


# City of Bowie

2614 Kenhill Drive  
Bowie, Maryland 20715

## MEMORANDUM

**TO:** City Council

**FROM:** David J. Deutsch, City Manager 

**SUBJECT:** Bowie Advisory Planning Board Resolution #BV-4-06  
12214 Rolling Hill Lane

**DATE:** January 10, 2007

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A hearing of the above application by the City Council is scheduled for Tuesday night. Attached please find a copy of the listing of the contents of the official case file, a transcript of the BAPB's December 12, 2006 meeting, the BAPB resolution and the staff report prepared for this case.

Under the City Code, the hearing in the case is limited to the facts and information already in the record of the BAPB hearing. Only a person who is a party of record in this case can testify before Council. At the conclusion of the hearing, the majority of City Council shall either accept, deny or modify the recommendation of the BAPB, or return the variance application to the Board to take further testimony or reconsider its recommendation. The Council must give its decision in writing, stating the reasons for its action. If the Council denies a variance, no other variance covering the same specific subject on the same property shall be filed within the following 12-month period. The Council decision may also be appealed to the Circuit Court.

The BAPB voted to deny the applicant's request in BV-4-06. The staff recommendation was for denial of the variance. The BAPB's findings and conclusions are reflected in Resolution BV-4-06 (attached). Staff has prepared the attached City Council Resolution affirming the BAPB recommendation (R-5-07). Should the Council choose to act contrary to the BAPB recommendation, another resolution will be prepared and placed on a future Council agenda for action. Pursuant to the City Code, failure of the City Council to act on the recommendation of the BAPB within sixty (60) days of receipt thereof shall result in the denial of the request.

Last day for City Council to Take Action: February 5, 2007.

Attachments

**RESOLUTION**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND**  
**ADOPTING THE RECOMMENDATION OF THE BOWIE**  
**ADVISORY PLANNING BOARD IN THE CASE OF BV-4-06**

**WHEREAS**, the City of Bowie (hereinafter the "City"), pursuant to Ordinance O-24-98 (hereafter the "Ordinance"), is authorized to hear requests for Variances from the terms of the Prince George's County Zoning Ordinance (hereafter the "Zoning Ordinance") with respect to building setbacks, height, lot coverage and so forth, and to make recommendations to the Bowie City Council in connection therewith; and,

**WHEREAS**, the City is authorized by the Ordinance to grant an application for a Variance if the Bowie Advisory Planning Board (hereinafter the "BAPB") makes the following findings pursuant to Section 27-230 of the Zoning Ordinance:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions; and,
- (2) The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and,
- (3) The variance will not substantially impair the intent, purpose, or integrity of the General or Master Plan.

**WHEREAS**, the City Council is authorized by the Ordinance to accept or deny the recommendation of the BAPB with respect to departures and variances on the Consent Agenda; and,

**WHEREAS**, on or about about October 20, 2006, Sylvia Covington of 12214 Rolling Hill Lane submitted an application for a Variance from Section 27-442 (c) (Table II) of the Zoning Ordinance for the above address, specifically requesting a Variance of 4% from lot coverage requirements to construct a screened porch in the R-R zone; and,

**WHEREAS**, the advertisement of the public hearing was printed in the local newspaper on November 30, 2006 in accordance with the adopted Ordinance; and,

**WHEREAS**, the technical staff report recommended DENIAL of the variance request; and,

**WHEREAS**, on December 12, 2006 the BAPB heard testimony and accepted evidence with respect to whether it can make the necessary findings set forth in the Ordinance to grant a Variance; and,

**WHEREAS**, at the conclusion of the public hearing on December 12, 2006, the BAPB voted 4-1 to DENY Variance BV-4-06, transmitting their recommendation in Resolution BV-4-06 on December 13, 2006; and,

**WHEREAS**, pursuant to the City Code, within 15 days of the Board's decision, persons of record may file an appeal or a City Councilmember may request oral argument if the BAPB's recommendation fails to comply with the criteria for approval; and,

**WHEREAS**, an appeal or oral argument was filed within the 15 day appeal period by the applicant; and,

**WHEREAS**, on January 16, 2007, the Council heard testimony from the applicant appealing the case and considered the contents of the case file including the case file transcript; and,

**WHEREAS**, the City Council accepts the following findings of fact recommended by the BAPB, specifically as follows:

1. The lot is zoned R-R (Rural Residential) and contains 10,000 sq. ft.
2. The lot is currently improved with a single-family dwelling, garage, shed and driveway.
3. Section 27-442 (c) (Table II) requires that no more than 25% of the net lot area be covered by buildings and off street parking.
4. The existing lot improvements have a lot coverage of 24.3%.
5. The applicant is requesting a variance of 4% above the 25% lot coverage allowed in the R-R-zone to construct a 360 sq. ft. screened porch.
6. There were no written responses from those residents notified of the variance request.

**WHEREAS**, the City Council accepts the following conclusions of law recommended by the BAPB, specifically as follows:

1. The specific parcel of land must have exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions. The subject lot is a typically shaped 10,000 sq. ft. interior lot. The lot has no unusual features or characteristics. The applicant's Statement of Justification contends that the lot is unusually small relative to the other lots in the Rockledge section of the City. Council finds there are several lots with the same square footage as the subject lot (10,000 sq. ft.) found in the immediate vicinity of the subject lot and many more elsewhere in Rockledge. Therefore, Council finds the criterion has not been met.
2. The strict application of the Zoning Ordinance must result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property. The applicant states in the Statement of Justification that the backyard is unusable for most of the summer due to a drainage swale and resulting insect infestation. The sides and rear of the lot are fenced and, though the yard slopes slightly toward the back, there is no evidence of a drainage swale within the fenced area. Neither the fence nor a drainage easement are shown on the site plan. Council finds the entire rear yard is useable and the proposed screened porch is a convenience to the applicant. The existing lot improvements, including the house, driveway and shed constitute 24.3% lot coverage. If the existing shed were removed (100 sq.ft.), the proposed 360 sq. ft. addition would still necessitate a minimum variance of 3%. Council finds that any reasonable expansion of the dwelling unit would require a variance, even if the shed were removed. However, the applicant would not be denied reasonable use of her property should the variance not be approved. Therefore, Council finds that the strict application of the Zoning Ordinance does not result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.
3. Approval of the variance would not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan. The applicant is proposing an addition to a residential structure in a residential zone. The addition is located at the rear of the dwelling and would not be visible from the street. There has not been any objection to the proposed addition from the neighbors. The proposed addition is wholly located within the required building setbacks. The addition will not negatively affect existing County plans.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Bowie hereby accepts the findings, conclusions and recommendations of the BAPB as to the Variance Application and adopts Resolution R-5-07 for BV-4-06 to **DENY** a variance of 4% which would result in a total of 29% lot coverage in order to construct a 360 sq. ft. screened porch.

