



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2023-46

File No. SDP-0609-H7

R E S O L U T I O N

WHEREAS, an application was submitted on February 10, 2023, by Michelle Clancy, on behalf of the property owners Sirita and Duren Harmon, for approval of a specific design plan for the subject property; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design (LCD) Zone; and

WHEREAS, pursuant to Section 27-1704(a) and (b) of the Zoning Ordinance, until and unless the period of time under which the development approval or permit remains valid expires, development approvals or permits of any type approved under the prior Zoning Ordinance or Subdivision Regulations prior to April 1, 2022 remain valid for the period of time specified in the Zoning Ordinance or Subdivision Regulations under which the project was approved and the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved; and

WHEREAS, if the approval is for a Comprehensive Design Plan, it shall remain valid for twenty years from April 1, 2022; and

WHEREAS, on April 26, 2004, the District Council approved Comprehensive Design Plan CDP-0302 that includes the subject property; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the prior Zoning Ordinance; and

WHEREAS, in consideration of evidence presented at a public hearing on April 20, 2023, regarding Specific Design Plan SDP-0609-H7 for Balmoral, Lot 21 Block E, the Planning Board finds:

1. **Request:** The subject homeowner's minor amendment to a specific design plan (SDP) approves construction of a 12-foot by 20-foot, irregular-shaped deck that is elevated 8 feet high from the grade, with a 3-foot, 6-inch railing, at the rear of an existing single-family detached dwelling, extending 6 feet into the rear yard setback.

2. **Development Data Summary:**

	EXISTING
Zone	LCD (Prior R-S)
Use	Residential
Lot size	8,366 sq. ft.
Gross Acreage	0.19
Lot	1
Number of Dwelling Units	1

3. **Location:** The subject property is in the Legacy Comprehensive Design (LCD) Zone, previously the Residential Suburban Development (R-S) Zone. It is located in the larger development known as Balmoral Phase 2 on the west side of US 301 (Robert Crain Highway), in the southwest quadrant of the intersection of Cauncer Court and Perthshire Place. More specifically, the subject property is located at 3808 Perthshire Place, Upper Marlboro, MD 20772, within Planning Area 79 and Council District 6.
4. **Surrounding Uses:** The subject property is on a corner lot and fronts on Cauncer Court, and is surrounded on four sides by similar single-family detached homes within the LCD Zone, in the Balmoral development, which is bounded to the north by LCD-zoned land (known as the Beech Tree development); to the west by single-family detached homes in the LCD Zone; to the south by single-family detached homes in the Residential Multifamily-48 (RMF-48) Zone; and to the east by the right-of-way of US 301.
5. **Previous Approvals:** The subject site, Lot 21 Block E, was developed as part of the Balmoral Phase 2 development, which has been the subject of several previous approvals. On June 10, 2002, the Prince George's County District Council approved Zoning Map Amendment A-9952 and the accompanying basic plan for the subject site, for approximately 210.79 acres of land known as the Buck Property, with three conditions, specific land use types, and quantities applicable to the R-S Zone. On April 26, 2004, the District Council approved Comprehensive Design Plan CDP-0302 for the Buck Property, consisting of approximately 210.79 gross acres, and proposed to be developed with 357 single-family dwelling units. On January 29, 2004, the Prince George's County Planning Board approved Preliminary Plan of Subdivision 4-03100 (PGCPB Resolution No. 04-21) with 27 conditions. On July 28, 2005, the Planning Board approved the SDP for the first phase of Balmoral, for 114 single-family detached houses, with 12 conditions. The site has an approved Stormwater Management Concept Plan 33050-2006-01, which was valid through 2011.

On January 8, 2009, the Planning Board approved SDP-0609 (PGCPB Resolution No. 08-177), subject to six conditions, none of which are applicable to the review of the subject SDP. Nine revisions to this SDP were subsequently approved: SDP-0609-03 was withdrawn prior to approval; two amendments, SDP 0609-01 and SDP-0609-02, for the addition of a total of 17 new architectural elevations; and six which were homeowner's minor amendments for construction of

decks on individual lots. SDP-0609-H1 approved a 34-foot by 6-foot deck and a 12-foot by 16-foot covered porch; SDP-0609-H2 approved a 36-foot-wide open, elevated deck addition; SDP-0609-H3 approved a 14-foot by 26-foot covered deck; SDP-0609-H4 approved a 15-foot by 12-foot covered deck addition; SDP-0609-H5 approved a 23-foot by 14-foot enclosed deck; and SDP-0609-H6 approved a 20-foot by 14-foot deck with a covered porch and steps, to grade. The applicant is requesting a 6-foot reduction of the building restriction line for Lot 21, Block E.

6. **Design Features:** The subject application approves development of a 12-foot by 20-foot, irregular-shaped deck at the rear of an existing single-family detached home sited on a corner lot. The porch will be elevated 8 feet above grade and will not have any stairs leading to, or from, the grade-level surface. The materials and roofing of the approved screened porch will match and complement the architecture of the existing home and will be constructed of wood, with a white vinyl railing system and white vinyl wrap posts and beams. The approved deck extends into the 15-foot rear yard setback by 6 feet and will be 9 feet from the rear property line. The porch conforms to all side yard setbacks. However, as stated in a letter that was included with the application and shown on the plan, the approved deck was also approved by the Balmoral Homeowners Association, Inc., with one stipulation that the deck cannot extend beyond the side of the house. The design of the deck shows that it extends beyond the side of the existing home, by approximately 6 feet.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the R-S Zone of the prior Zoning Ordinance, as follows:
 - a. The project conforms with the requirements for purposes, uses, and regulations in Sections 27-514.08, 27-514.09, and 27-514.10 of the prior Zoning Ordinance by providing low-density residential use in a planned development.
 - b. Per Section 27-515 of the prior Zoning Ordinance, regarding uses permitted in the R-S Zone, a single-family detached dwelling is a permitted use in the zone.
 - c. The project also conforms to the requirements of Section 27-528 of the prior Zoning Ordinance, regarding required findings for SDP applications, and Section 27-530 of the prior Zoning Ordinance, regarding amendments to approved SDP applications.
8. **Zoning Map Amendment (Basic Plan) A-9952:** The project is in compliance with the requirements of Basic Plan A-9952, as the proposed deck addition in the rear yard setback does not alter findings of conformance with the basic plan that were made at the time of approval of the SDP.
9. **Comprehensive Design Plan CDP-0302:** The project complies with the requirements of CDP-0302, except regarding the required rear yard setback and the stipulation set by the Balmoral Homeowners Association. The CDP stipulates that the minimum rear yard setback for

single-family detached houses is 15 feet. The proposed elevated deck would be approximately 9 feet from the rear property line, encroaching 6 feet into the rear setback.

10. **Specific Design Plan SDP-0609:** SDP-0609 was approved by the Planning Board on January 8, 2009 (PGCPB Resolution No. 89-489), with six conditions, none of which are applicable to the review of the subject SDP. The subject application is in compliance with the requirements of SDP-0609, except for the rear yard setback. The proposed elevated deck would encroach into the required 20-foot setback by 6 feet.
11. **2010 Prince George's County Landscape Manual:** The addition of an elevated deck is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because the requirements were satisfied at the time of SDP-8912 approval.
12. **Prince George's County Tree Canopy Coverage Ordinance:** The subject application is exempt from the Prince George's County Tree Canopy Coverage Ordinance because the applicant proposes less than 5,000 square feet of gross floor area or disturbance.
13. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The proposed elevated deck would not alter the previous findings of conformance with the Prince George's County Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP and SDP.
14. Section 27-528 requires that the Planning Board make the following findings before approving an SDP, unless an application is being processed as a limited minor amendment. Each required finding is listed in **BOLD** text below, followed by Planning Board comments.

(a) Prior to approving a Specific Design Plan, the Planning Board shall find that:

- (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), 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);**

The subject amendment conforms to the requirements of CDP-0302, as outlined in Finding 9, and the applicable standards of the Landscape Manual, as outlined in Finding 12. The subject amendment does not involve townhouse construction, nor is it located in the prior Local Activity Center Zone. The second portion of this required finding does not apply to the subject application.

- (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, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

This finding was made with the approval of the original SDP and will not be affected by the approved porch addition.

- (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;**

The site is consistent with the approved stormwater management concept plan, and this minor addition will not impact that approval. Therefore, adequate provision has been made for draining surface water, so there are no adverse effects on either the subject property or adjacent properties, in accordance with this required finding.

- (4) **The plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

The addition of an elevated deck to an existing single-family detached dwelling and setback modification does not impact the previously approved Type 2 tree conservation plan.

- (5) **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

No regulated environmental features exist on the subject lot. Therefore, this finding is not applicable to the subject SDP.

15. Section 27-530(c)(3) of the prior Zoning Ordinance sets forth the criteria for granting minor amendments to approved SDPs, for the purpose of making home improvements requested by a homeowner (or authorized representative) and approved by the Planning Director (or designee), in accordance with specified procedures, including meeting the following criteria:

- (A) **Are located within the approved Comprehensive Design Plan building lines and setbacks or any approved amendments to the Comprehensive Design Plan;**
- (B) **Are in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and**

(C) Will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.

SDP-0609 established the rear yard setback at a minimum of 15 feet. The approved elevated deck addition extends into this rear yard setback by 6 feet, permitting a setback of approximately 9 feet from the rear property line. The subject application does not meet Criterion (A) and, therefore, the subject Homeowner's Minor Amendment to SDP-0609-H7 was heard by the Planning Board, as stated in Section 27-530(d)(3)(A) of the prior Zoning Ordinance.

Regarding Criterion (B) above, the approved elevated deck addition is consistent with the architectural and site design characteristics of the approved SDP, except regarding the rear yard setback. The approved screened porch will be constructed of wood, with a white vinyl railing system and white vinyl wrap posts and beams, with a screened enclosure. The approved screened porch and roof of the enclosure will be in keeping with the existing architectural and site design characteristics of the SDP, in materials and design.

Regarding Criterion (C), the Planning Board finds that the requested addition will not substantially impair the intent, purpose, or integrity of the approved CDP. Modification of the minimum rear yard for the approved elevated deck will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood. However, in the letter of approval from the Balmoral Homeowners Association, it is stated that approval of the deck is sufficient, with a stipulation that it cannot extend beyond the side of the existing home. The addition is at the rear of the home and extends beyond the side of the home by 5 feet. There is an existing 6-foot-high fence and landscaping on the adjacent lot, affording privacy to the occupants of both the subject property and the adjacent homeowners. In addition, a large mature tree is located at the front yard of the same side in which the approved addition extends beyond the side of the home, which limits visibility of the extended portion of the addition from the nearest public right-of-way.

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 Specific Design Plan SDP-0609-H7 for the above-described land, subject to the following condition:

1. The applicant must obtain approval of the configuration and/or relocation of the approved deck addition by the Balmoral Homeowners Association and submit proof of such to the Urban Design Section, by revising the plan to replace the letter currently shown on the plan and/or updating the plans to reflect either a reconfigured deck or its relocation within the limits of an approved rear/side yard setback.

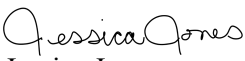
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, April 20, 2023, in Upper Marlboro, Maryland.

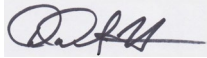
Adopted by the Prince George's County Planning Board this 18th day of May 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AB:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: May 16, 2023