

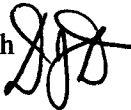


# City of Bowie

2614 Kenhill Drive  
Bowie, Maryland 20715

## MEMORANDUM

**TO:** City Council

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

**SUBJECT:** Resolution R-29-08  
BV-2-08  
3005 Belair Drive

**DATE:** May 15, 2008

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Attached is Resolution R-29-08. Council is authorized to adopt this Resolution via the adopted variance and departure procedures granted to the City. No appeal or oral argument has been filed with the City, nor has any City Council member called-up the action of the Bowie Advisory Planning Board (BAPB) which recommended denial of the variance.

### Recommendation

It is recommended that Council approve the attached Resolution.

Attachment

DJD:jmm

**RESOLUTION**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND**  
**ADOPTING THE RECOMMENDATION OF THE BOWIE ADVISORY**  
**PLANNING BOARD TO DENY VARIANCE BV-2-08, A REQUEST FOR A**  
**VARIANCE FROM SECTION 27-120.01 (C) OF THE PRINCE GEORGE'S**  
**COUNTY ZONING ORDINANCE TO ALLOW A 14-FOOT BY 19-FOOT PARKING**  
**AREA WITHIN THE FRONT YARD AT 3005 BELAIR DRIVE AT**  
**APPROXIMATELY TEN (10) FEET FROM THE FRONT LOT LINE**

WHEREAS, the City of Bowie (hereinafter the "City"), pursuant to the City Code (hereafter the "Code"), 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,

WHEREAS, the Bowie Advisory Planning Board (hereinafter "BAPB") is authorized by the Code to grant an application for a Variance if 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 Code to accept or deny the recommendation of the BAPB with respect to Departures and Variances; and,

WHEREAS, on or about February 20, 2008, Mr. and Mrs. Thomas Gates (hereinafter the "Applicant"), the owners of 3005 Belair Drive, Bowie, Maryland (hereinafter "Subject Property") submitted an application for a Variance from Section 27-120.01 (c) of the Zoning Ordinance for the above address, specifically requesting a Variance to allow a 14-foot by 19-foot parking area within the front yard, beyond the limits of the Applicant's garage, in the area between the front street line and the sides of the dwelling, at approximately ten (10) feet from the front lot line as defined by the Prince George's County Zoning Ordinance in the R-55 (One-Family Detached Residential) zone; and,

WHEREAS, the advertisement of the public hearing was printed in the local newspaper on April 10, 2008 in accordance with the Code; and,

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

**WHEREAS**, on April 22, 2008, the BAPB heard testimony and accepted evidence with respect to whether it can make the necessary findings set forth in the Ordinance to recommend the granting of a Variance and the Board voted to recommend **DENIAL** of the Variance in accordance with the staff recommendation; and,

**WHEREAS**, the BAPB's recommendation for **DENIAL** on April 22, 2008 was based on the findings and analysis found in the technical staff report; and,

**WHEREAS**, pursuant to the City Code, within 15 days of the BAPB'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 no appeal was filed or City Council review requested; and,

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

1. The Subject Property is an interior lot, is zoned R-55 (One-Family Detached Residential) and contains 10,336 square feet.
2. The Subject Property is currently improved with a single-family detached dwelling (which includes an attached garage) and an existing 21-foot wide asphalt driveway, which has been expanded to include a 14-foot by 19-foot parking area directly in front of the Applicant's house. The parking area is located approximately ten (10) feet from the front lot line and was paved by the owner in 2007 without permits.
3. The City's Department of Community Services issued a Code Compliance Notice to the Applicant on December 7, 2007, citing the owner for not having obtained a City building permit.
4. The M-NCPPC Permit Review Section determined that a County building permit is required.
5. Section 27-120.01 (c) of the Prince George's County Zoning Ordinance states:

No parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling, except a townhouse or multifamily dwelling, in the area between the front street line and the sides of the dwelling
6. Staff mailed the required notice to neighboring property owners. One response was received from a resident who was concerned that the approval of the variance would harm the aesthetics of the neighborhood.

**WHEREAS**, the City Council hereby makes the following conclusions of law:

1. The specific parcel of land does not have exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions. There are no distinguishing environmental features on the Subject Property. The purpose of Section 27-120.01 (c) is to avoid excessive amounts of paving in the front yard that might visually detract from the appearance of a home's front elevation. In this case, the recently paved area violates the current County zoning regulations. The City Council finds that the driveway expansion proposed in this Variance request conflicts with the purpose of the zoning regulations and the paved parking area detracts from the visual appearance of the Subject Property. Therefore, the City Council finds that this criterion has not been met.
2. 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. The Applicant has a 21-foot wide driveway that extends from the front lot line all the way to the rear wall of the dwelling (approximately 66 feet). Another 11 feet exists between the street and the front lot line. The City Council concludes that this criterion has not been met.
3. The Variance will substantially impair the intent, purpose, or integrity of the General Plan or Master Plan. The Applicant is requesting a Variance that will allow the Subject Property to be improved with a paved parking area directly in front of the dwelling, in direct conflict with the purpose of the County's zoning regulations. Further, the City Council finds that the driveway expansion will detract from the visual appearance of the property.

The Subject Property is located within a Residential, Low land use area within the Developing Tier as designated in the 2006 Approved Bowie and Vicinity Master Plan. Policy 3 for the Developing Tier states:

Policy 3. Protect, maintain and enhance the unique historical, cultural, and architectural identity, heritage and character of the City of Bowie.

Strategy 3 under this policy states the following:

3. Encourage the compatibility of infill residential development...Consideration should be given to similarity in density, style, size, material and design to the surrounding residential neighborhoods.

The City Council concludes that approval of the Variance request will introduce an incompatible design that would be harmful to the character of the surrounding residential neighborhood and will substantially impair the intent, purpose or integrity of the Master Plan or the General Plan. Therefore, this criterion has not been met.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Bowie hereby adopts Resolution R-29-08 for BV-2-08 to **DENY** a variance to allow a 14-foot by 19-foot parking area within the front yard beyond the limits of the applicant's garage, in the area between the front street line and the sides of the dwelling, at approximately ten (10) feet from the front lot line.

**INTRODUCED AND PASSED** on this Nineteenth day of May 2008, 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

**RESOLUTION OF THE BOWIE ADVISORY PLANNING BOARD**  
**RECOMMENDING DENIAL OF VARIANCE BV-2-08, A REQUEST FOR A**  
**VARIANCE FROM SECTION 27-120.01 (C) OF THE PRINCE GEORGE'S**  
**COUNTY ZONING ORDINANCE TO ALLOW A 14-FOOT BY 19-FOOT**  
**PARKING AREA WITHIN THE FRONT YARD AT 3005 BELAIR DRIVE**

**WHEREAS**, the City of Bowie (hereinafter the "City"), pursuant to the City Code (hereafter the "Code"), 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,

**WHEREAS**, the Bowie Advisory Planning Board (hereinafter "BAPB") is authorized by the Code to recommend the granting of an application for a Variance if 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 February 20, 2008, Mr. and Mrs. Thomas Gates (hereinafter the "Applicant"), the owners of 3005 Belair Drive, Bowie, Maryland (hereinafter "Subject Property") submitted an application for a Variance from Section 27-120.01 (c) of the Zoning Ordinance for the above address, specifically requesting a Variance to allow a 14-foot by 19-foot parking area within the front yard, beyond the limits of the Applicant's garage, in the area between the front street line and the sides of the dwelling, at approximately ten (10) feet from the front lot line as defined by the Prince George's County Zoning Ordinance in the R-55 (One-Family Detached Residential) zone; and,

**WHEREAS**, the advertisement of the public hearing was printed in the local newspaper on April 10, 2008 in accordance with the Code; and,

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

**WHEREAS**, on April 22, 2008, the BAPB heard testimony and accepted evidence with respect to whether it can make the necessary findings set forth in the Ordinance to recommend the granting of a Variance; and,

**WHEREAS**, the Board voted to recommend **DENIAL** of the variance in accordance with the staff recommendation; and,

**WHEREAS**, the BAPB's recommendation for **DENIAL** on April 22, 2008 was based on the findings and analysis found in the technical staff report; and,