**INTRODUCED AND PASSED** on this Sixteenth day of January, 2007, by the City Council of the City of Bowie.

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G. Frederick Robinson  
Mayor

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Pamela A. Fleming  
City Clerk

BV-4-06  
12214 Rolling Hill Lane

List of Contents of Case File

1. Application, survey, Statement of Justification
2. Paid Receipt for \$200
3. November 14, 2006 Legal Notice, faxed receipt of notice
4. Notice of November 14, 2006 Public Hearing, survey, list of notified persons
5. Revised survey provided by applicant
6. Notice of Cancellation of November 14, 2006 Public Hearing
7. December 12, 2006 Legal Notice, faxed receipt of notice
8. Notice of December 12, 2006 Public Hearing
9. Certified mail receipts
10. Photos of property
11. Staff Report with attachments
12. Notice of BAPB Recommendation dated 12/13/06
13. Memo to City Council re: BAPB Resolution #BV-4-06 dated 12/13/06
14. Applicant's Appeal Letter dated 12/15/06
15. Status Report dated December 21, 2006 re: notice of appeal and Council hearing date
16. Transcript of 12/12/06 BAPB Public Hearing
17. Memo to City Council dated January 10, 2007

# BOWIE ADVISORY PLANNING BOARD

TRANSCRIPT FROM HEARING ON DECEMBER 12, 2006

Sylvia Covington, 12214 Rolling Hill Lane

BV-4-06

Transcript from BAPB Meeting regarding BV-4-06:

**Mr. Ronald Skotz (Chairman):** Please state your name and address for the record.

**Ms. Cynthia Fenton:** Cynthia Fenton, City Hall, 2614 Kenhill Drive, Bowie, Maryland. Good evening again, Chairman, members of the Board. The second variance before you tonight is requested by Sylvia Covington of 12214 Rolling Hill Lane. She is requesting a variance of 4% from lot coverage, in excess of the 25% maximum allowed by the Prince George's County Zoning Ordinance. Again, this is a 10,000 square foot lot in the R-R zone. And the applicant had submitted a letter of justification in support of the request, which is in the backup to the staff report. Staff also sent the variance request to five (5) adjacent property owners and no response was received. The Prince George's County Zoning Ordinance, in Section 27-442 (c) (Table II), prescribes that no more than 25% of the net lot area may be covered by buildings and off-street parking. The applicant is requesting a variance of 4% to construct a 20 by 18 foot addition into the rear of the existing dwelling. In order for the Bowie Planning Advisory Board to grant a variance the following findings must be made:

One, a specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions. Staff finds that the subject lot is a typical interior lot. It has no unusual features or characteristics and is typical of the lots in the immediate vicinity of the neighborhood. Therefore, staff does not find that the first criterion has been met. The second criterion states that the strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property. Staff does not find that the applicant has demonstrated any practical difficulty or hardship would occur should the variance were not be approved. Nor would the applicant be denied reasonable use of her property should the variance not be approved. Staff finds that the proposed screened porch is a convenience and there is nothing about the lot that would constitute a hardship, should the applicant not get that screened porch. So, for these reasons, staff finds that the second criterion has not been met. The third criterion states that the variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan. Staff finds that the addition does not impair the intent, purpose, or integrity of the Master Plan. Because the variance meets one, but not all, the criteria of approval, staff recommends denial of BV-4-06. This concludes staff presentation.

**Mr. Skotz:** Cynthia, in essence, when they built the existing structure they pretty much maxed the footprint of availability.

**Ms. Fenton:** That is correct. In fact, with the existing shed on the property, they even are slightly over the 25%, it is actually at 25.34% without the screened porch.

**Mr. Skotz:** (inaudible)

**Ms. Fenton:** Exactly.

**Mr. Skotz:** Are there any other questions for the staff at this time? Mr. Nash.

**Mr. Nash:** I am sorry, Ms. Fenton; did you just say that with the existing structure (inaudible) it was just over 25%?

**Ms. Fenton:** That is correct, just a shade over.

**Mr. Nash:** With the house, driveway and shed?

**Ms. Fenton:** That is correct.

**Mr. Nash:** The report says 24.3.

**Mr. Skotz:** I saw that, too.

**Ms. Fenton:** I believe that was before...

**Mr. Skotz:** That took into consideration the shed, right?

**Mr. Nash:** The report says the existing lot improvements include house, driveway and shed constitute 24.3% of lot coverage. I am just trying to get it...

**Mr. Skotz:** Yeah, I saw that.

**Mr. Nash:** So, are we just under or just over?

**Ms. Fenton:** I believe it is just under. I think the other calculation that I made was before I got the exact measurements of the shed from the applicant.

**Mr. Nash:** Okay, in your report you said the addition was 20 by 18. I was just looking through the rest of the information; you said 20 by 17 or 20 by 18?

**Ms. Fenton:** Well, it is actually 20 by 18. Again, I think there were a couple of documents that had slightly different numbers. But, the applicant specifically said that it was 360 square feet, and that's also what is in the resolution as well as the staff report. So, that does come out to 20 by 18.

**Mr. Nash:** Okay, all right, thank you.

**Mr. Skotz:** Okay, Mr. Troyer.

**Mr. Troyer:** In the applicant's statement, they indicated that the 360 square feet, the actual lot coverage, it would increase the lot coverage to 28%, 3% over the allowed 25%. And then they went on to say that most of (inaudible) was allowed 30%. Is that because of different zoning areas or locations, or is that just an error in the report?

**Ms. Fenton:** No. In the R-R zone, lots vary from 10,000 square feet to a minimum of 20,000 square feet. In other zones, in R-80 zone and the R-55 zone the maximum allowable lot coverage is 30%, as opposed to 25% in the R-R zone.

**Mr. Troyer:** Okay, they got stuck with a small lot and the smaller percentage.

**Mr. Skotz:** Yeah, they got a real small lot.

**Ms. Fenton:** A 10,000 square foot lot is still a fairly typical lot in the R-R zone, depending on what R-R zone.

**Mr. Troyer:** What R-R zone you are talking about, yeah.

**Mr. Skotz:** Yeah, just looking at this Cynthia, looks like in Attachment 1, that actually Lots 11 and 14 really kind of short changed as far as the, and maybe even 5, got short changed as far as the square footage, some of the lots are size on that. You get a couple interesting configured ones.

**Ms. Fenton:** Actually, I did look at the final plat, not the entire "R" section, and even within the immediate vicinity of the applicant's lot there were approximately 20 lots, all 10,000 square feet or 10,084 square feet. But in that immediate, with that immediate dimension. So, that was not the only one; I did look very carefully at that.

**Mr. Skotz:** You are very thorough, Cynthia, you know that. Thank you. Any other questions for staff? Okay. I am going to ask you, do you swear to affirm that the statements that you are about to give are true to the best of your knowledge, information or belief?

**Ms. Sylvia Covington:** Yes.

**Mr. Skotz:** With that, if you could state your name and address, please.

**Ms. Covington:** Sylvia Covington, 12214 Rolling Hill Lane, Bowie, Maryland 20715. My first thing is that because I am in the R-R section. I am being penalized at 25 when the rest of Bowie is at 30. My second one is, that if you could look at Attachment 4, picture C, where I talked about the drainage swale. If you look at, no you look under, oh, can't see by the picture. Under the shed, down..every time we have a heavy rain, it just pours and in the left corner of my lot water just sits for days. And she didn't see it because I have all that furniture and everything over there. But it comes under the shed and runs right down the lot. A matter of fact, my sister broke her ankle walking my lot, it goes like this and we didn't realize it. And that is basically all I can say that I am asking for the porch.

**Mr. Skotz:** Ms. Covington, just a question: How long have you been at the residence now?

**Ms. Covington:** I have lived there 10 years, 10 years.

**Mr. Skotz:** Okay, any other questions? Mr. Nash.

**Mr. Nash:** Do you happen to know the square footage of the house as it is constructed now?

**Ms. Covington:** It is the Buckingham one, one car garage; I believe it is 1,706 or something. I am not really sure.

**Ms. Fenton:** If someone wants to do a quick calculation, I have, let's see, one portion of it is 1,296 square feet and another portion is 639 square feet.

**Ms. Karen Ruff (City Attorney):** Okay, 18,000.

**Mr. Skotz:** 1,800, (Inaudible) same characteristic in my rancher, so. It takes into account (inaudible) three cars and....

**Mr. Nash:** If you were to remove the shed. Does that give you enough square footage to build any type of addition?

**Ms. Covington:** Well, according to her write up it doesn't. It would not make that much of a difference.

**Mr. Nash:** The addition would still be rather small.

**Ms. Covington:** It would have to be super small.

**Ms. Fenton:** Just to point out on the site plan, the dimensions of the driveway are indicated as 10 feet by 50 feet. And I believe that did scale up correctly.

**Ms. Covington:** Okay, sorry. My builder said it was 80 feet.

**Mr. Nash:** From the pictures have you... or someone, started construction for you?

**Ms. Covington:** My builder was out getting the building permit because he thought it was 30%, had already done the holes for the footings (thank you), and we stopped when he found out that he could not get the permit.

**Mr. Nash:** I believe, whether you needed a variance or not you still needed a building permit. Your builder should have known that.

**Ms. Covington:** I know that now.

**Mr. Skotz:** (Inaudible) dug the holes.

**Ms. Covington:** Yes, dug the holes.

**Mr. Skotz:** Dug the holes for the footings. Okay.

**Ms. Covington:** And I got those covered.

**Mr. Skotz:** Okay, thank you. All right, any other questions for Ms. Covington? Okay. Okay, (inaudible)... recommendation of denial for BV-4-06. It would appear that two out of the three criteria that are necessary to grant a variance have not been met. (Inaudible) As we stated in the calling of the case Ms. Covington, any person of record may appeal the decision of the Advisory Planning Board within 15 days after notice of the Board's recommendation. This is kind of a tough one, again, the Advisory Planning Board basically goes by the letter of what the law states. Again, I am just emphasizing this (inaudible)... take note of what I am telling you at this point. At this point, again, we have a recommendation of denial of application variance BV-4-06. Do I have a motion on staff's report?

**Mr. Nash:** Can we have a discussion?

**Mr. Skotz:** Let's discuss the issue at hand. Mr. Nash, would you like to begin?

**Mr. Nash:** The reason I was asking the questions about square footage is that, it is my belief, my personal belief, that the City has a problem with these Levitt homes that were built 40 or 50 years ago. We had a similar case, but another case, when we met last where we had a driveway. And the fact is that in the year 2006/ 2007 the residents of Bowie have different uses for their homes. We have more vehicles, there may be more uses we want for our homes, and therefore we have these smaller lots, with these small homes, 17,000 square feet is basically, my last townhouse was bigger than that. A 1,700... excuse me... a 17,000 is a mansion. Maybe that is where the Mayor lives. I really struggle with cases of these older homes. Where there is... you can't really get the feel for the problem with regards to the wet condition. Staff went out to the site and did not see a drainage swale; it is not a drainage swale, but could there be a problem that is being caused because the site is constructed the way it was... I would like one more clarification, because it was brought up in the written report and also by testimony of the applicant. The rest of the Bowie isn't at a 30% coverage? Just certain areas, or can you clarify that for me?

**Ms. Fenton:** I would say, probably, that the majority of the Levitt section of Bowie does have 30% maximum allowable lot coverage. Most of the Levitt section, is zoned R-55 or R-80. There are Levitt sections in addition to the "R" section, the Rockledge section, that are zoned R-R, that have the same minimum lot coverage or maximum lot coverage requirements. For example, in Pointer Ridge, there's part of the "P" section that is also zoned R-R, that has 25% lot coverage. There are more Levitt sections that do have the 30% , rather than the 25%. But the lots are also sized accordingly.

**Mr. Nash:** Okay, thank you for that clarification.

**Mr. Ray Loftin:** So, with the 25% they would fall within the variance? I mean within the..(inaudible discussion).

**Mr. Troyer:** (Inaudible) on the zoning areas that have a smaller lot, so 8,000 square feet instead of 10,000 square feet, so 5% more does not give you that much more room. Matter of fact, it probably gives you less room, so the percentage doesn't really (inaudible) you have to do the math and all the different lot sizes to get how much you could really do on that particular lot.

**Mr. Nash:** Ty brought out an interesting point. I thought (inaudible) the larger lots had the additional coverage, where he just said, so it kind of makes sense to me if it is an 8,000 square lot (inaudible) a 10,000 square foot you do need a larger percentage to be able to build even a 1,700 square foot home.

**Ms. Fenton:** I think the Levitt section it is actually the... where the net lot area is a little bit less than in the R-R zone. You still have the same size Levitt house on those smaller lots, and so, actually, they would need a little bit more lot coverage in order to get that size house, the typical sized rancher, colonial or rambler plus the driveway, and then to allow them to have a shed or a small addition.

**Mr. Nash:** Thank you. Again, I think this... I am not going back to when our Chairman said earlier... I am not sure what latitude we do or don't have tonight. But I do believe that it is something that we as a Board should try to address with planning staff, and because I personally believe that these issues are going to continue to arise whether they are driveways or size of houses. Whether we have an open meeting or just a meeting to discuss the problems and try to figure a way in or out would be applicable.

**Mr. Skotz:** I agree with you, Mr. Nash. In fact, I was stating earlier tonight to some folks that there just seems to be a rash of variances that are coming before this Board and, again, I have to agree with what George has said. I think that as people realize that Bowie is a very attractive area and there is still a bit of bang for the buck. That people are deciding that, instead of moving to another area, that they are going to do what they feel is quality renovations, additions to their existing structure, and I think we are going to see a total increase of this. In that the request of variances and, again, these are very, very hard cases to hear. You are dealing with individuals that more than likely will come before a governmental or quasigovernmental body very rarely in their lifetimes and, again, I have to agree with George. Where I think that the City as a whole should really start taking a serious look at the existing Levitt of Bowie and start making some determinations, I would think of modifying ones existing in the books. I am not saying a major overhaul but, again, cases like this come... or are becoming more, or seem to be more, prevalent as we go forward. I really expect, as Mr. Nash has said, I think we are going to see an increasing number of these types of situations whereby we could possibly have a docket of 10 to 12 variances in one case load. So that's what, whether I agree or disagree with... you know (inaudible) I am really looking at this and hoping that we can be proactive in our outlook of possibilities coming down the pike. That is all I have to say. Okay, (inaudible) Ms. Covington, that whatever the decision, whether it be in favor or to overturn the staff's report and basically, um, and this is not the end of all this evening. That you do have remedies to resolve whatever our decision, be it the one you want to hear or not be the one you want to hear. I just want to clarify that for the record. That is what I was trying to state. Um, with that, is there any discussion? Mr. Golato? Mr. Loftin? Mr. Golato, do you have initial discussion?

**Mr. Golato:** I have a question. Isn't it our responsibility to send the recommendation to the City Council to review the guidelines for variances? Increasing the ratio of the size of the land?

**Mr. Skotz:** Counselor, are you privy to make a recommendation or how would that process? I think we really should take a serious look at the existing monography of our Levitt old section as I would say, not the Huntington, but-- you know -- the Levitt, the original Levitt section. Especially, um, in the aisles where the 10,000 square foot lots started to encroach, like in the "M" section, "R" section, and places like that. I don't know what the answer is, that is why I am seeking your guidance.

**Ms. Ruff:** The criterion for approving variances, as well the zoning of the properties, as well as the 25% verses the 30% are all County requirements. So the City Council does not have the authority to change those. They would have to go to the County and request some special review and consideration on changing the Zoning Ordinance.

**Mr. Troyer:** As an add-on to Mr. Golato's statement, I think what we need to say, then, is that we ask the City if this Board and the staff can maybe take a look at maybe some changes that should be put forward to the County to take a look at the problem that we see coming before us. I think this Board should be involved in that process and we can make a sound statement and hopefully professional staff and this Board to go forward to the County, and I don't know that it is necessary that, at all; only their rules apply to the whole County. Maybe this is a rule that only needs to apply to some sections of the County. I know why the rule is there, because you go to some older sections, very much older sections. Considering Bowie is new, where a lot was built and about every square inch practically gets filled up with something and eventually it becomes very unsightly and of course that is the reason why you get those lot coverage to start with.

**Ms. Ruff:** Might I suggest that one thing you could do also is ask that the Planning Department look into this a little bit and maybe put forth a proposal to discuss with you, maybe a worksession atmosphere.

**Mr. Skotz:** We do have something that Joe was trying to put together. Whereby this Board and the City Council members could sit down with yourself and staff and basically mull over some of the things about variances specifically, and I think this would be a very good venue to maybe initiate discussions with regard with what is being discussed tonight. Because as we stated and as Mr. Nash has pointed out as well as everyone else here, that we do have something that we really should address and recognize that there is issues that possibly could happen and for us not to address them or pursue some kind of remedy for, I think, would be a shame on us.

**Ms. Ruff:** So why don't I add that to an agenda, as an agenda item for that meeting. (Inaudible)

**Mr. Skotz:** I think that would be very, very good Karen. Thank you. Okay, are there... again, we have a motion of the staff report, (inaudible) recommendation of denial for BV-4-06. I would like to entertain a motion.

**Mr. Nash:** I would like to accept staff's recommendation of BV-4-06.

**Mr. Skotz:** We have a motion to accept the staff's recommendation. Do we have a second?

**Mr. Troyer:** Second.

**Mr. Skotz:** We have a second by Mr. Troyer. All those in favor for (inaudible) a motion of denial. All those in favor of staff's recommendation of denial for BV-4-06 please say "Aye". Any "Nay?"

**Mr. Golato:** Nay.

**Mr. Skotz:** Ms. Covington, I just want to again emphasize that you do have 15 days to contest our decision. As you have heard, your particular case may be a benchmark for others that will follow. Um, again I--I...this particular body (inaudible) and if, in fact, all three criteria were met, we would approve it without an issue. I hope you understand that we have to go by the letter of the law and (inaudible) recommendations have sometimes been reversed by the City Council. You may want to get with the staff and find out what your next move would be as this process rolls around. Okay, thank you.

**Resolution of the Bowie Advisory Planning Board**  
**for Variance BV-4-06**

**WHEREAS**, the City of Bowie (hereinafter the "City"), pursuant to Ordinance O-24-98 (hereafter the "Ordinance"), is authorized to hear requests for Variances from the terms of the Prince George's County Zoning Ordinance (hereafter the "Zoning Ordinance") with respect to building setbacks, height, etc., and to make recommendations to the Bowie City Council in connection therewith; and,

**WHEREAS**, the City is authorized by the Ordinance to grant an application for a Variance if the Bowie Advisory Planning Board (hereinafter the "BAPB") makes the following findings pursuant to Section 27-230 of the Zoning Ordinance:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions; and,
- (2) The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and,
- (3) The variance will not substantially impair the intent, purpose, or integrity of the General or Master Plan.

**WHEREAS**, on or about October 20, 2006, Sylvia Covington of 12214 Rolling Hill Lane submitted an application for a Variance from Section 27-442 (c) (Table II) of the Zoning Ordinance for the above address, specifically requesting a Variance of 4% from lot coverage requirements to construct a screened porch; and,

**WHEREAS**, the advertisement of the public hearing was printed in the local newspaper on November 30, 2006 in accordance with the adopted Ordinance; and,

**WHEREAS**, the technical staff report recommended **DENIAL** of the variance request; and,

**WHEREAS**, on December 12, 2006, the BAPB heard testimony and accepted evidence with respect to whether it can make the necessary findings set forth in the Ordinance to grant a Variance; and,

**WHEREAS**, the BAPB's recommendation on December 12, 2006, was based on the findings and analysis found in the technical staff report and on the testimony presented by the applicant; and,

**WHEREAS**, the BAPB hereby makes the following findings of fact:

## BV-4-06

1. The lot is zoned R-R (Rural Residential) and contains 10,000 sq. ft.
2. The lot is currently improved with a single-family dwelling, garage, shed and driveway.
3. Section 27-442 (c) (Table II) requires that no more than 25% of the net lot area be covered by buildings and off street parking.
4. The existing lot improvements have a lot coverage of 24.3%.
5. The applicant is requesting a variance of 4% above the 25% lot coverage allowed in the R-R-zone to construct a 360 sq. ft. screened porch.
6. There were no written responses from those residents notified of the variance request.

**WHEREAS**, the BAPB hereby makes the following conclusions of law:

1. The specific parcel of land must have exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions. The subject lot is a typically shaped 10,000 sq. ft. interior lot. The lot has no unusual features or characteristics. The applicant's Statement of Justification contends that the lot is unusually small relative to the other lots in the Rockledge section of the City. The Board finds there are several lots with the same square footage as the subject lot (10,000 sq. ft.) found in the immediate vicinity of the subject lot and many more elsewhere in Rockledge. Therefore, the Board finds the criterion has not been met.
2. The strict application of the Zoning Ordinance must result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property. The applicant states in the Statement of Justification that the backyard is unusable for most of the summer due to a drainage swale and resulting insect infestation. The sides and rear of the lot are fenced and, though the yard slopes slightly toward the back, there is no evidence of a drainage swale within the fenced area. Neither the fence nor a drainage easement are shown on the site plan. The Board finds the entire rear yard is useable and the proposed screened porch is a convenience to the applicant. The existing lot improvements, including the house, driveway and shed constitute 24.3% lot coverage. If the existing shed were removed (100 sq.ft.), the proposed 360 sq. ft. addition would still necessitate a minimum variance of 3%. The Board finds that any reasonable expansion of the dwelling unit would require a variance, even if the shed were removed. However, the applicant would not be denied reasonable use of her property should the variance not be approved. Therefore, the Board finds that the strict application of the Zoning

BV-4-06

Ordinance does not result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.

- 3. Approval of the variance would not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan. The applicant is proposing an addition to a residential structure in a residential zone. The addition is located at the rear of the dwelling and would not be visible from the street. There has not been any objection to the proposed addition from the neighbors. The proposed addition is wholly located within the required building setbacks. The addition will not negatively affect existing County plans.

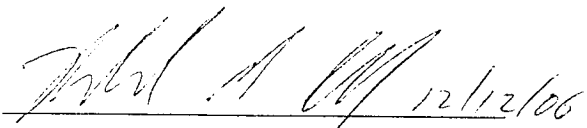
**NOW, THEREFORE, BE IT RESOLVED** by the Bowie Advisory Planning Board that Variance BV-4-06 is **DENIED** for a lot coverage variance of 4% to construct a screened porch.

The following members were present and voted as follows:

<u>Name of BAPB Member</u>	<u>Vote</u>	
	<u>In Favor</u>	<u>Opposed</u>
Ronald Skotz, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Toussaint Gaskins, Vice Chairman	<input type="checkbox"/>	<input type="checkbox"/>
James Golato	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Raymond Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
George Nash	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Terry Rogers, Jr.	<input type="checkbox"/>	<input type="checkbox"/>
Lillie Thompson	<input type="checkbox"/>	<input type="checkbox"/>
Jarnot Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christine Hedman	<input type="checkbox"/>	<input type="checkbox"/>

So recommended this 12<sup>th</sup> day of December, 2006.

BOWIE ADVISORY PLANNING BOARD

  
 \_\_\_\_\_ 12/12/06  
 Mr. Ronald Skotz  
 Chairman

LAND USE PETITION IN THE BOWIE PLANNING AREA

Md.-National Capital Park and Planning Commission ID: BV-4-06

Bowie Advisory Planning Board # 06-18

Date: December 6, 2006

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INTRODUCTORY NOTE: The proposed application is a request to vary the requirements of the Prince George's County Zoning Ordinance. The Bowie City Council is authorized to grant variances from these requirements upon a recommendation from the Bowie Advisory Planning Board provided all required findings can be met based on the hearing record. Persons wishing to participate in the City's hearing process must state their intentions verbally or in writing prior to the close of tonight's public hearing. Each person wishing to speak at the hearing will be given up to three (3) minutes to address the Board. The recommendation of the Advisory Planning Board taken at this hearing will be filed with the City Council, who will make the final decision. Any person of record may appeal the decision of the Advisory Planning Board within 15 days after notice of the Board's recommendation.

GENERAL DATA:

1. Nature of Petition: Variance
2. Petitioner: Sylvia Covington
3. Represented by:
4. Location of Petitioned Property: 12214 Rolling Hill Lane
5. Proposed use of Petitioned Property: Variance request of 4% lot coverage in excess of 25% maximum allowed.
6. Size/Zone of Petitioned Property: 10,000 sq. ft./ R-R (Rural Residential)
7. Date of hearing before BAPB: Tuesday, December 12, 2006 at 7:00 p.m.
8. Date of hearing before City Council: Tuesday, January 2, 2006
9. Date of hearing before MNCPPC: n/a
10. Date of hearing before Hearing Examiner: n/a
11. Date of hearing before District Council: n/a

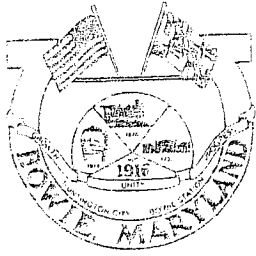
NOTICES/LEGALS	DATE	Number of Mailing/Signs
Notice sent to Adj. Properties:		
Certified Notices Mailed (includes adjacent properties)	11/27/06	5
Date Signs Posted:	n/a	
Date Legal Sent:	11/27/06	
Date Legal Appeared:	11/30/06	

RECOMMENDATIONS:

12. Department of Planning & Economic Development Recommendation:

The Department of Planning & Economic Development staff recommends DENIAL as stated in the attached report.

13. Bowie Advisory Planning Board Recommendation:



# City of Bowie

2614 Kenhill Drive  
Bowie, Maryland 20715

## MEMORANDUM

**TO:** Bowie Advisory Planning Board

**VIA:** Joseph M. Meinert, AICP *JMM*  
Director of Planning and Economic Development

**FROM:** Cynthia Fenton, AICP *CF*  
Senior Planner

**SUBJECT:** Variance BV-4-06  
12214 Rolling Hill Lane

**DATE:** December 6, 2006

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### I. Proposal

The City has received the above variance application filed by Sylvia Covington of 12214 Rolling Hill Lane (see Attachment 1). The applicant is requesting a variance from lot coverage requirements to construct a screened porch.

The Prince George's County Zoning Ordinance, in Section 27-442 (c) (Table II), prescribes that no more than 25% of the net lot area may be covered by buildings and off-street parking. The applicant requests a variance of 4% to construct a 20 ft. X 17 ft. addition onto to the rear of the existing dwelling (see Attachment 2). The site is zoned R-R (Rural-Residential) and is improved with a dwelling, driveway and shed.

The applicant submitted a letter of justification in support of the request (see Attachment 3). Staff sent notice of the variance request to five (5) adjacent property owners. No response was received.

### II. Criteria for Approval and Analysis

In order for the Bowie Advisory Planning Board (BAPB) to grant a variance, the following findings must be made:

1. "A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions."

COMMENT: The property is a typical interior lot. The lot is a 10,000 square foot rectangle with no unusual features or characteristics. The applicant's Statement of Justification contends that the lot is unusually small relative to the other lots in the Rockledge section of the City. In fact, there are several lots 10,000 sq.ft. in the immediate vicinity of the subject lot and many more elsewhere in Rockledge (20 along one portion of Rockledge Drive alone). This criterion has not been met.

2. **"The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property."**

COMMENT: The applicant states in the Statement of Justification that the backyard is unusable for most of the summer due to a drainage swale and resulting insect infestation. The sides and rear of the lot are fenced and, though the yard slopes slightly toward the back, staff did not see evidence of a drainage swale within the fenced area. Neither the fence nor a drainage easement are shown on the site plan. Staff does not find the applicant has demonstrated any practical difficulty or hardship would occur should the variance not be approved. The entire rear yard is useable and the proposed screened porch is a convenience to the applicant. The existing lot improvements, including the house, driveway and shed constitute 24.3% lot coverage. If the existing shed were removed (100 sq.ft.), the proposed 360 sq. ft. addition would still necessitate a minimum variance of 3%. Staff finds that any reasonable expansion of the dwelling unit would require a variance, even if the shed were removed. However, the applicant would not be denied reasonable use of her property should the variance not be approved. For these reasons, staff finds this criterion has not been met.

3. **"The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan."**

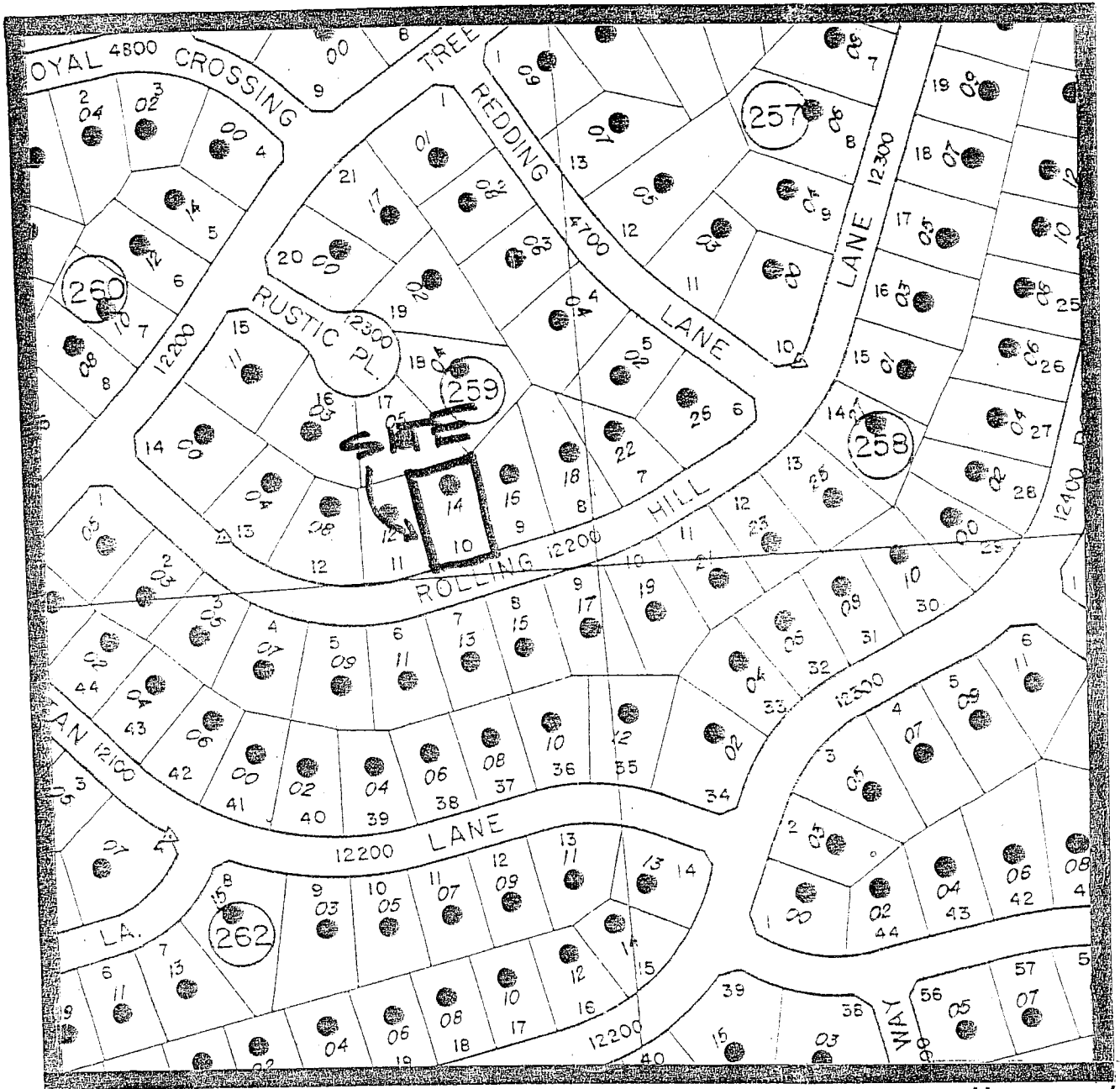
COMMENT: The applicant is proposing an addition to a residential structure in a residential zone. The addition is located at the rear of the dwelling and would not be visible from the street. There has not been any objection to the proposed addition from the neighbors. The proposed addition is wholly located within the required building setbacks. The addition does not impair the intent, purpose or integrity of the Master Plan.

### **III. Recommendation**

Staff finds that the variance request meets one, but not all, of the Criteria for Approval. Staff therefore recommends **DENIAL** of BV-4-06.

Attachments

JMM: CF



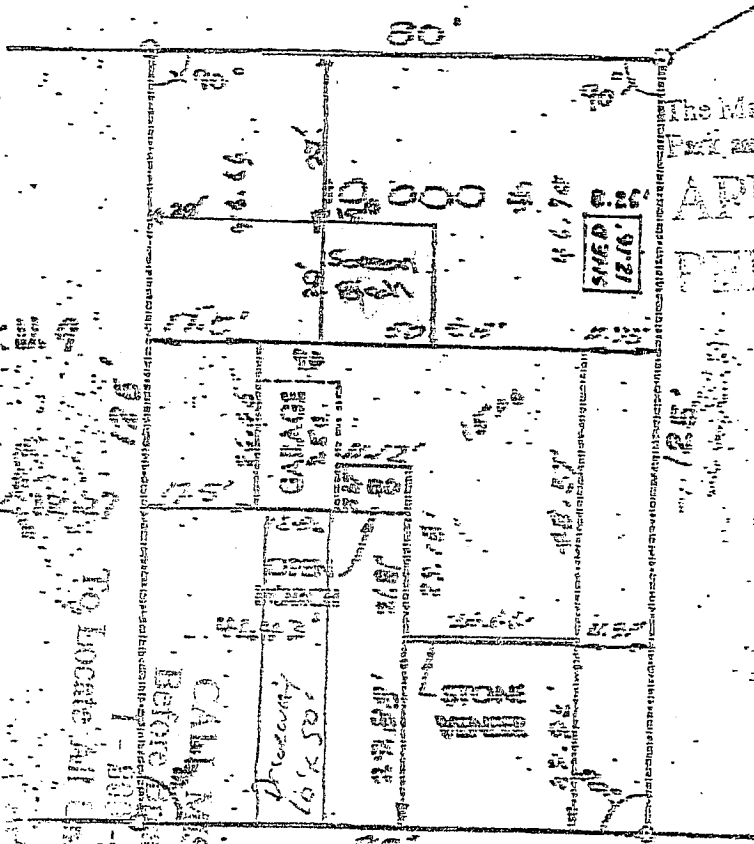
SCALE: 1"=200'

VARIANCE APPEAL BV-4-06

CITY OF BOWIE  
DEPARTMENT OF PLANNING



FIELD COPY



The Maryland-National Capital Planning Commission

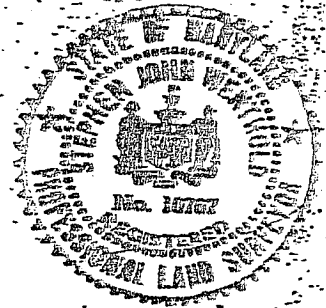
APPROVED PERMIT # 204-0010

Di/10/00  
204-0010  
OK [Signature]

MAILED 12.16

By [Signature]  
10-10-00  
10-10-00

CALL MISS UTILITY  
Before Excavating or Digging  
1-800-457-7777



LOT - 10 BLOCK - 259  
 BELAIR - SECTION - 90  
 PLAN - SET. 28 1956 PLAT BOOK - 61 PAGE - 41  
 SITUATED AT  
 BOWNE PRINCE GEORGES COUNTY, MARYLAND

CERTIFICATION

HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A PLANS-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

SURVEYED BY  
**C. A. MONROE**  
P. E. & L. S. NO. 3420, MARYLAND

SCALE 1" = 30'

VARIANCE ON PROPERTY LOCATED AT 12214 ROLLING HILL LANE, ROCKLEDGE  
SECTION, BOWIE, MD

1. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

The dwelling at 12214 Rolling Hill Lane is the Buckingham model. The lot is an interior lot 80 feet wide, with a total square footage of 10,000 square feet, one of the four smallest lots in ROCKLEDGE. The driveway is 10 ft x 50 ft, which is substantially longer than other driveways in the area. This takes up a large portion of the allowable lot coverage. The rear of this lot contains a swale draining four additional lots. The backyard takes several weeks to dry out after a rain. There is minimal sunlight in the backyard. Due to the abundance of neighboring large trees, shrubbery, and ivy the backyard is unuseable for most of the summer because of mosquito and insect infestation.

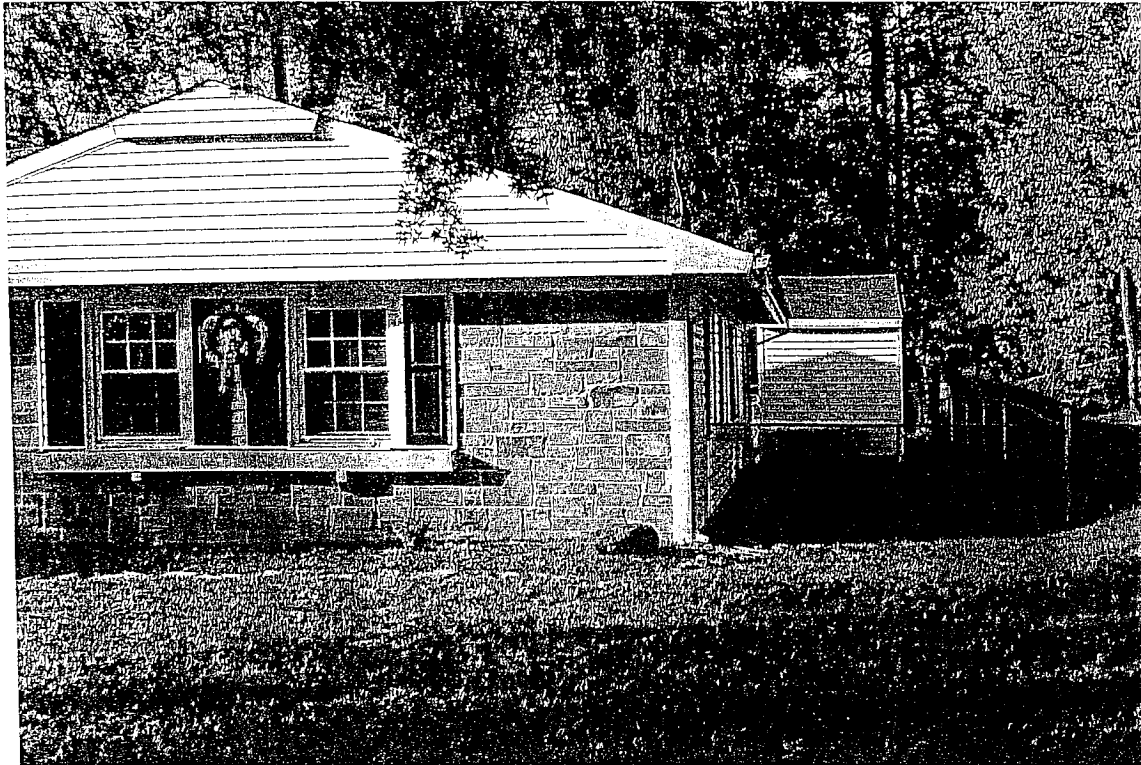
2. The strict application of this Subtitle 27-230 will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Rolling Hill Lane falls under RR zoning. The proposed screened porch is 360 square feet. This would increase the actual lot coverage to 28% which is 3% over the 25% allowed for RR zoning. Since most of Bowie is allowed to improve their structures to 30% I feel that requesting a 3% variance is a reasonable request, especially in view of the minimal lot size.

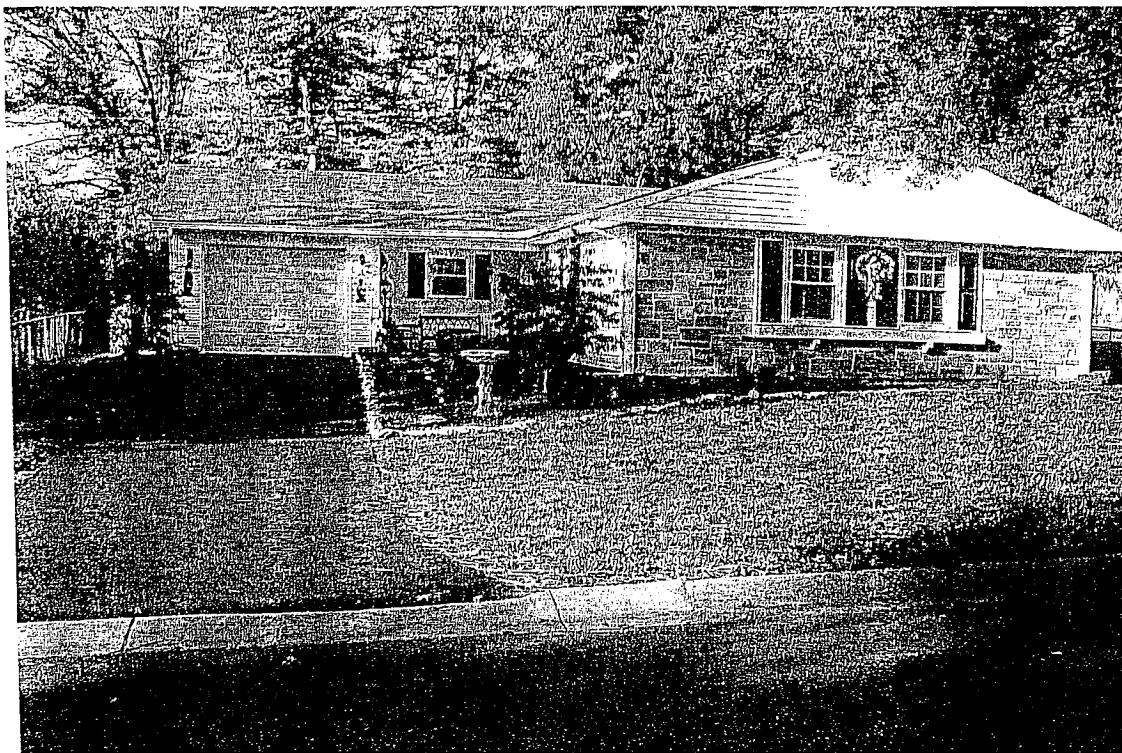
3. The variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.

