended in October 1989, or any subsequent geotechnical report approved by the Natural Resources Division, M-NCPPC and the Prince George's County Department of Environmental Resources Construction Standards Division. A geotechnical report shall be submitted with any grading or building permit. No Structure is permitted south of the indicated building restriction line (B1-B15).

Comment: As indicated previously, the proposed houses in this application are located within the limits of the building restriction lines and thus comply with the last part of the condition. However the first part of this condition, which requires a geotechnical report be submitted with any grading or building permit should be carried forward as a condition of approval for this application.

9. **Landscape Manual:** This application does not have any landscape issues. Compliance with the *Landscape Manual* had been addressed at the time of DSP-90115 approval. However, the Landscape Plan does not have a Section 4.1 schedule specifically required by the *Landscape Manual*. A condition of approval has been proposed in the Recommendation section of this

report.

10. **Woodland Conservation Ordinance:** This application does not have any woodland conservation issues. Compliance with the Woodland Conservation Ordinance had been addressed at the time of DSP-90085 approval.
11. **Referral Comments:** The subject application was referred to the Permit Section. In a memorandum dated August 29, 2005, the Permit Section noted that the variance is required 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-05003 and further approved Variance Application No. VD-05003 subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall
 - a. Revise the landscape schedule shown on the site plan to specifically reference Section 4.1 of the *Landscape Manual*.
 - b. Provide a note on the site plan as follows:
"A geotechnical report shall be submitted with any grading or building permit."
 - c. Revise the limit of disturbance line for Lot 252 to show as little intrusion into western side yard area as possible.
2. The application shall restore the disturbed west side yard areas by reforestation with primarily evergreen trees, to the extent practical, after the construction is completed.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 6, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of October 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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