

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 11, 2007, regarding Specific Design Plan SDP-0309/04 for Balk Hill, Lot 58, Block D, the Planning Board finds:

1. **Request:** The subject application is for approval of a one-foot reduction of the side building restriction line for Lot 58, Block D and also to add a six-foot-high wooden privacy fence to the rear yard of this lot.

The template originally shown on the approved specific design plan did not take into account the combination of two particular options available for the Zachary model. A two-foot side and four-foot rear extension were offered as options for this model. The combination of these two projections, coupled with the angular manner in which the house was sited, resulted in an eight-inch encroachment into the side building restriction line.

Development Data Summary

	EXISTING	PROPOSED
Zone	R-S	R-S
Use(s)	Single-Family Dwelling	Single-Family Dwelling
Lots	1	1
Detached Dwelling Units	1	1

Architectural Data

Model	Square Footage	Garage
Zachary "C"	2,629	2-car

2. **Location:** The site is in Planning Area 73, Council District 5 in the Developing Tier. More specifically, the subject site is located one-half mile north of the intersection of Lottsford Road and Campus Way North. Lot 58, Block D is located at the northwest corner of the intersection of Hollywell Court and Glenkirk Way within the Balk Hill development.
3. **Surroundings and Use:** The larger development is bordered on the west by the Town of Glenarden and on the north, east and south by existing subdivisions in the Largo-Lottsford area. The Balk Hill Development has road frontage on and is accessed via Campus Way North and St. Joseph's Drive. The development is bounded to the north by Ladova Heights, composed of

property zoned R-80 and R-R (Rural Residential), Bellhaven Estates, composed of property zoned R-S (Residential Suburban Development) and Enterprise Forest, composed of property zoned R-80 (One-Family Detached Residential); to the south by vacant property in the I-3 (Planned Industrial/Employment Park) Zone and Tartan South, a community composed of property in the R-S Zone; to the east by Collington Subdivision, a community composed of property in the R-R Zone; and to the west by vacant property in the M-X-T (Mixed-Use Transportation Oriented) Zone.

Lot 58, Block D fronts on Hollywell Court and is surrounded to the north and south by single family detached lots (Lots 59 and 57 respectively) and backs up to HOA open space.

4. **Previous Approvals:** On April 11, 1988, the Prince George's County District Council approved Zoning Map Amendment A-9635-C and the accompanying Basic Plan for the subject site (Zoning Ordinance No. 21-1988) rezoning approximately 84 acres of land in the southeast portion of Balk Hill from the R-R to the R-S Zone. On April 11, 1988, the Prince George's County District Council approved Zoning Map Amendment A-9638-C and accompanying Basic Plan for the subject site (Zoning Ordinance No. 22-1988), which rezoned approximately 36 acres of land in the northwest portion of Balk Hill from the R-R to the R-S Zone. On April 26, 1990, the Planning Board recommended approval of Zoning Map Amendment A-9637 and accompanying Basic Plan for the subject site (PGCPB No. 90-168), which rezoned approximately 67 acres of land in the northeast portion of Balk Hill from the R-R to R-S Zone. On May 16, 2002, the Planning Board approved Comprehensive Design Plan CDP-0201 (PGCPB No.02-93) for the Balk Hill development consisting of approximately 180 acres of land and projected to be developed with a maximum of 324 single-family lots. On October 10, 2004, the Planning Board approved Preliminary Plan 4-02016 (PGCPB No. 02-155) for 326 lots and 5 parcels. On September 29, 2003, the Prince George's County Planning Board approved Specific Design Plan SDP-0309 for 324 single-family detached homes. On June 29, 2005, the Planning Director, as designee of the Planning Board, approved SDP-0309/01, a revision to add a retaining wall to Lot 28, Block A. On April 24, 2006, the Planning Director, as designee of the Planning Board, approved SDP-0309/03, a revision which approved the regrading of the park property. On August 27, 2007, the Planning Director, as designee of the Planning Board, approved SDP-0309/06, a revision which added an entrance feature to the intersection of St. Joseph's Drive and Campus Way North. The Planning Director, as designee of the Planning Board, is currently considering SDP-0309/05, a revision to all of the previously approved architectural models to include an optional sunroom.
5. **Design Features:** The approved architecture for Lot 58, Block D consists of a single-family dwelling, D.R. Horton's Zachary model "C". This architectural model was originally approved under SDP-0309 and includes several optional projections. When the Zachary was sited on Lot 58, two particular optional projections were considered separately: a two-foot extension of the left side and a four-foot extension of the rear of the house. Together, the options create a situation where the left rear corner of the unit encroaches approximately eight inches into the required six-foot side building restriction line, which was established for estate lots by Comprehensive Design Plan CDP-0201. The Zachary features traditional detailing, a brick front and a two-car garage. A six-foot wooden privacy fence

surrounds the rear yard of the lot.

