

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 October 4, 2007, regarding Specific Design Plan SDP-9008/08 for Winshire Estates, Lot 40, Block A, the Planning Board finds:

1. **Request:** The subject application is for approval of a revision to the specific design plan to revise the front building restriction line on Lot 40, Block A, from 25 feet to 20 feet as required by the approved Specific Design Plan SDP-9008. Due to construction error, the house was built approximately five feet closer to the front street line than was permitted by SDP-9008.

**Development Data Summary**

|                         | <b>EXISTING</b>        | <b>PROPOSED</b>        |
|-------------------------|------------------------|------------------------|
| Zone                    | R-S                    | R-S                    |
| Use(s)                  | Single-Family Dwelling | Single-Family Dwelling |
| Lots                    | 1                      | 1                      |
| Detached Dwelling Units | 1                      | 1                      |

**ARCHITECTURAL DATA**

| <b>Model</b> | <b>Total Finished Area w/all options</b> | <b>Garage</b> |
|--------------|--|---------------|
| Maryland     | 2,793                                    | 2-car         |

2. **Location:** The site is in Planning Area 78, Council District 6 in the Developing Tier. Winshire Estates is located on the north and south sides of Brown Road near its intersection with Brown Station Road.
3. **Surroundings and Use:** The subject site (Lot 40) is located to the north of Brown Road and at the west end of the Lantana Drive cul-de-sac. The property is surrounded to the north and east by single-family dwellings in the R-S Zone, to the south by Brown Road, and to the west by an equestrian trail and single-family dwellings beyond.

4. **Previous Approvals:**

On February 27, 1989, the District Council adopted A-9723-C (Resolution PGCPB No. 18-1989) and amended the zoning map by rezoning the subject property (consisting of 96.94 acres) from the R-E to the R-S Zone. The rezoning was approved with two conditions and ten considerations.

On July 25, 1989, the Planning Board approved the Preliminary Plan 4-89162 for 152 lots and 18 parcels with eight modifications.

On September 7, 1989, the Planning Board approved Comprehensive Design Plan CDP-8806 (PGCPB No. 89-447) with ten conditions.

On June 7, 1990, the Planning Board approved the Specific Design Plan SDP-9008 (PGCPB No. 90-257) with nine conditions.

SDP-9008/01, 02, 04, 05 and 07 revisions were reviewed and approved at staff level. The previous 01 revision to the SDP included the extension of the water line along the rear of Lots 3-7C, and the 02 revision included the revision to the Type II tree conservation plan and grading in the open space. The SDP-9008/02 revision was never certified.

On January 4, 2001, the Planning Board approved Specific Design Plan SDP-9008/03 (PGCPB No. 01-10(C)) corrected resolution) with 15 conditions.

The SDP-04, 05, and 07 revisions included the extension of the water line along the rear of Lots 3-7C, revision to the Type II tree conservation plan and grading in the open space, the addition of architectural models, updating prior approvals to reflect the latest approved development/utilities plans, revising the SDP and TCPII to reflect the latest approved stormwater management plan, and waste, sewer and sediment control plans.

5. **Design Features:** Lot 40 is located on Lantana Drive, which terminates in a cul-de-sac. The lot is located on the curve of the cul-de-sac. The approved SDP-9008 established a front building setback of 25 feet from the street line. A two-story detached single-family dwelling with brick façade on Lot 40 was constructed in 2005. In the justification letter the applicant states the location of the foundation for Lot 40 was established in error by the field engineer and the foundation contractor. During the house location survey it was discovered that a front portion of the house encroaches five feet into the front building restriction line. Specifically, the front portion of the house and the two car-garage encroach approximately one foot to 5 feet respectively beyond the front building line. The house on 2701 Lantana Drive was sold and is currently occupied. The existing single-family dwelling might appear closer to the street to an observant eye. However, the Urban Design staff believes the location of subject dwelling on Lot 40 has no significant impact on the neighborhood.

#### COMPLIANCE WITH EVALUATION CRITERIA

6. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-S Zone (Residential Suburban Development) and the site plan design guidelines of the Zoning Ordinance.

The subject application is in conformance with the requirements of Section 27-512, which govern permitted uses in Residential Suburban Development. The single-family dwellings are a permitted use in the R-S Zone.

7. **Zoning Map Amendment (ZMA) A-9723-C:** The proposed design plan is in general conformance with Basic Plan A-9723-C (Zoning Ordinance No. 18-1989), which shows the subject site designated for the R-S Zone. The specific design plan is in conformance with the applicable conditions of the approved basic plan, A-9723-C.
8. **Preliminary Plan of Subdivision 4-89162:** On July 25, 1989, the Planning Board approved the Preliminary Plan of Subdivision 4-89161 (PGCPB No. 89-444) subject to 8 modifications. None of the conditions of approval apply to the review of the subject application.
9. **Comprehensive Design Plan (CDP-8806):** On September 7, 1989, the Planning Board approved Comprehensive Design Plan CDP-8806 (PGCPB No. 89-447) for 152 single-family detached units for the Winshire property. The Comprehensive Design Plan (CDP-8806) was approved with 10 conditions. None of the conditions of approval apply to the review of the subject application.
10. **Required Findings for approval of a Specific Design Plan (Sec. 27-528, Planning Board action):**

- (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual;**

Comment: The subject revision will modify the front building setback for Lot 40 to 20 feet instead of 25 feet which was established by the approved Specific Design Plan SDP-9008. The approval of the subject SDP revision will not affect the original SDP conditions for the remainder of the lots in Winshire Estates development. Therefore, the plan would continue to conform to the approved SDP and the applicable standards of the *Landscape Manual*.

- (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;**

Comment: Findings for adequate public facilities were made in conjunction with the preliminary plan and the original specific design plan for the development. The subject SDP will not alter the findings made for the specific design plan that the development will be adequately served within a reasonable period of time with existing or programmed facilities.

**(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;**

Comment: The subject SDP will not alter the findings made for the specific design plan that adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.

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

Comment: The subject SDP will not alter the findings that the original SDP is in conformance with an approved Tree Conservation Plan, TCPII/188/92.

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 APPROVE the Specific Design Plan for the above-described land.

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 Cavitt, with Commissioners Clark, Cavitt, Vaughns and Squire voting in favor of the motion, and with Commissioner Parker absent at its regular meeting held on Thursday, October 4, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of October 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator