



The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530

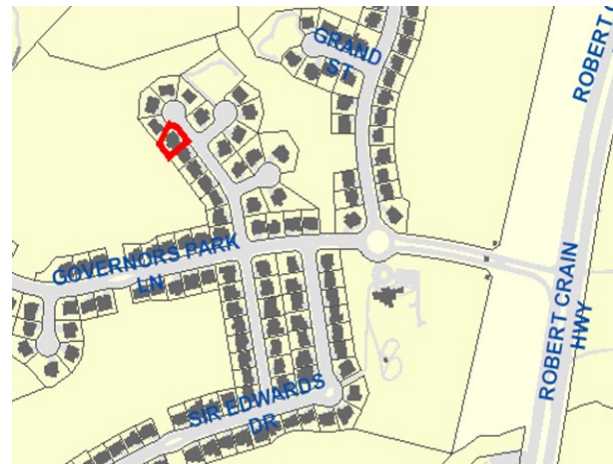
Note: Staff reports can be accessed at <https://www.mncppc.org/883/Watch-Meetings>

## Specific Design Plan Balmoral, Lot 13 Block A

## SDP-0609-H8

REQUEST	STAFF RECOMMENDATION
A homeowner's minor amendment to construct a 12-foot by 20-foot elevated screened porch with a 5-foot by 5-foot landing and stairs, at the rear of an existing single-family detached dwelling within the rear yard setback.	With the conditions recommended herein: <ul style="list-style-type: none"> <li>• Approval of Specific Design Plan SDP-0609-H8</li> </ul>

**Location:** In the Balmoral Phase 2 development, on the west side of US 301 (Robert Crain Highway) and Perthshire Place, approximately 250 feet northwest of its intersection with Governors Park Lane.



Gross Acreage:	0.17
Zone:	LCD
Prior Zone:	R-S
Reviewed per prior Zoning Ordinance:	Section 27-1704(b) and (h)
Dwelling Units:	1
Gross Floor Area:	2,406 sq. ft.
Planning Area:	79
Council District:	06
Municipality:	N/A

Planning Board Date:	09/21/2023
Planning Board Action Limit:	09/28/2023
Staff Report Date:	08/23/2023
Date Accepted:	06/09/2023
Informational Mailing:	05/17/2023
Acceptance Mailing:	06/08/2023
Sign Posting Deadline:	08/22/2023

**Applicant/Address:**  
Michelle Clancy  
PO Box 310  
Perry Hall, MD 21128

**Staff Reviewer:** Angele L. Bynum  
**Phone Number:** 301-952-3087  
**Email:** Angele.Bynum@ppd.mncppc.org

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Homeowner's Minor Amendment to Specific Design Plan SDP-0609-H8  
Balmoral, Lot 13 Block A

The Urban Design staff have reviewed the homeowner's minor amendment to a specific design plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

**EVALUATION**

The property is within the Legacy Comprehensive Design (LCD) Zone, formerly the Residential Suburban Development (R-S) Zone. However, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1704(b) and (h) of the current Zoning Ordinance, which allows development applications for property in the LCD Zone to be reviewed under the prior Zoning Ordinance.

This amendment to a specific design plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the following sections of the prior Prince George's County Zoning Ordinance:
  - (1) Sections 27-512 and 27-515, regarding uses permitted in the Residential Suburban Development (R-S) Zone.
  - (2) Section 27-528, regarding required findings in specific design plan applications; and
  - (3) Section 27-530, regarding amendments to approved specific design plan applications.
- b. The requirements of Zoning Map Amendment (Basic Plan) A-9952;
- c. The requirements of Comprehensive Design Plan CDP-0302;
- d. The requirements of Specific Design Plan SDP-0609;
- e. The requirements of the 2010 *Prince George's County Landscape Manual*;

- f. The requirements of the 2010 Prince George’s County Tree Canopy Coverage Ordinance; and
- g. The requirements of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance.

**FINDINGS**

Based upon the evaluation and analysis of the subject application, the Urban Design Section recommends the following findings:

- 1. **Request:** The subject homeowner’s minor amendment to a specific design plan (SDP) is a request to construct a 12-foot by 20-foot enclosed screened porch that is elevated 8 feet high from the grade, with a 5-foot by 5-foot landing and stairs at the rear of an existing single-family detached dwelling, extending 5 feet into the rear yard setback.

- 2. **Development Data Summary:**

	<b>EXISTING</b>
Zone	LCD (Prior R-S)
Use	Residential
Lot size	7,457 sq. ft.
Gross Acreage	0.17
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) and Perthshire Place, approximately 250 feet northwest of its intersection with Governors Park Lane. More specifically, the subject property is located at 3803 Perthshire Place, Upper Marlboro, MD 20774, within Planning Area 79 and Council District 6.
- 4. **Surrounding Uses:** The subject property is within a cul-de-sac and fronts Perthshire Place and is surrounded on four sides by similar single-family detached homes within the LCD Zone, in the Balmoral development. The subject property is bounded to the north by LCD-zoned land (known as the Beech Tree development); to the west by forest area and single-family detached homes in the LCD Zone; to the south by single-family detached homes in the Residential Multifamily-48 Zone; and to the east by the right-of-way of US 301.
- 5. **Previous Approvals:** The subject site, Lot 13 Block A, 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 (Basic Plan) A-9952, for approximately 210.79 acres of land known as Buck Property, subject to 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 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 (SWM) 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 seven 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; SDP-0609-H6 approved a 20-foot by 14-foot deck with a covered porch and steps, to grade; and SDP-0609-H7 approved a 12-foot by 12-foot irregular shaped, elevated deck. The applicant requests a 5-foot reduction of the building restriction line for the subject site, Lot 13, Block A.

6. **Design Features:** The subject application includes a proposal for a 12-foot by 20-foot, elevated screened porch, with a 5-foot-by 5-foot landing and stairs at the rear of an existing single-family detached home sited on a cul-de-sac lot. The porch is elevated 8 feet above grade and has stairs leading to a 5-foot by 5-foot concrete landing at grade-level surface. The materials and roofing of the proposed 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 proposed porch extends into the 15-foot rear yard setback by 5 feet and will be 10 feet from the rear property line. The porch conforms to all side yard setbacks.

## 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 27-511, 27-512, and 27-513 of the prior Zoning Ordinance, by providing residential suburban 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 screened porch 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 SDP-0609.
9. **Comprehensive Design Plan CDP-0302:** The project complies with the requirements of CDP-0302. The CDP stipulates that the minimum rear yard setback for single-family detached houses is 15 feet. The proposed elevated screened porch would be approximately 10 feet from the rear property line, encroaching 5 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. 08-177), 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 screened porch would encroach into the required 15-foot setback by 5 feet.
11. **2010 Prince George's County Landscape Manual:** The addition of an elevated screened porch 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-0609 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 screened porch 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 staff 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 11. 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 proposed screened 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 SWM concept plan, and this minor addition will not impact that approval. Therefore, adequate provision has been made for draining surface water, so that 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 screen porch 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 proposed elevated screened porch addition extends into this rear yard setback by 5 feet, proposing a setback of approximately 10 feet from the rear property line. The subject application does not meet Criterion (A). Therefore, the subject Homeowner's Minor Amendment to SDP-0609-H8 is to be heard by the Planning Board, as stated in Section 27-530(d)(3)(A) of the prior Zoning Ordinance.

Regarding Criterion (B) above, the proposed elevated deck addition is consistent with the architectural and site design characteristics of the approved SDP, except regarding the rear yard setback. The proposed 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 proposed 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), staff believe 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 proposed elevated screened deck will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood. The addition is at the rear of the home, limiting visibility from the nearest public right-of-way. The proposed addition also faces a wooded area, separating the existing home and the adjacent community, affording privacy to the occupants of both the subject property and homeowners of the neighboring community. The applicant has submitted documentation of approval of the proposed addition from the community's homeowners association.

## **RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Homeowner's Minor Amendment to a Specific Design Plan SDP-0609-H8, Balmoral, Lot 13 Block A, subject to the following condition:

1. Prior to certification, both the left, right, and rear architectural elevation shall be dimensioned with the appropriate height and width of the proposed addition.

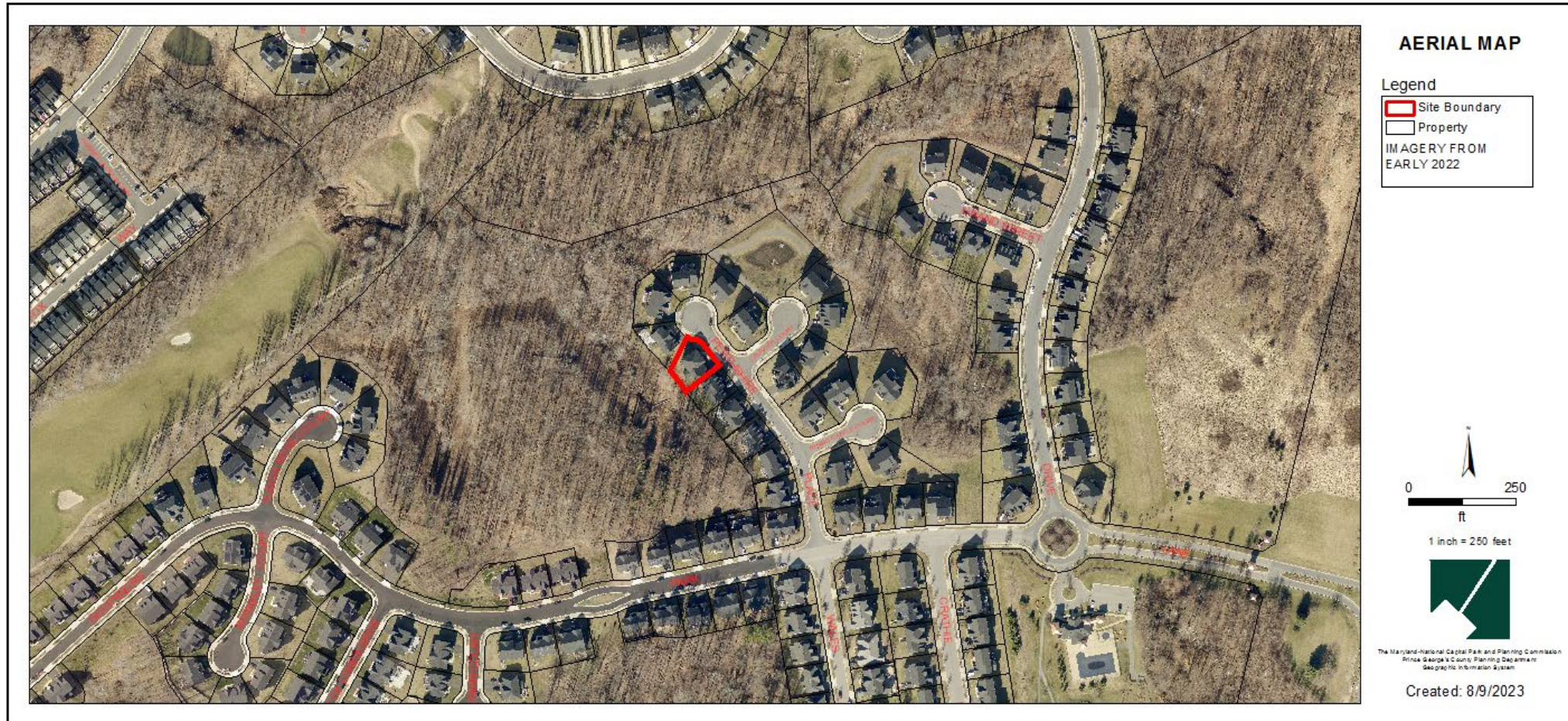


# BALMORAL, LOT 13, BLOCK A

Homeowner's Minor Amendment

The Buck Property CDP-0302

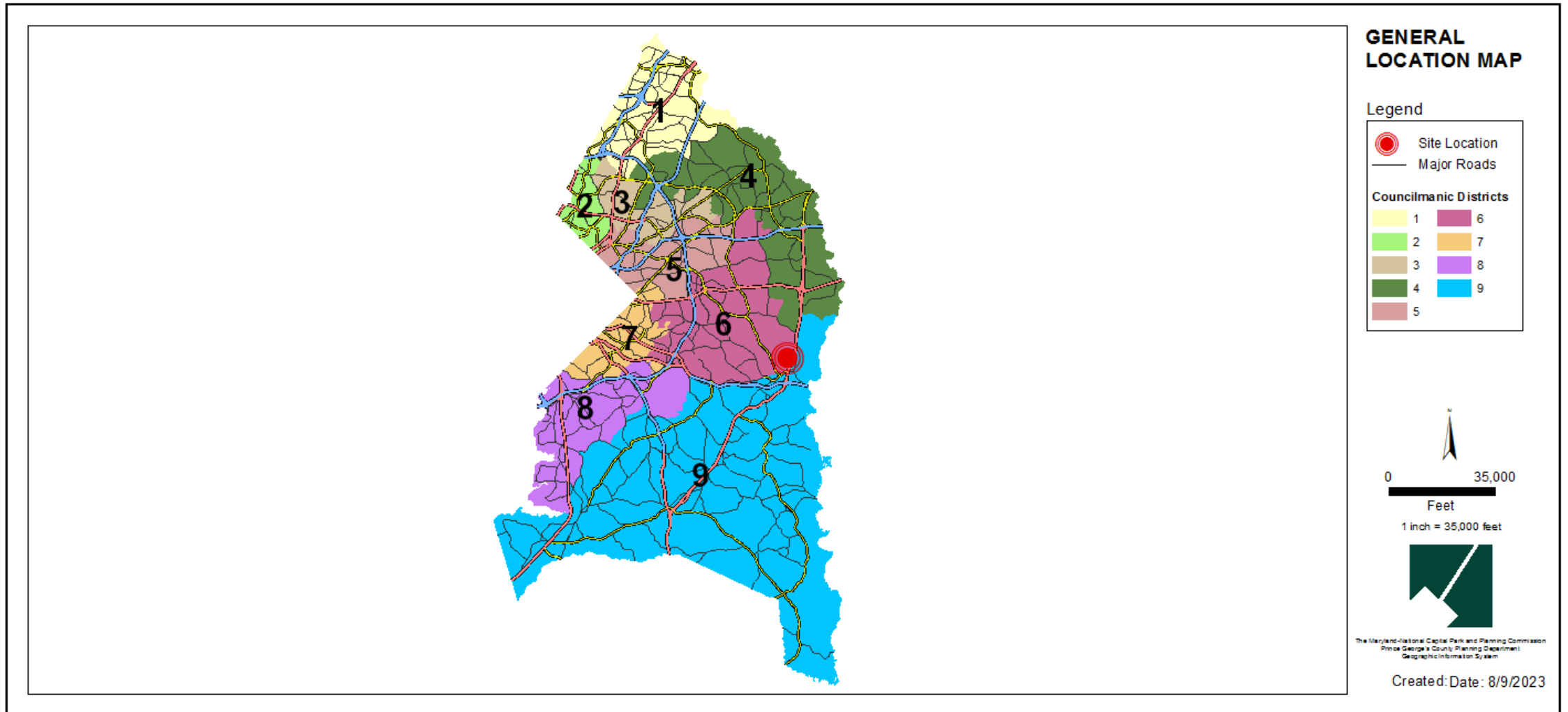
**Staff Recommendation: APPROVAL** with conditions



# GENERAL LOCATION MAP

Council District: 06

Planning Area: 079



# SITE VICINITY MAP



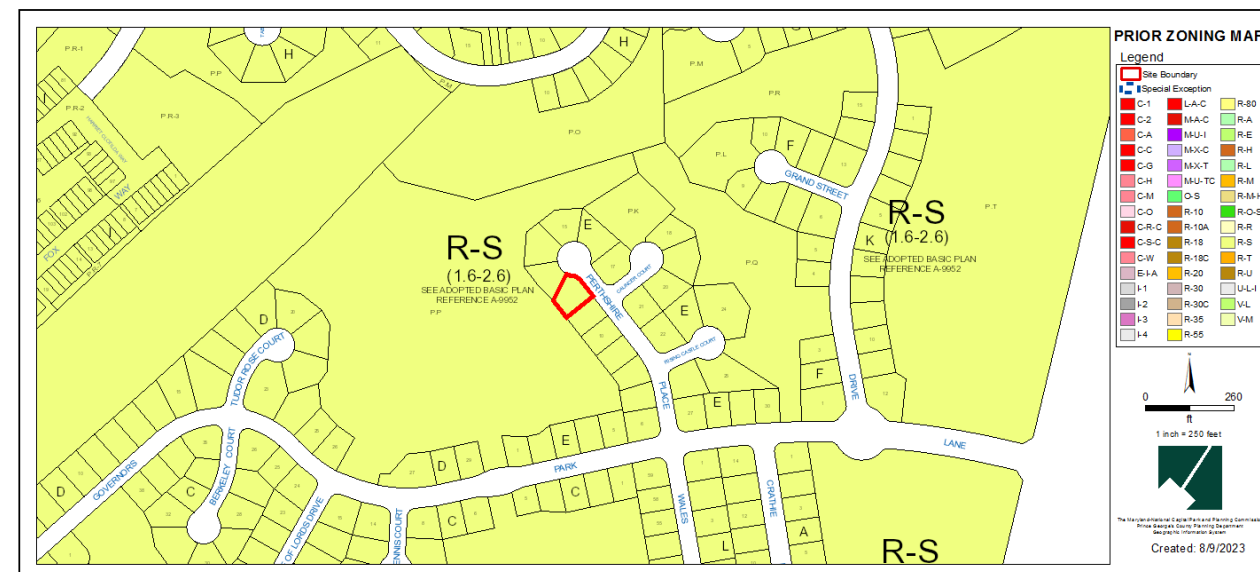
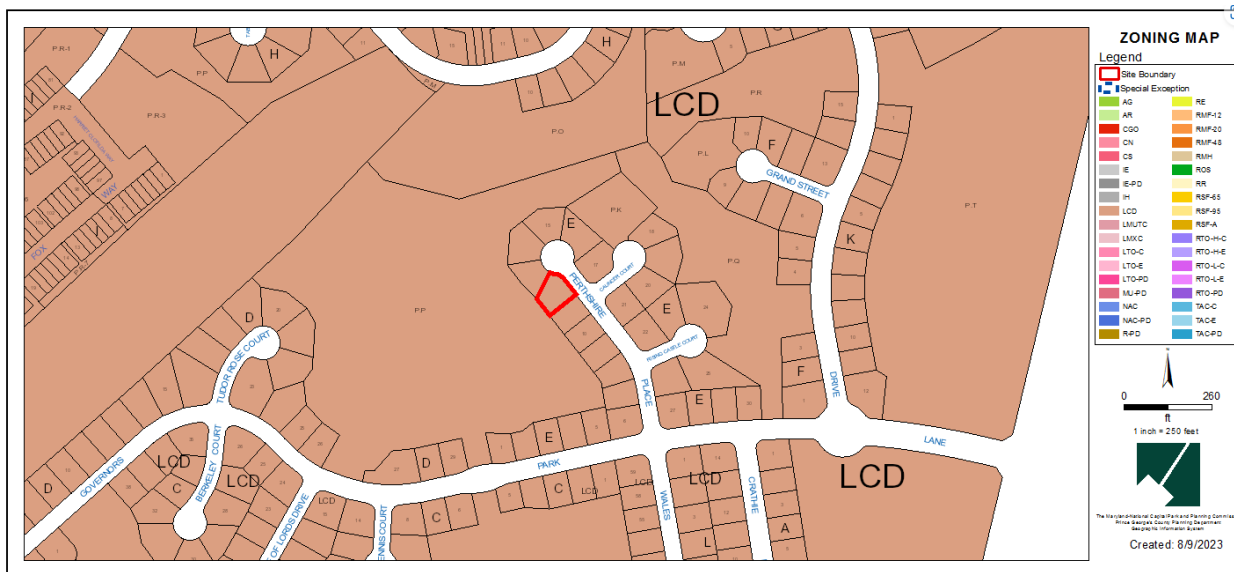
# ZONING MAP (CURRENT & PRIOR)

Property Zone: LCD

Prior Zoned: R-S

CURRENT ZONING MAP

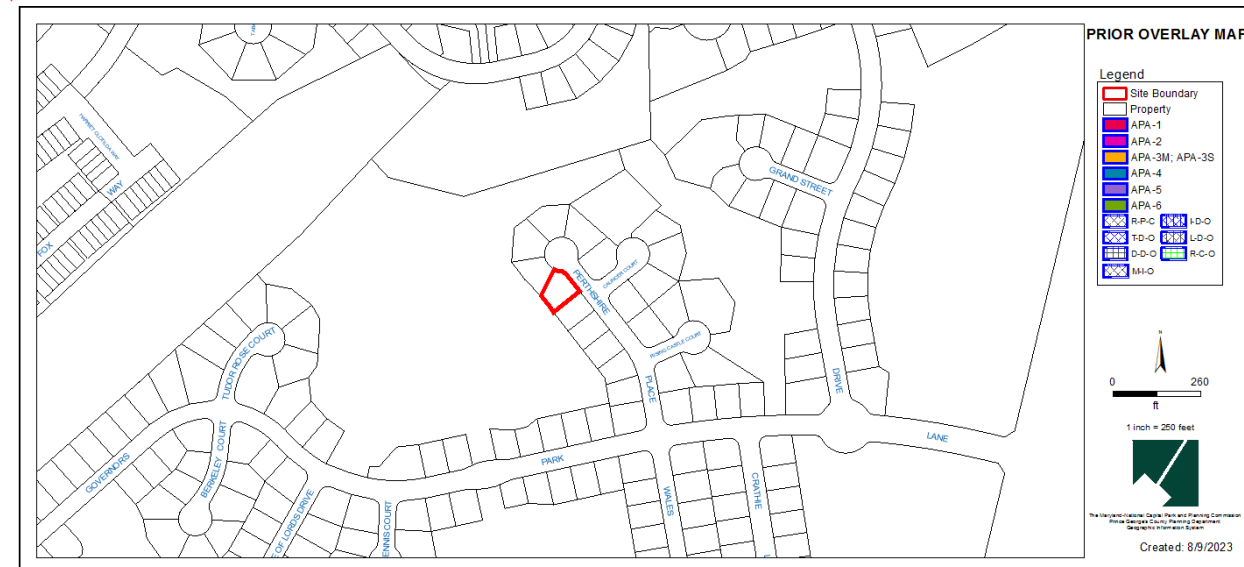
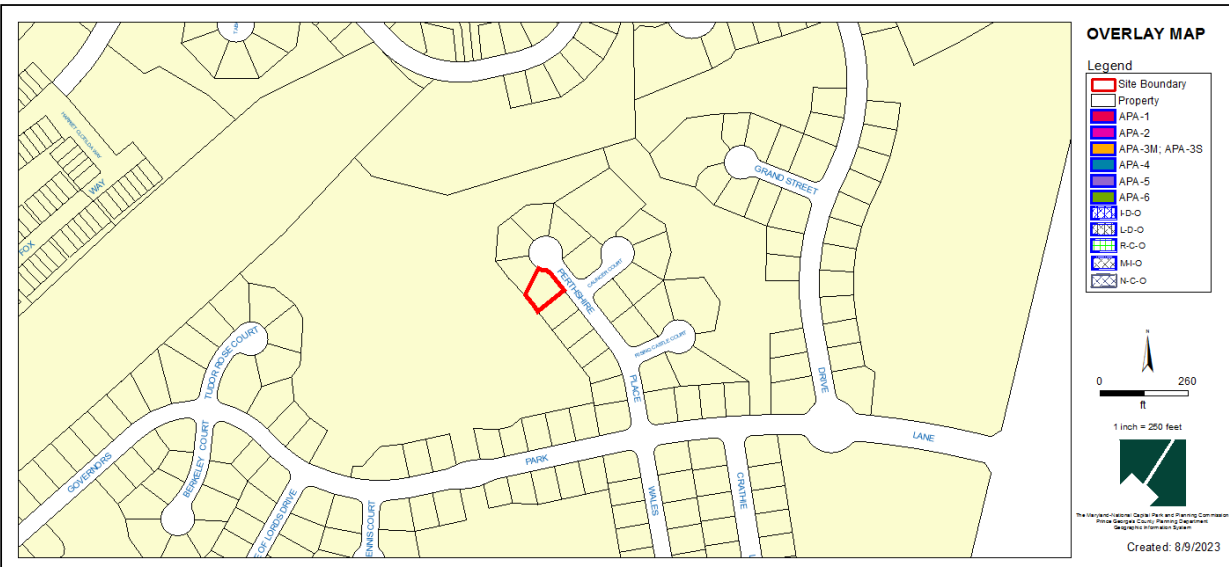
PRIOR ZONING MAP



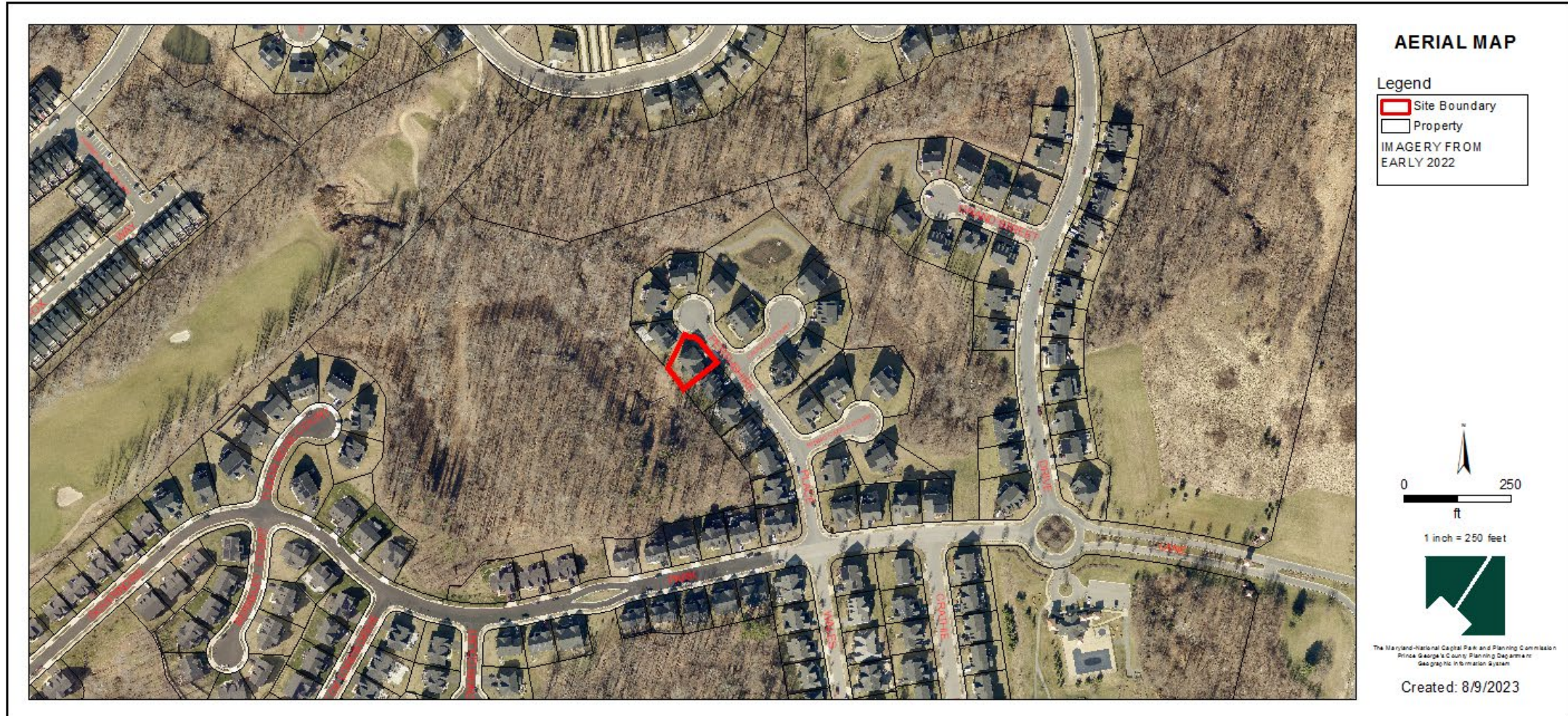
# OVERLAY MAP (CURRENT & PRIOR)

CURRENT OVERLAY MAP

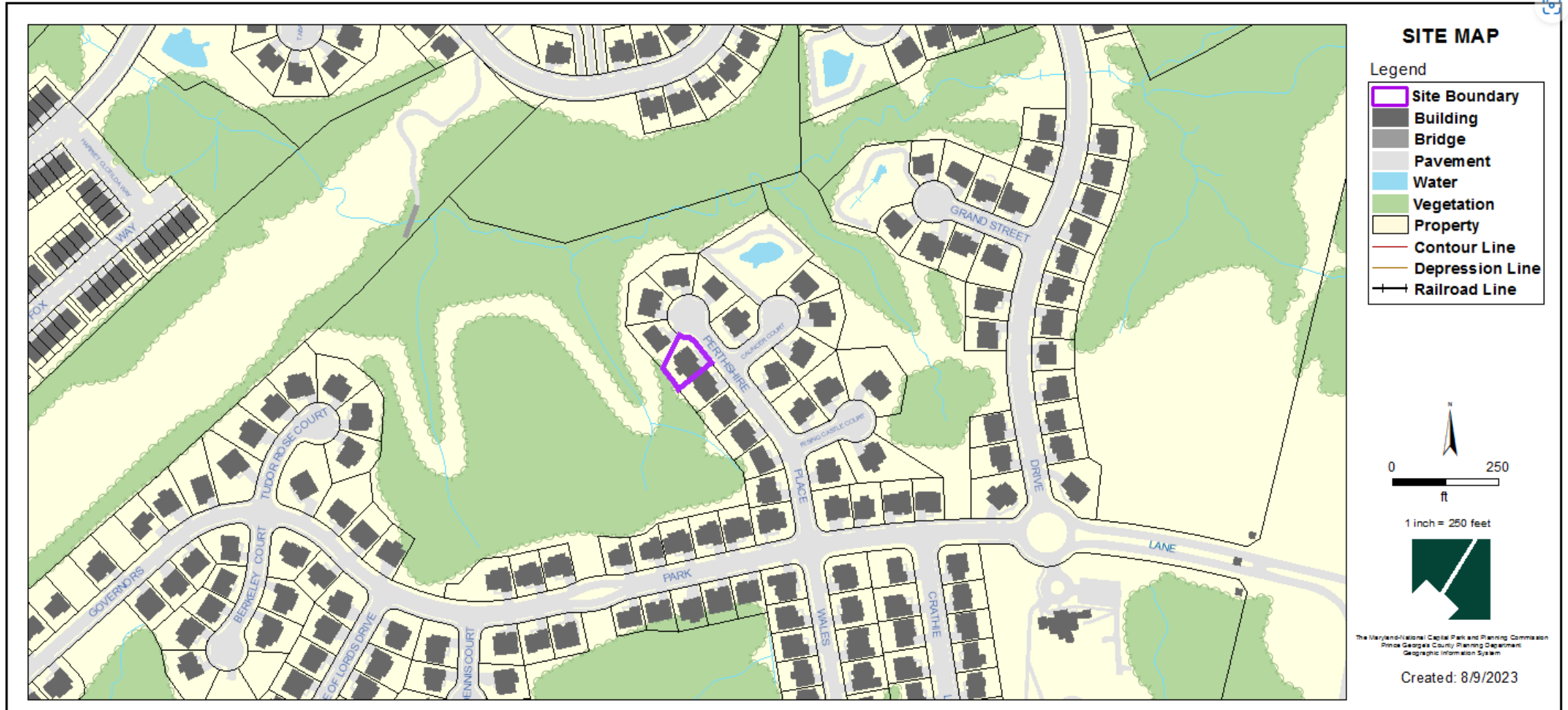
PRIOR OVERLAY MAP



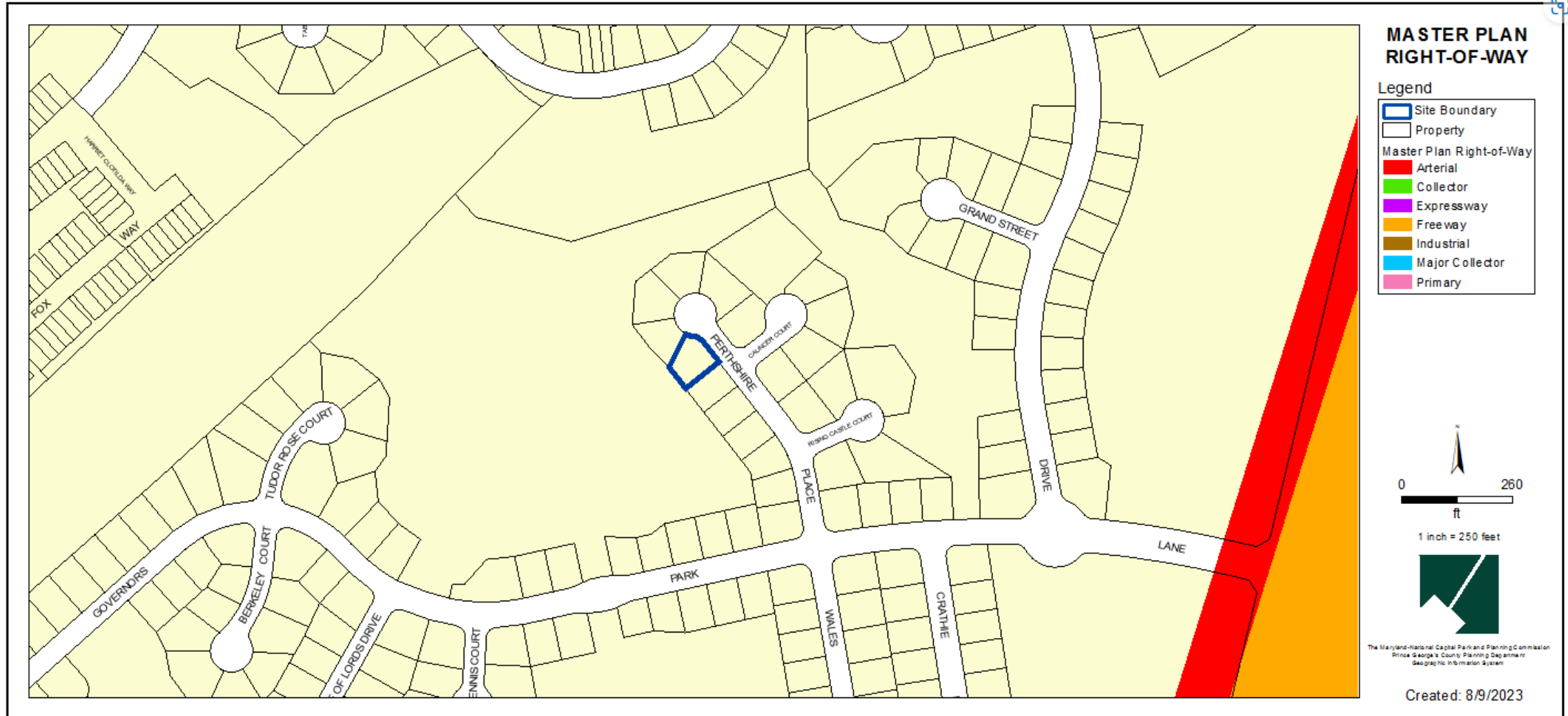
# AERIAL MAP



# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP



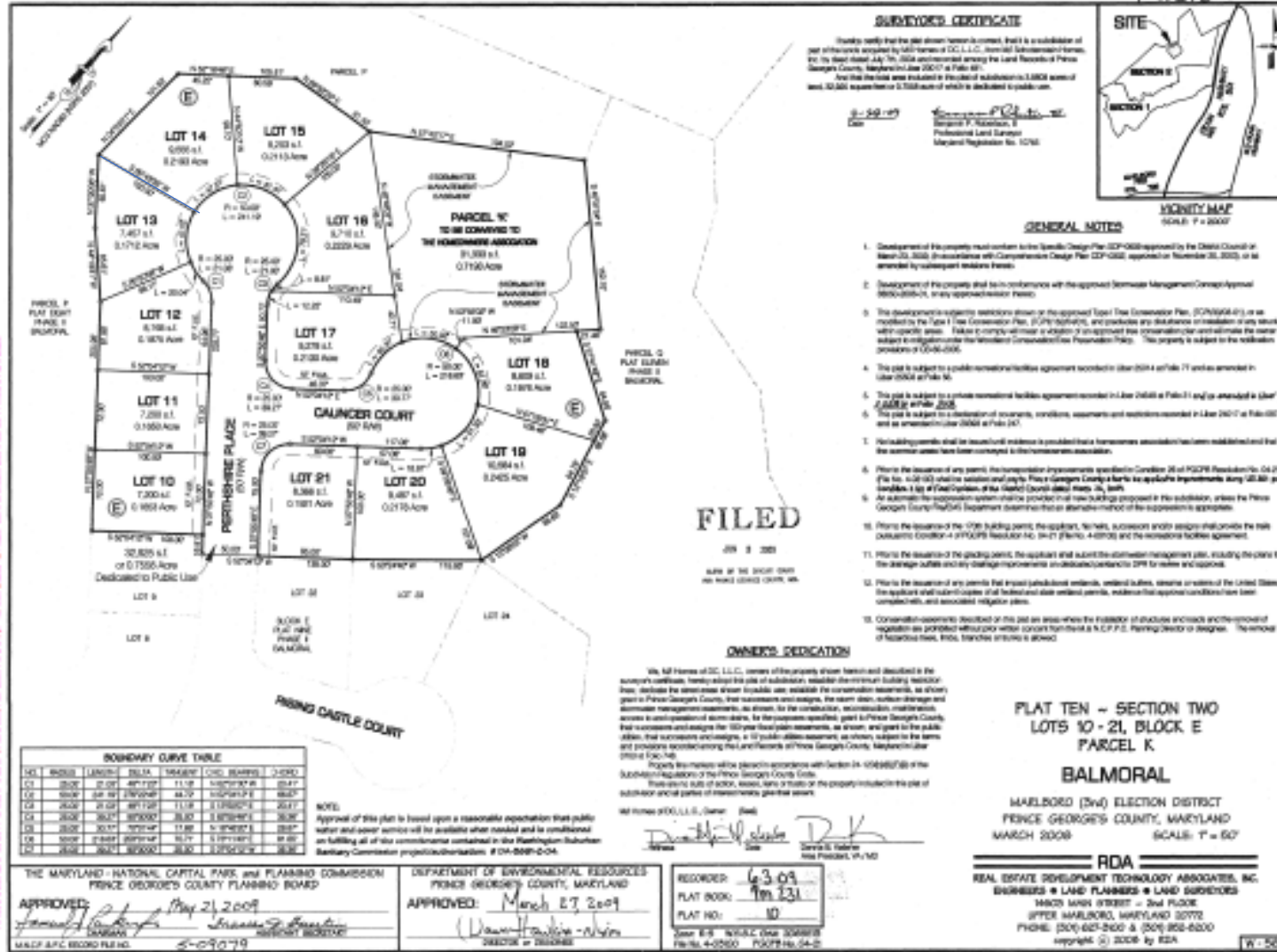


# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED

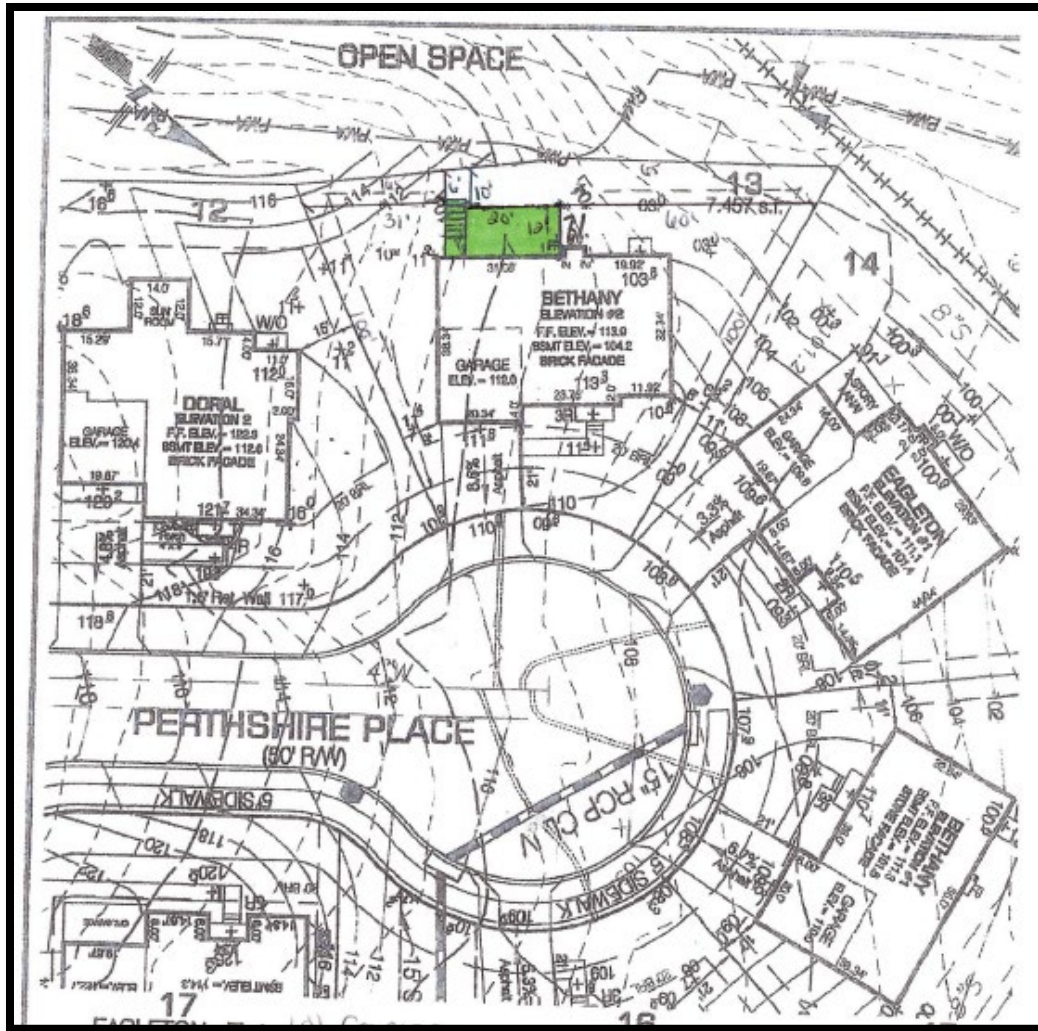




# SITE AND ELEVATION DETAILS –

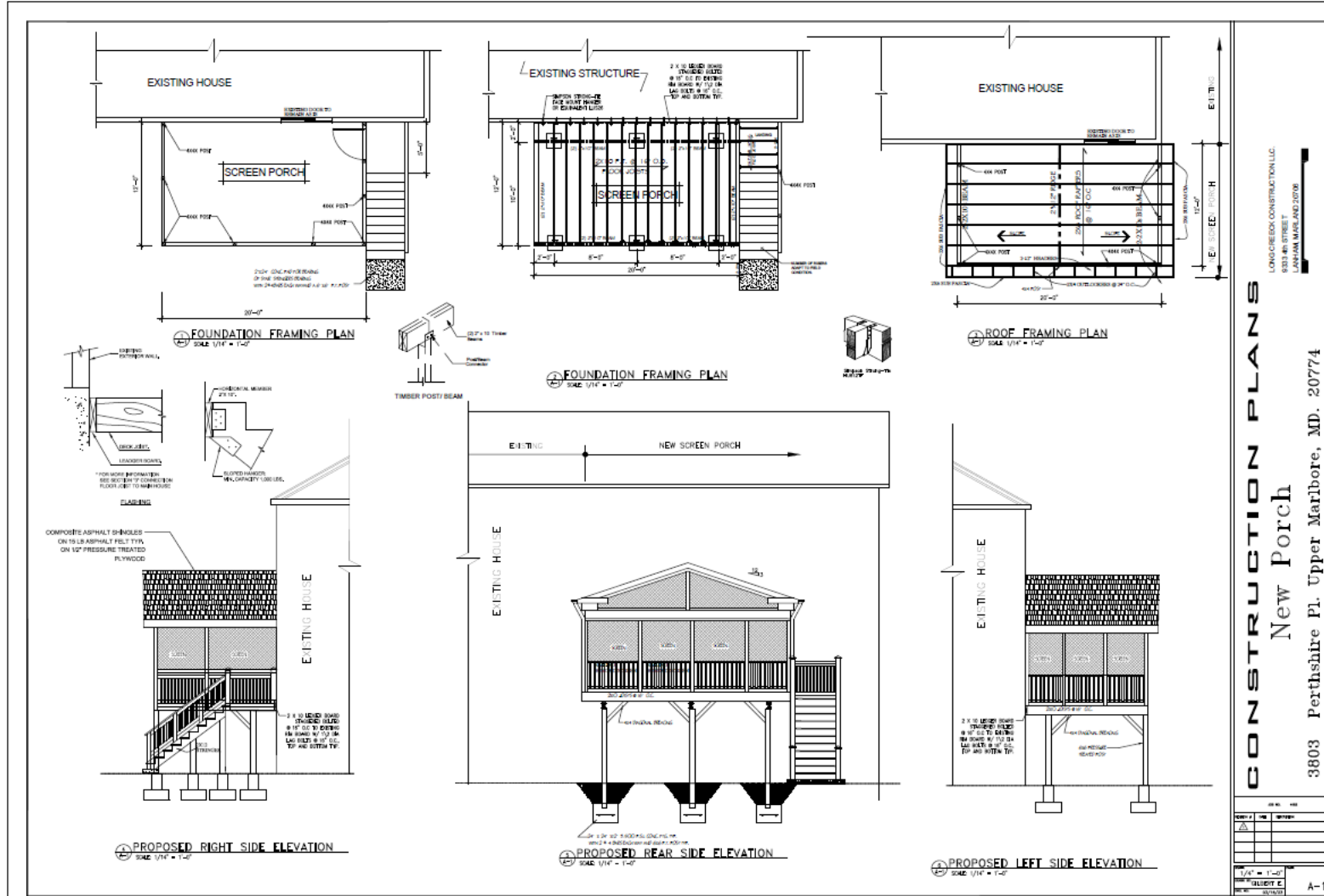


**SITE AND ELEVATION DETAILS – SITE SURVEY AND LOT COVERAGE CALCULATION**



EAGLETON - EI. 1 Lot Coverage		16	15
Building Restriction Lines: Ex Haus = 1718.86' & Dw = 1417.48' & Proposed SR = 240' & Proposed Lot Coverage = 3401.34' & 39.27%		MONTANA - EI. 1	
ZONING: R - S			
SITE PLAN Scale: 1/20			
LOT 13 - BLOCK E			
"BALMORAL"			
PRINCE GEORGE'S COUNTY, MARYLAND			
Job No: W-565	DATE: March 21, 2018	RDA REAL ESTATE DEVELOPMENT TECHNOLOGY ASSOCIATES, INC. ENGINEERS & LAND PLANNERS & LAND SURVEYORS 14003 MAIN STREET 2nd FLOOR UPPER MARLBOR, MARYLAND 20772 PHONE (301) 627-8100 (301) 952-4500	

# SITE AND ELEVATION DETAILS – ARCHITECTURE



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# STAFF RECOMMENDATION

**APPROVAL** with conditions

**Issues:**

- None

**Applicant Required Mailings:**

- Acceptance Mailings 5/17/2023
- Informational Mailings 6/08/2023



May 23, 2023

Michelle Clancy  
PO Box 310  
Perry Hall, MD 21128



Re: Notification of Planning Board Action on  
**Specific Design Plan SDP-0609-H7**  
**Balmoral, Lot 21, Block E**

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on **May 18, 2023**, pursuant to the Transitional Provisions of Section 27-1700 of the Prince George's County Zoning Ordinance and in accordance with the attached Resolution.

Pursuant to Section 27-528.01 of the prior Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of the final notice (**May 23, 2023**) of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291 of the prior Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,  
James R. Hunt, Chief  
Development Review Division

By:   
Reviewer

Attachment: PGCPB Resolution No. **2023-46**

cc: Donna J. Brown, Clerk of the County Council  
Persons of Record

SDP-0609-H8\_Backup 1 of 18

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:**

	<b>EXISTING</b>
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.

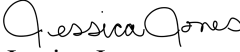
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

\* \* \* \* \*

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.

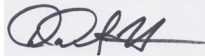
Adopted by the Prince George's County Planning Board this 18th day of May 2023.

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



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
(301) 952-3600

May 19, 2004

RE: CDP 0302 The Buck Property

## *NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL*

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on April 26, 2004.

## *CERTIFICATE OF SERVICE*

This is to certify that on May 19, 2004 this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Redis C. Floyd".

Redis C. Floyd  
Clerk of the Council

(10/97)

County Administration Building - Upper Marlboro, Maryland 20772

Case No.: CDP-0302

Applicant: M/I Schottenstein  
Homes, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION  
WITH ADDITIONAL CONDITION

IT IS HEREBY ORDERED, after review of the administrative record, and after hearing oral argument, that the Planning Board's decision in Resolution PGCPB No. 03-250, to approve a comprehensive design plan, CDP-0302, for 357 single-family dwellings on R-S Zone property described as approximately 210.73 acres of land on the west side of US 301, approximately one mile north of its intersection with MD 725, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated in the Planning Board's resolution, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

1. At the time of preliminary plan, the applicant shall dedicate all rights-of-way for A-61, F-10 as identified by the Planning Department. The applicant shall also provide a new traffic study that includes an analysis of the Trade Zone Ave/US 301 intersection.
2. Prior to the issuance of any building permit, the following improvements shall be in place, under construction or bonded and permitted.



**US 301/Leeland Road**

- a. Construct a third northbound and southbound through lane along US 301.
- b. Construct an eastbound triple left turn lane along Leeland Road for approximately 375 feet and a free-flowing right-turn lane.
- c. Construct a fourth southbound through lane along US 301 beginning at a point approximately 500 feet north of Leeland Road and extending to a point approximately 2,600 feet south of Leeland Road (to Swanson Road).

**US 301/Village Drive**

- a. Construct a third northbound and southbound through lane along US 301.
- b. Widen Village Drive (westbound) to provide four (4) lanes; two (2) exclusive left-turn lanes, an exclusive through lane, and a free-flowing right-turn lane.

**US 301/MD 725**

- a. Construct a third northbound and southbound through lane along US 301.
  - b. Construct a fourth southbound through lane along US 301.
  - c. Restripe westbound approach to provide a second through lane.
3. In order to alleviate the negative impact on fire and rescue services due to the inadequate engine service, a fire suppression system shall be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
  4. Prior to the submittal of the Specific Design Plan, all specimen trees located within 50 feet of the limit of disturbance shall be surveyed and reevaluated for retention potential. The specimen tree shall be shown on the SDP at their surveyed locations along with their respective critical root zone.

5. Prior to certification of the Comprehensive Design Plan, the following note shall be added to each sheet of the TCPI and a table shall be added to the plan that provides a detailed listing of all PMA impacts, an identifying number or letter, the area of the proposed impact and the area of forest disturbed by the proposed impact: "Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on site at a ratio of 1:1 and shown on the Type II Tree Conservation Plan."
6. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the US, the applicant shall submit copies of all federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. Prior to certification of the Comprehensive Design Plan, Type I Tree Conservation Plan TCPI/30/03 shall be revised to clarify the exact acreage of woodland clearing within the PMA. This clearing and the associated impacts will be evaluated further during the review of the preliminary plan of subdivision. The TCPI shall be revised as needed to preserve the PMA to the fullest extent possible.
8. At the time of the preliminary plan of subdivision, the geotechnical report will need to address the 1.5 safety factor line and all other aspects of Marlboro clay.
9. Prior to certification of the Comprehensive Design Plan (CDP), the CDP and the TCPI shall be revised to show the location of the 65dBA (Ldn) noise contour as identified by the Phase I noise study.
10. Prior to certification of the CDP, Type I Tree Conservation Plan TCPI/30/03 shall be revised as follows:
  - a. Revise the worksheet to show the acreage of existing woodland on the net tract correctly.
  - b. Revise the plans to show the proposed stormwater management outfalls to convey the treated water to the existing stream channels.
  - c. Clarify the exact acreage of woodland clearing within the PMA. This clearing and the associated impacts will be evaluated further during the review of the preliminary plan

- of subdivision. The TCPI shall be revised as needed to preserve the PMA to the fullest extent possible.
- d. Add the following note to the TCPI: "The TCPI submitted for review with the preliminary plan of subdivision shall clearly show the proposed trail locations."
  - e. Add a legend to each sheet of the TCP that shows each of the symbols used on the plan.
  - f. Make other revisions as necessary to address revisions noted above.
  - g. Have the revised plans signed and dated by the licensed landscape architect, licensed forester, or MD-DNR qualified professional who prepared the plans.
11. Prior to the approval of the Specific Design Plan, all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered that are found to occur on the site shall be surveyed and accurately located according to DNR protocol. The SDP shall be designed to eliminate any impacts to specific habitats and/or populations. Prior to approval of the SDP, the forest stand delineation for the site shall be revised to show the location of the specific habitats and/or populations.
  12. Land to be dedicated to M-NCPPC for the master-planned Collington Branch stream valley park shall include 100-year floodplain and floodplain buffers as shown on attached Exhibit "A."
  13. Recreational facilities on park property shall be designed and constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
  14. Construction drawing for the recreational facilities on parkland shall be reviewed and approved by Department of Parks and Recreation staff prior to SDP approval.
  15. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.