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

1. The Subject Property is an interior lot, is zoned R-55 (One-Family Detached Residential) and contains 10,336 square feet.
2. The Subject Property is currently improved with a single-family detached dwelling (which includes an attached garage) and an existing 21-foot wide asphalt driveway, which has been expanded to include a 14-foot by 19-foot parking area directly in front of the Applicant's house. The parking area is located approximately ten (10) feet from the front lot line and was paved by the owner in 2007 without permits.
3. The City's Department of Community Services issued a Code Compliance Notice to the Applicant on December 7, 2007, citing the owner for not having obtained a City building permit.
4. The M-NCPPC Permit Review Section determined that a County building permit is required.
5. Section 27-120.01 (c) of the Prince George's County Zoning Ordinance states:

No parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling, except a townhouse or multifamily dwelling, in the area between the front street line and the sides of the dwelling

6. Staff mailed the required notice to neighboring property owners. One response was received from a resident who was concerned that the approval of the variance would harm the aesthetics of the neighborhood.

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

1. The specific parcel of land does not have exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions. There are no distinguishing environmental features on the Subject Property. The purpose of Section 27-120.01 (c) is to avoid excessive amounts of paving in the front yard that might visually detract from the appearance of a home's front elevation. In this case, the recently paved area violates the current County zoning regulations. The BAPB finds that the driveway expansion proposed in this Variance request conflicts with the purpose of the zoning

regulations and the paved parking area detracts from the visual appearance of the Subject Property. Therefore, the BAPB finds that this criterion has not been met.

2. 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. The Applicant has a 21-foot wide driveway that extends from the front lot line all the way to the rear wall of the dwelling (approximately 66 feet). Another 11 feet exists between the street and the front lot line. The BAPB concludes that this criterion has not been met.
3. The Variance will substantially impair the intent, purpose, or integrity of the General Plan or Master Plan. The Applicant is requesting a Variance that will allow the Subject Property to be improved with a paved parking area directly in front of the dwelling, in direct conflict with the purpose of the County's zoning regulations. Further, the BAPB finds that the driveway expansion will detract from the visual appearance of the property.

The Subject Property is located within a Residential, Low land use area within the Developing Tier as designated in the 2006 Approved Bowie and Vicinity Master Plan. Policy 3 for the Developing Tier states:

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Strategy 3 under this policy states the following:

3. Encourage the compatibility of infill residential development...Consideration should be given to similarity in density, style, size, material and design to the surrounding residential neighborhoods.

The BAPB concludes that approval of the Variance request will introduce an incompatible design that would be harmful to the character of the surrounding residential neighborhood and will substantially impair the intent, purpose or integrity of the Master Plan or the General Plan. Therefore, this criterion has not been met.

**NOW, THEREFORE, BE IT RESOLVED** by the Bowie Advisory Planning Board that:

1. The foregoing Whereas clauses are, by this reference, incorporated herein as operative provisions of this Resolution.

- 2. The BAPB hereby recommends that Variance BV-2-08 to allow a 14-foot by 19-foot parking area within the front yard, beyond the limits of the applicant's garage, in the area between the front street line and the sides of the dwelling at approximately ten (10) feet from the front lot line be **DENIED.**

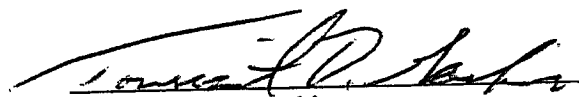
The following members were present and voted as follows:

<u>Name of BAPB Member</u>	<u>Vote</u>	
	<u>In Favor</u>	<u>Opposed</u>
Toussaint Gaskins, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
James Golato, Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Skotz	<input type="checkbox"/>	<input type="checkbox"/>
Raymond Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deidre Trass	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Terry Rogers, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Willis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jarnot Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christine Hedman	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Absent

So recommended this 22<sup>nd</sup> day of April, 2008.

BOWIE ADVISORY PLANNING BOARD



Mr. Toussaint Gaskins  
Chairman