

RESOLUTION

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 April 28, 2011, regarding Detailed Site Plan DSP-10037 and Special Permit SP-100003 for Holladay Company's Addition, Lots 4 and 5 (Potts Residence), the Planning Board finds:

1. **Request:** The subject proposal is for the construction of a 720-square-foot building addition to an existing 696-square-foot single-family detached residential structure on a property within the Chesapeake Bay Critical Area Intense Development Overlay (I-D-O) Zone; One-Family Detached Residential (R-55) Zone; and the Development District Overlay (D-D-O) Zone of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.

Detailed site plan (DSP) review and approval by the Prince George's County Planning Board is required for the subject site because the proposed building addition does not meet each required development district standard within the Gateway Arts District. The applicant has chosen to submit a detailed site plan application to amend one district standard. The subject application has a companion case, Chesapeake Bay Critical Area Conservation Plan CP-10002, because the site is located within the Chesapeake Bay Critical Area.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-55/I-D-O/D-D-O	R-55/I-D-O/D-D-O
Use(s)	Single-Family Residential	Single-Family Residential
Acreage	0.11	0.11
Lots	2	2
Total Square Feet (GFA)	720	1,461
Variance	N/A	N/A

3. **Location:** The address for the subject site is 4525 41st Avenue in Brentwood, Maryland. The 0.11-acre lot is located on the southeast side of 41st Avenue, approximately 200 feet northeast of the intersection of 41st Avenue and Wallace Road.
4. **Surrounding Uses:** To the north and west are single-family detached dwellings located in the R-55/I-D-O/D-D-O Zones within the Gateway Arts District Sector Plan and Sectional Map Amendment. To the east are primarily commercial uses fronting Rhode Island Avenue, located within the Mixed Use—Infill (M-U-I)/ I-D-O/D-D-O Zones. The Anacostia Tributary Trail

System, which links Magruder Park, Cottage City Park, and Colmar Manor Park, is located north and east of the subject property.

5. **Previous Approvals:** There are no previous approvals of relevance to the subject review. The subject property, Lots 4 and 5, was recorded in Plat Book A @ 9 on March 1, 1904 as a part of the Holladay Company's Addition to Highland (Brentwood), Maryland. The State of Maryland's real property data indicates that the existing single-family detached structure was built in 1959.
6. **Design Features:** The subject property is comprised of two narrow, rectangular-shaped lots with frontage on 41st Avenue. The property is currently improved with a one-story, 696-square-foot, Cape Cod-style dwelling with a façade of white stucco and dark green accent paint. The applicant and his wife, William Potts and Shawn Potts, purchased the property in April 2010. The applicant has since proposed improvements to the subject property, including a 720-square-foot addition to the rear of the existing single-family detached home. The addition will house three bedrooms and one bathroom and will create a livable area of 1,416 square feet for the dwelling. Submitted elevations indicate that the entire completed structure will have a white exterior with a dark asphalt roof. The property remains vacant until improvements can be made.

The proposed rear building addition is 24 feet in width and 30 feet in length. It is deeper than it is wide, and, as proposed, will not be highly visible from the front building elevation along 41st Avenue. The exterior wall material proposed on the addition is vinyl siding. A variety of house styles and building materials can be found on 41st Avenue, including bungalow-style, shotgun-style, and Cape Cod-style dwellings. A number of those houses have exteriors of wood or vinyl siding. The Planning Board finds that the proposed addition will not be incompatible with the existing single-family neighborhood.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2004 Gateway Arts District Sector Plan and Sectional Map Amendment (SMA):** The subject property is located in the Traditional Residential Neighborhood (TRN) character area within the Gateway Arts District Development District Overlay Zone (DDOZ).

A detailed site plan (DSP) application is required because the proposed addition does not meet all applicable development district standards, and the amendment of one standard is needed. The Planning Board finds that subject approval with conditions will bring the application into compliance with the requirements of the DDOZ. Discussion of the applicable development standards is provided below.