16. The handicapped accessibility of all trails shall be determined during SDP review.
17. At least one suitable vehicular access to the land being dedicated shall be provided from a primary residential street, to be determined at the time of preliminary plan of subdivision.
18. All additional accesses to the parkland from development pods, school and recreation facilities shall be at least 40 feet wide, or otherwise required.
19. All primary and secondary roads shall be standard sidewalks on a least one side.
20. All primary and secondary roads shall be developed in accordance with the 1999 American Association of State Highway and Transportation Officials Guidelines for the Development of Bicycle Facilities, where feasible.
21. All HOA trails shall be six feet wide and made of asphalt.
22. The most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors and fireplace chimneys, and these features shall form a reasonably balanced composition.
23. The community center shall be provided with distinctive details, be equally attractive from all four sides, and incorporate a high-pitched roof, masonry exterior and facade articulation, unless alternative design treatments can be demonstrated to achieve the same high quality of design and appearance.
24. At the time of the first Specific Design Plan for residential areas, the applicant shall submit and obtain Planning Board approval of a special purpose Specific Design Plan devoted to elements of streetscape including but not limited to street trees, entry monuments, signage, and special paving at important intersections. This SDP shall also address utilizing distinctive landscape treatments to emphasize important focal points, intersections, and trail heads.
25. The following recreational facilities (or equivalent) shall be provided and reviewed at the time of SDP review for each phase:

Facility	Location	Completion of Construction
2 Picnic Areas	Community Building	Prior to release of 150 <sup>th</sup> BP
1 Open Play Area	US 301 Buffer	Prior to release of 25 <sup>th</sup> BP
4 Sitting Areas	1 @ Community Building	Prior to release of 150 <sup>th</sup> BP
	1 @ US 301 Buffer	Prior to release of 25 <sup>th</sup> BP
	1 @ Neighborhood "F"	Prior to release of 300 <sup>th</sup> BP
	1 @ Neighborhood "D"	Prior to release of 300 <sup>th</sup> BP
1 Tot Lot	Neighborhood "D"	Prior to release of 300 <sup>th</sup> BP
1 Multiage Play Area	Community Building	Prior to release of 150 <sup>th</sup> BP
Private Trails		In phase with development
Community Building (with meeting rooms and fitness equipment)		Prior to release of 150 <sup>th</sup> BP

26. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in the *Parks and Recreation Facilities Guidelines*) prior to final plat of subdivision. Bonding of recreational facilities shall occur prior to issuance of permits for the development pod where the facility is located.
27. The applicant shall provide a usable 3.5-acre site for the community building. The cul-de-sac in Neighborhood "A" may have to be reduced in size or eliminated to ensure that a usable area is provided for the community building.
28. The area on the north side of the US 301 entrance road shall contain an open play area, designed and constructed in accordance with *Parks and Recreational Facilities Guidelines*.
29. The community building shall include an area for parking based on the number of spaces required by Part 11 of the Zoning Ordinance.
30. This open space area on either side of the main access road off of US 301 shall not be a manicured green grassy area, but shall contain native grasses, wildflowers and shrubs for an attractive rural appearance.
31. The following design standards shall be added to the face of the CDP plan:
  - a. Variations to the lot development standards may be granted by the Planning Board or its designee at the time of Specific Design Plan in order to protect natural features or to accommodate infrastructure.

- b. All yards abutting a street shall be considered to be front yards. Only one yard shall be considered to be a rear yard, and it shall be opposite a front yard. All other yards are side yards.
- c. Covered open porches, steps, and stoops may extend up to eight feet beyond the front setback line. Paved walks may extend beyond the front setback line without any distance restrictions.
- d. Enclosed porches must be located fully behind all setback lines. Screening, latticework, jalousie windows and other nonweather-tight visual screens shall be considered as enclosure for this restriction.
- e. Eaves, bay windows, chimneys, and decorative features such as attached lamps string courses, cornices, and brackets, may extend beyond all setback lines by up to two feet.
- f. Construction that shall be used in determining the lot coverage shall include principal buildings (including covered porches and decks), accessory buildings and driveways. Uncovered and unenclosed porches, decks, patios, paved walks and swimming pools shall not be counted toward maximum lot coverage. Uncovered and unenclosed porches, decks, and patios whose surface is within three feet of finished grade shall be set back at least two feet from side and rear lot lines. Uncovered and unenclosed porches, decks, and patios whose surface is greater than three feet above finished grade shall be located behind the setback lines.
- g. Building height shall be measured from the average grade along the elevation facing the street to the midpoint between the eave and the peak of sloped roofs.
- h. The maximum number of stories shall not include basements where the grade at the front elevation is less than five feet below the first floor elevation.
- i. Accessory buildings shall not be located in any yard adjacent to a street. Accessory buildings shall be located at least two feet from side or rear lot lines.

- j. Fences shall not be constructed in any front yards, or nearer to a street than a point six feet to the rear of the front-most house corners (not including open covered porches).
- k.

<b>Neighborhood</b>	<b>A, B, C, D</b>	<b>All</b>	<b>All</b>
Lot Standard	Small	Medium	Large
Minimum Lot Size (square feet)	5,000	6,000	7,500
Minimum Lot Width at Street (feet)	25	25	25
Minimum Lot Width at Front Building Line (feet)	50	60	80
Front Yard Setback (feet)	20	20	20
Side Yard Setback (feet)	5	5	5
Rear Yard Setback (feet)	15	15	15
Maximum Building Height (feet)	35	35	35
Maximum Building Height (stories)	3	3	3
Maximum Lot Coverage (percent)	65	60	55

- 32. All lots adjacent to the Beech Tree golf course shall be a minimum of 7,500 square feet.
- 33. The three smallest models (Emory I, Oxford I, Syracuse) shall have a minimum of 2,400 square feet gross floor area.
- 34. All flag lots shall be eliminated.
- 35. Wherever feasible, a tree save buffer shall be placed between lots, as approved by the staff of the Urban Design Section.

Ordered this 26th day of April, 2004, by the following vote:

In Favor: Council Members Knotts, Bland, Exum, Hendershot, Peters and Shapiro

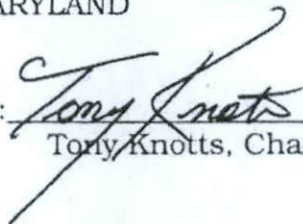
Opposed:

Abstained:

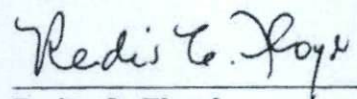
Absent: Council Members Dean, Dernoga and Harrington

Vote: 6-0

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

By:   
Tony Knotts, Chairman

ATTEST:

  
Redis C. Floyd  
Clerk of the Council