

R E S O L U T I O N

WHEREAS, Sherree E. Lee is the owner of a 2.32-acre tract of land known as Lot 13, East Accokeek Subdivision, Tax Map 151 in Grid E-3, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on April 4, 2007, Sherree E. Lee filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07006 for East Accokeek was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 13, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended DISAPPROVAL of the application with conditions; and

WHEREAS, on September 13, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board DISAPPROVED the Type I Tree Conservation Plan (TCPI/16/07), and further DISAPPROVED Preliminary Plan of Subdivision 4-07006, East Accokeek, for Lots 1 and 2.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, does not meet the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located along the east side of Main Boulevard, approximately 300 feet north of its intersection with South Street.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Single-Family	Single-Family
Acreage	2.32	2.32
Lots	1	2
Parcels	0	0
Dwelling Units:		
Detached	1	2
Public Safety Mitigation Fee		No

4. **Subdivision**— Currently, the property has only 150 feet of street frontage along Main Boulevard. Because both of the proposed lots must have a minimum width of 120 feet at the front building line, any access to Lot 2 would be restricted to only 30 feet in width. The minimum street frontage required in the R-E Zone for detached single-family dwellings is 50 feet. Due to the extended apron design reflected on the plan, Lot 2 does meet the required 50-foot-width at the front street line, (51.82 feet). However, the lot reduces down to only 30 feet in width, at less than 20 feet from the front street line. Therefore, Lot 2, as proposed would be considered a flag lot, with the exception of meeting the required 50-foot-lot-width at the front street line only.

Section 27-442 (d) of the Prince George’s County Zoning Ordinance demonstrates that the minimum requirement for the lot width at the front building line is always greater in width than the required lot width at the front street line for detached single-family dwellings. The minimum lot width requirements are intended to provide a natural expansion of a lot which will gradually increase in width as it travels away from the front street line. Internal policies prevent any lot width from being reduced below the required lot width at the front street line, as a lot which is restricted below the minimum required at the front street line does not meet the intent of the Zoning Ordinance. The District Council’s recent actions with eliminating the optional design of flag lots within Prince George’s County via CB-4-2006 supports this policy.

At the Subdivision Review Committee meeting for this application on April 20, 2007, staff informed the applicant that they could not support this proposal due to the reduction in lot width beyond that which is required for the minimum lot width at the front street line. On May 30, 2007, staff met with the applicant and the engineer to discuss design options in the hope of obtaining a design which could be supported by staff. However, due to the limitations of the property’s existing street frontage (150 feet), only a 30-foot-wide access stem would remain to serve Lot 2, once the required 120-foot-lot-width at the front building line has been complied with on Lot 1. Therefore, despite staff’s best efforts to obtain a supportable design which meets the intent of the Zoning Ordinance, staff has no choice but to recommend disapproval due to the property’s inability to be developed in accordance with the conventional standards of the R-E Zone.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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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 Vaughns, with Commissioners Clark, Vaughns, Squire, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, September 13, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of October 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

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