- a. The Planning Board finds that the site plan is in conformance with the following requirements:

Building and Streetscape Siting

- 16. The front yard shall not have more than 20 percent impervious surface and shall not include a paved area for parking between the dwelling and the street sidewalk.**

Less than 20 percent of impervious surfaces exist in the front yard of the dwelling. Only one walkway connecting the front entrance to the sidewalk exists.

- 17. The one-family detached dwelling lot coverage including accessory uses, artist studios, and other home occupations shall be a maximum of 45 percent of the net lot area.**

The site plan indicates that the total lot coverage (as defined by the Zoning Ordinance) is 28.3 percent.

- 18. Accessory buildings shall only cover a maximum of 25 percent of the rear yard.**

The site plan does not indicate the presence of any accessory buildings.

- 19. On properties zoned R-55, R-35 or R-20, the minimum lot frontage and minimum lot width shall be 20 feet. Lots with a smaller lot width that predate the approval of the Arts District SMA may be developed if it is documented that more than one dwelling exists on the street on a lot with a similar or lesser frontage.**

Lots 4 and 5 are both over 20 feet in width, which complies with the above development district standard.

- 21. Front-yard setbacks for one-family detached, semidetached or triple-attached dwellings shall be a minimum of 20 feet in depth. Covered porches may be located in the front yard.**

The Planning Board finds that the submitted site plan is in conformance with the above requirement and indicates an existing front yard setback of over 25 feet; however, the amount of setback required in the Gateway Arts District is indicated incorrectly on the site plan. It shall be corrected prior to signature approval of the DSP.

- 22. Front-yard setbacks for one-family detached, semidetached or triple-attached dwellings should conform to the block's prevailing front-yard depth.**

The setback of the subject one-family detached building is consistent with other building setbacks along 41st Avenue.

Parking and Loading

- 4. Parking shall not be located between the sidewalk or street and the building.**

The submitted site plan indicates that there is an existing curb cut within the right-of-way of 41st Avenue that may have previously functioned as a driveway apron for the subject property. The site plan labels the existing curb cuts; however, there is no indication that the applicant intends to use the front yard to park any cars. The front yard is grassed and there is no proposal for any driveway on the site plan. The Planning Board finds that parking in the front yard is prohibited within the Gateway Arts District.

Fencing, Walls, Screening, and Buffering

- 2. Barbed wire, vinyl cladding, unclad cinder block, or razor wire shall not be used as walls, fences, or screening. Appropriate materials for fences and walls include masonry, wood, decorative metal, or brick.**

No prohibited fencing materials currently exist on the subject site. Most of the existing fencing on the subject site is chain-link fencing and portions of wood fencing in a degraded condition. Degraded fencing shall be removed or replaced. The applicant shall identify the location, extent, and style of all fencing and/or walls proposed on the landscape plan and provide details for each.

- 4. Front-yard fences and walls shall be a maximum of four feet in height.**

The site plan indicates that there is an existing three-foot, six-inch-high chain-link fence in the front yard of the existing building, along the side property lines.

- 5. Rear- and side-yard fences and walls shall be a maximum of six feet in height.**

The site plan shall indicate conformance with the above requirement.

Landscaping

- 1. Existing trees should be preserved where feasible.**

An existing double-leader maple is indicated on the site plan. No disturbance is proposed to the existing tree.

2. **Shade trees with a minimum of 2½- to 3-inch caliper shall be provided at the rate of one shade tree per every 5,000 square feet of the gross site area (exclusive of street dedications). Existing trees and street trees to be planted within the abutting right-of-way may be counted toward meeting this standard.**

The site plan complies with the above requirement.