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.
 - a The subject application is in conformance with the requirements of Section 27-512, which governs permitted uses in residential suburban development. The proposed single-family dwellings are a permitted use in the R-S Zone.
7. **Zoning Map Amendments (ZMA A-9635-C, A-9638-C and A-9637):** The proposed specific design plan is in general conformance with Basic Plans A-9635-C, A-9638-C and A-9637, which shows the subject site designated for the R-S Zone.
8. **Comprehensive Design Plan (CDP-0201):** On May 16, 2002, the Planning Board approved Comprehensive Design Plan CDP-0201 (PGCPB No.02-93) for 324 single-family detached units for the Balk Hill property. The Comprehensive Design Plan (CDP-0201) was approved with 20 conditions, none of which are applicable to the subject SDP.

The plan established a requirement for a six-foot side building restriction line for estate lots. An estate lot is defined by the CDP as any lot with an area between 14,000 and 19,999 square feet, while a standard lot is defined as any lot with an area between 9,000 and 13,999. The subject lot is 14,699 square feet in area and is within the lower range of the estate lot category. The modification of the side building restriction line to five feet will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood. CDP-0201 approved a five-foot minimum side building restriction line for slightly smaller standard lots within the development. In addition, the units constructed on Lots 58 and 57, Block D are approximately 14.5 feet apart, which is in excess of the typical minimum distance between units on estate lots of 12 feet. The one-foot reduction in the side building restriction line will not significantly impact the privacy of the residents and will not be noticeable to most passersby as it is a small fraction of the total lot frontage of 70 feet. A six-foot, natural colored, wooden privacy fence was approved by the Regent Park Homeowners Association Inc. and was constructed around the perimeter of the rear yard of Lot 58. This fence adds to the respective privacy of the residents of Lot 58 and adjacent properties.
9. **Preliminary Plan (4-02016):** On October 7, 2004, the Planning Board approved Preliminary Plan 4-02016 for the Balk Hill property subject to 30 conditions, none of which are applicable to the review of the subject SDP.
10. **Specific Design Plan (SDP-0309):** On September 25, 2003, the Planning Board approved Specific Design Plan, SDP-0309 (PGCPB No. 03-208) subject to eight conditions, of which Condition number 7 is applicable to the subject SDP:

7. **Prior to issuance of building permits, the site plans shall be revised to show building setbacks and building coverage (building coverage to include dwellings, driveways, covered steps, stoops, and options).**

Comment: In a letter dated April 17, 2007, the applicant explains that although a plan was submitted which demonstrated the proposed location of the Zachary model on Lot 58, Block D, the template used to site the house differed from the architectural plans used for its construction. On the template, the two-foot side extension and four-foot rear extension were considered separately and no encroachment was demonstrated. However, the combination of the two options resulted in the extension of the left rear corner of the unit eight inches beyond the building restriction line. Since the unit on Lot 58 has already been constructed, sold and occupied, its demolition and reconstruction within the previously approved building restriction line would result in undue hardship for the developer and/or homeowners. In addition, the lot coverage as built is 20.4 percent, well within the maximum 40 percent allowed by the CDP.

11. **Required Findings for approval of a specific design plan (Section 27-528 Planning Board action):**

- (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

Comment: The subject revision will have no appreciable effect on the original specific design plan, SDP-0309. Therefore, the plan would continue to conform to the approved comprehensive design plan 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 revision to the specific design plan will not alter the findings made for the original specific design plan, SDP-0309, 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 original specific design plan, SDP-0309, that adequate provision has been made for the drainage of surface water; the one-foot reduction of the side building restriction line will not adversely affect 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 finding that the original specific design plan, SDP-0309, is in conformance with an approved tree conservation plan.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Permit Review Section:** In a memorandum dated August 6, 2007, the Permit Review Section offered comments which are not relevant at this time.
- b. **City of Glenarden:** In an undated memorandum received by the Development Review Division on July 26, 2007, the City of Glenarden indicated that it had no objection to the proposed revision of the building restriction line for this lot.

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 Specific Design Plan for the above-described land, to reduce the side building restriction to five-feet.

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.

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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 Cavitt, seconded by Commissioner Squire, with Commissioners Cavitt, Squire and Clark voting in favor of the motion, with Commissioner Parker abstaining, and with Commissioner Vaughns absent at its regular meeting held on Thursday, October 11, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of November 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:JR/HZ:bjs