I wish to build a screened porch for residential purposes to the existing structure. The porch is being built to provide comfortable and safe use of an otherwise unusable backyard. The residence will continue to conform in every way with other dwellings in the area. I have informed my four adjoining neighbors, two of which have additions, and they are supportive of my proposal to construct a screened porch.

This proposed addition will not substantially impair the intent, purpose or integrity of the neighborhood, especially since it will be unseen in the back and fabricated with like siding and roofing.

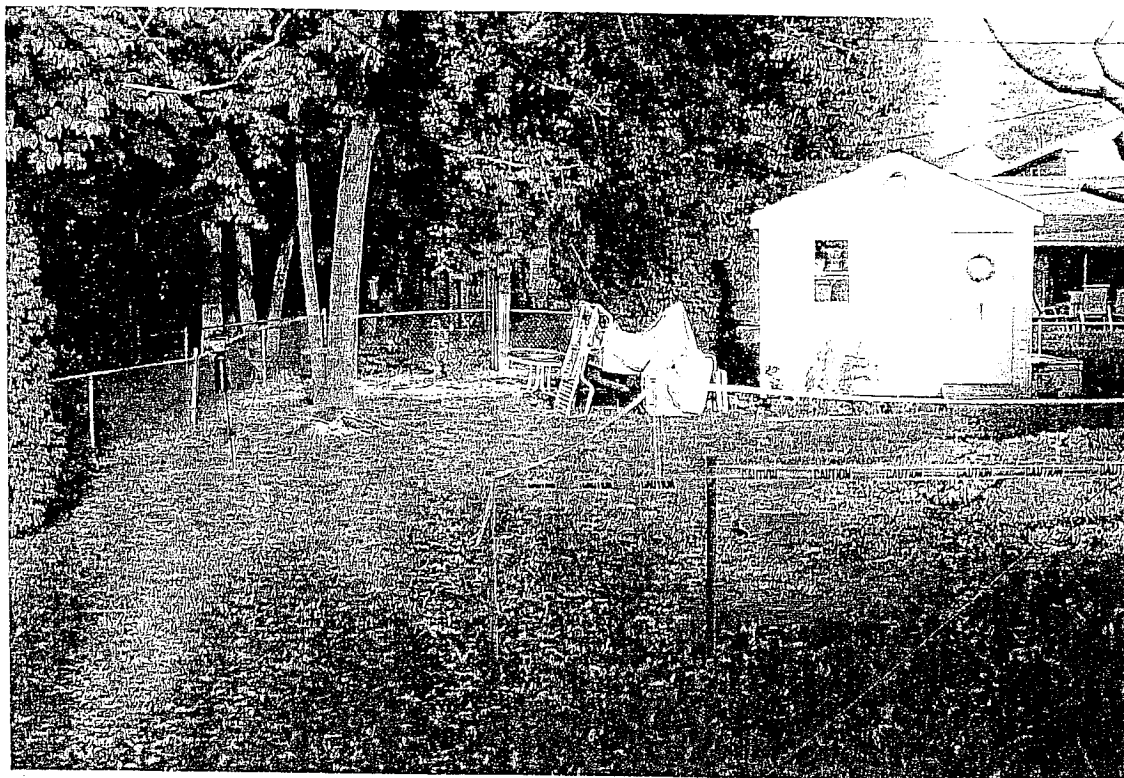


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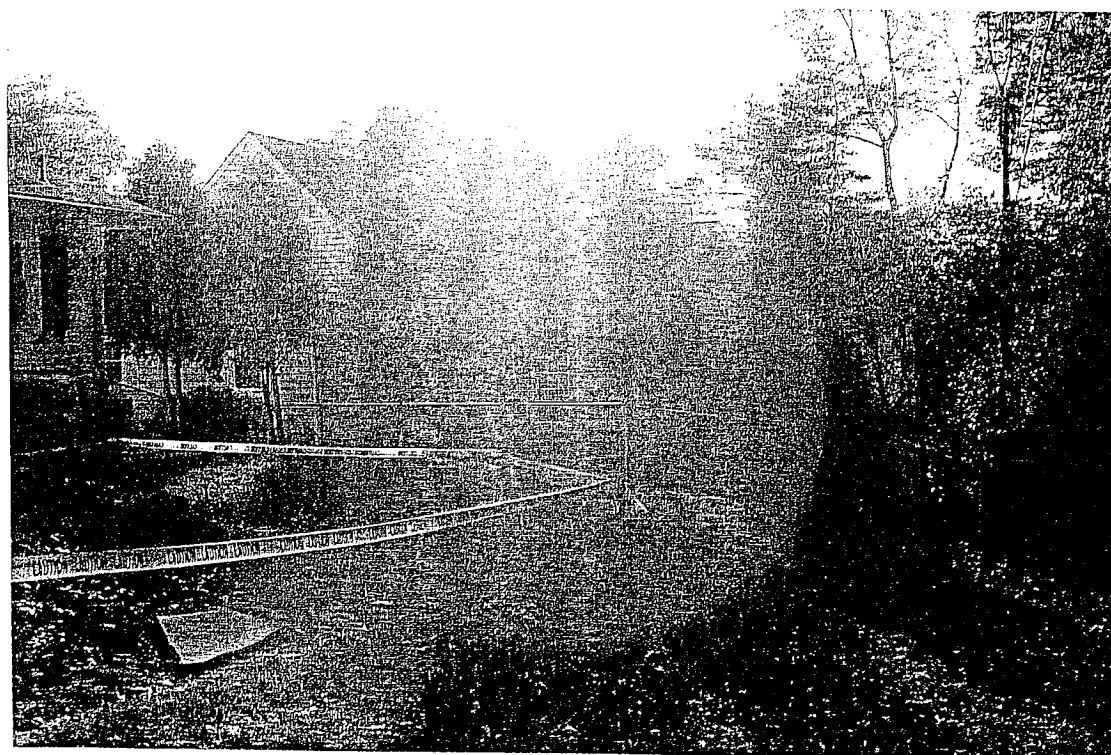


B

*c+d*



*c*



*d*