Architecture

6. **The allowable height in R-55, R-35, and R-20 Zones shall be 3 stories or 35 feet. If an additional side yard of ½ foot is added per 1 foot of height in excess of 35 feet, the height may be increased to the maximum of 40 feet. Height shall be measured from the highest elevation on the front street side of the building to the highest main roof ridgeline or parapet.**

The subject building, with the proposed addition, has a building height of 18 feet. The building is one-story and complies with maximum building height requirements.

10. **Roof pitches should be compatible with those in the surrounding neighborhood.**

The Planning Board finds that the roof pitch of the proposed addition is compatible with the existing structure and the surrounding environment.

11. **Front porches should be provided.**

The above standard is a recommendation. There is no front porch on the existing dwelling. No front porch is strictly required and none is proposed.

23. **The front yard should have a paved walkway a maximum of five feet wide between the main entrance of the building and the sidewalk.**

The Planning Board finds that the site plan complies with the above requirement.

25. **Side yards for one-family detached dwellings shall be a minimum of 8 feet wide on both sides but may be reduced as much as 4 feet on each side where the resulting building would be less than 14 feet in width.**

The side yards adjacent to the area of the building addition are a minimum of eight feet wide, which conforms to the above requirement. The site plan indicates that one side yard, adjacent to the area of the existing structure, is 7.79 feet. The Gateway Arts District Sector Plan and SMA (p. 140) states that all expansion needs to conform to the development

district standards. The Planning Board finds that legally existing development is exempt from development district standards.

- b. The subject application requires amendment of the following development district standards, as discussed below:

Architecture

27. **One-family detached dwellings shall have a rear yard a minimum of 25 feet in depth.**

The site plan indicates a proposed rear yard of 20.7 feet. The applicant submitted the following justification:

“This standard cannot be met because the layout we have chosen allows our family to have an adequate amount of space for the children to have their own bedrooms as well as the adults. We frequently have out of town guest[s] and need the additional space to comfortably accommodate them as well. We propose to provide a rear yard of 20.7 feet. This depth will be sufficient for my family and is compatible with our neighborhood. While this does not meet the development district standards we understand it is more that is required by the Zoning Ordinance.”

The Planning Board finds that an amendment of the above development district standard shall be approved.

8. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the Zoning Ordinance. Many Zoning Ordinance regulations have been amended by the development district standards of the Gateway Arts District as discussed in Finding 7.

The Planning Board finds that there are some technical revisions needed to the detailed site plan prior to signature approval, so that it is clearer that the requirements of the Zoning Ordinance have been met. Those required plan revisions are included in the conditions of approval.

9. **Chesapeake Bay Critical Area Intense Development Overlay (I-D-O) Zone:** The subject development is an addition to an existing single-family structure in the Chesapeake Bay Critical Area. One purpose of the I-D-O Zone is to accommodate existing residential uses. The detailed site plan has a companion Conservation Plan, CP-10002. See the details of that approval for discussion of criteria for the Chesapeake Bay Critical Area overlay zone.
10. **2010 Prince George’s County Landscape Manual:** The Planning Board finds that the site plan is not subject to the *Prince George’s County Landscape Manual*. The development district standards contained in the *2004 Approved Sector Plan and Sectional Map Amendment for the*

Prince George's County Gateway Arts District replace all those contained in the Landscape Manual.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance:** The Planning Board finds that this property is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because the property is located within the Chesapeake Bay Critical Area.
 - a. A standard letter of exemption for this site was issued on March 9, 2011 and is valid until March 9, 2013. A tree conservation plan is not required.
 - b. The project is subject to the requirements of Subtitle 25, Division 3: Tree Canopy Coverage Ordinance. The requirement for the subject property is 15 percent of the gross tract area or 719 square feet based on R-55 zoning. The applicant shall place a tree canopy coverage (TCC) schedule on the landscape or site plan demonstrating how the requirement is met. It appears plausible that the existing mature maple tree in the front yard of the subject site would meet most, if not all, of the site's TCC requirement.

12. **Further Planning Board Findings and Comments from Other Entities:** The Planning Board adopts the following findings:
 - a. **Community Planning North**—The application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developed Tier. The application conforms with the Traditional Residential Neighborhood character area land use recommendations of the 2004 Gateway Arts District Sector Plan and SMA.

On page 147 of the Gateway Arts District Sector Plan, Standard 27 provides that one-family detached dwellings shall have a minimum rear yard of 25 feet in depth. The proposed rear yard is 20.7 feet. The underlying R-55 zoning requires a 20-foot rear yard setback. The Planning Board finds that the applicant's statement of justification for an amendment to the standard to reduce the rear yard setback is sufficient.

Properties located southeast of the subject property are zoned Mixed Use—Infill (M-U-I) and are located in the Neighborhood Arts and Production character area. The abutting M-U-I-zoned properties may be redeveloped with buildings up to 42 feet in height. An eight-foot setback is required for those properties from single-family dwellings, as found on page 146, Standard 9. The applicant has requested to reduce the rear yard setback and is aware that the adjacent redevelopment potential could impact their property with a reduced, though negligible, rear yard setback.

The Planning Board amends the development district standard requested. The applicant has been adequately informed of the development potential of the vacant lot to the rear of the subject property through written correspondence and discussion.

- b. **Subdivision Review**—The property is known as Lots 4 and 5, Block A, located on Tax Map 50 in Grid B-4, and is 5,000 square feet. Lots 4 and 5 were recorded in Plat Book A @ 9 on March 1, 1904. The Planning Board finds that pursuant to Section 24-111(c)(1) of the Subdivision Regulations, the site is exempt from the requirement of filing a preliminary plan of subdivision because the property has a final plat of subdivision approved prior to October 27, 1970 and the proposed use is for a single-family detached dwelling.
- c. **Historic Preservation**—The subject property (Lots 4 and 5) is located within the North Brentwood National Register Historic District 68-061. The Maryland Historical Trust's National Register website indicates that North Brentwood was the earliest incorporated African American community in Prince George's County. The community was planned specifically for black families by Captain Wallace A. Bartlett, a veteran commander of the U. S. Colored Troops. The historic district was listed on the National Register on November 21, 2003 due to the town's significance to African-Americans and a variety of architecture that reflects the town's development over a period from 1891 to 1950.

There no federal guidelines concerning modifications to a property within a National Register Historic District. The Planning Board finds that the proposed DSP for a one-story 720-square-foot addition to a single-family dwelling will have no adverse effect on identified historic sites, resources, or districts.

- d. **The Environmental Planning**— The Planning Board adopts the following findings:
1. The site has an existing conditions plan that was submitted with a companion case (CP-10002). The existing conditions plan meets the requirement for the submittal of a natural resources inventory per Section 27-282(e)(8) of the Zoning Ordinance. The site contains no regulated environmental features. The information on the existing conditions plan is correctly reflected on the detailed site plan.
 2. The Planning Board finds that property is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it is located within the Chesapeake Bay Critical Area (CBCA). A CBCA Conservation Plan (CP-10002) that addresses vegetation requirements for this site has been submitted and is currently under review. A tree conservation plan is not required.

The applicant is submitted letter of exemption dated March 9, 2011 is valid.
 3. Subtitle 25, Division 3: Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on properties that require a tree conservation plan or letter of exemption. Properties zoned R-55 are required to provide a minimum of 15 percent of the gross tract area in tree canopy.

The overall development has a gross tract area of 5,000 square feet and, as such, TCC of 750 square feet is required. The submitted landscape plan does not provide information on how this requirement will be addressed. The site must demonstrate how the TCC requirement will be met prior to issuance of the first building permit for the site. It appears that this requirement can be met through the implementation of the afforestation requirements of the CBCA.

Prior to certification of the detailed site plan, the plan shall be revised to demonstrate how the TCC requirement of 750 square feet will be met. A TCC schedule shall be added to the plan.

4. A copy of an approved stormwater management concept plan and letter was not included in the submittal. This information shall be submitted prior to certification of the detailed site plan. It is noted that the stormwater concept approval letter is shown on the conservation plan submitted for conformance with the CBCA regulations. The letter states that, because the addition will not result in more than 5,000 square feet of disturbance, no stormwater management facilities are required.

The Planning Board finds that prior to certification of the detailed site plan, copies of the approved stormwater management concept plan and letter shall be submitted for inclusion in the official file of the DSP case.

- e. **Permit Review**—A number of plan refinements are required prior to signature approval of the site plan.
- f. **Town of North Brentwood**—In a letter dated April 7, 2011, the Town of North Brentwood provided written comment on the subject site plan. The letter indicates that the town has a long history of flooding and other water-related issues. Additionally, the town is striving to maintain the integrity and continuity of the bungalow-style homes in keeping with North Brentwood's rich history and culture. Three items of concern were raised in the letter:

1. There is a property close to the site that is a historic property, which was stated contrary on the site plan.

The Planning Board finds that the subject property is located within North Brentwood National Register Historic District 68-061. There are a few historic resources and sites along 41st Avenue in the near vicinity of the subject property; however, none of those resources or sites abut the subject property. The applicant shall revise the detailed site plan note to the contrary.

2. The site is located within the 100-year floodplain, which was stated contrary on the site plan.

Geographic Information Systems (GIS) data indicates that Federal Emergency Management Agency (FEMA) 100-year floodplain affects a large portion of 41st Avenue, north of the subject property. No FEMA floodplain is located on the subject property. Due to the nature of the site and extent of the revision, the Planning Board finds that no floodplain study is required.

3. The site is in the Chesapeake Bay Critical Area, this was stated properly on the site plan, and due to reoccurring flooding issues in the town, this issue should be addressed.

The requirements of the Chesapeake Bay Critical Area are being addressed through companion application CP-10002.

- g. **Department of Public Works and Transportation (DPW&T)**—DPW&T provided comment on the subject site.

1. The project does not impact any county-maintained roadways.
2. The proposed site development has an approved Stormwater Management Concept Plan (12000-2010).

13. As required by Section 27-285(b) of the Zoning Ordinance, the Planning Board finds that the detailed site plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs 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 Special Permit SP-100003, and further APPROVED the Detailed Site Plan DSP-10037, subject to the following conditions:

1. The following revisions shall be made to the detailed site plan, or information provided, prior to signature approval.
 - a. The applicant shall add a note to the site plan indicating that the site is within the Development District Overlay (D-D-O) Zone of the Gateway Arts District.
 - b. The applicant shall revise the site plan to indicate that the required front yard setback in the Gateway Arts District is 20 feet, not 25 feet. All building setbacks for the front, sides, and rear yard shall be provided on the site plan.

- c. The applicant shall add a note to the site plan stating that parking in the front yard shall not be permitted.
- d. The height of any existing or proposed fences shall be indicated on the site plan. If fencing is proposed, a detail shall be provided. All degraded fencing on-site shall be removed or replaced.
- e. An existing rear stairwell is indicated on an aerial photo for the site. Provide the dimension of the existing stairwell and any associated paving on the site plan. Also note if the stairwell is to be removed.
- f. The applicant shall revise a note on the site plan that states there are no historic sites in the vicinity of the subject property. The note shall include that the property is located within the North Brentwood National Register Historic District 68-061, and no historic sites or resources about the subject property.
- g. The applicant shall place a tree canopy coverage (TCC) schedule on the landscape or site plan demonstrating how the 15 percent TCC requirement is met.
- h. Copies of the approved stormwater management concept plan and letter shall be submitted for inclusion in the official file of the detailed site plan case.

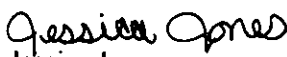
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, April 28, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of May 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPS Legal Department

Date 5/10/11