



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM
City Manager

SUBJECT: Resolution R-2-20
BV-6-19
4201 Crosswick Turn

DATE: December 30, 2019

Attached please find a copy of Resolution R-2-20 for BV-6-19, approving a variance allowing a 10' x 14' shed to be located beyond the rear yard, 38 feet from the street line of Crosswick Turn at 4201 Crosswick Turn. Section 27-442 (i) (Table VIII) of the Zoning Ordinance prescribes that accessory buildings on lots in the R-80 zone must be generally located within the rear yard and have a minimum front street line setback of at least 60 feet. A Variance of 22 feet is requested. In addition, Footnote #10 prescribes that accessory buildings shall generally be located in the rear yard. A Variance is requested to allow the shed to be located beyond the rear yard.

The Bowie Advisory Planning Board (BAPB) approved the above case on November 26, 2019 in accordance with the staff recommendation, and adopted their findings in Resolution #BV-6-19. The attached resolution reflects BAPB's findings and recommendation and is eligible for final action by Council.

Recommendation

It is recommended that Council approve the attached Resolution (R-2-20).

Attachment

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
APPROVING VARIANCE APPLICATION BV-6-19, A REQUEST
BY DAVID AND PENELOPE CROMER FOR A VARIANCE TO ALLOW A
10' X 14' SHED TO BE LOCATED BEYOND THE REAR YARD, AT A
DISTANCE OF 38 FEET FROM THE STREET LINE OF CROSSWICK
TURN, WHERE A MINIMUM 60-FOOT FRONT STREET LINE SETBACK IS
REQUIRED FOR ACCESSORY BUILDINGS
AT 4201 CROSSWICK TURN

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; and,

WHEREAS, on or about October 29, 2019, David and Penelope Cromer (the “Applicants”), owners of Property located at 4201 Crosswick Turn (the “Subject Property”) in the Chapel Forge section of the City, submitted an application requesting approval of a Variance from the setback requirements and Footnote #10 of Section 27-442 (i) (Table VIII – Accessory Buildings) of the Prince George’s County Zoning Ordinance to allow a 10’ x 14’ shed to be located beyond the rear yard, 38 feet from the street line of Crosswick Turn; and,

WHEREAS, the Applicants must obtain a separate Variance from the City Code Section 26-11 in order to install a shed outside of the rear yard and within the legal front yard,

and Variance Application BOA #VR-3-2019 was granted by the Administrative Review Board/Board of Appeals on October 17, 2019; and,

WHEREAS, the technical staff report recommended APPROVAL of Variance Application BV-6-19; and,

WHEREAS, on November 26, 2019, 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 Board voted to recommend APPROVAL of the Variance in accordance with the staff recommendation, and the BAPB's recommendation was based on the findings and analysis found in the technical staff report and testimony provided during the hearing; 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,

WHEREAS, there were no persons of record participating in the case and no member of the City Council requested oral argument regarding the BAPB's decision; and,

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

1. The Subject Property is zoned R-80 (One Family Detached Residential) and contains 11,884 square feet.
2. The Subject Property is currently improved with a single-family detached dwelling with a two-car width driveway.
3. Section 27-442 (i) (Table VIII) of the Zoning Ordinance prescribes that accessory buildings on lots in the R-80 zone must be generally located within the rear yard and have a minimum front street line setback of at least 60 feet. A Variance of 22 feet is requested. In addition, Footnote #10 prescribes that accessory buildings shall generally be located in the rear yard. A Variance is requested to allow the shed to be located beyond the rear yard.
4. The Applicants applied for and received a Variance from the City's Board of Appeals, on October 17, 2019, to allow a shed outside of the rear yard and within the legal front yard. The City Code, in Section 26-11, allows accessory buildings for residential storage,

but such buildings may only be located in the rear yard of a residential lot.

5. There were no comments received from the seven adjacent property owners notified of the Variance request. There was one resident in attendance at the November 26, 2019 meeting, but he chose not to speak during the public hearing.

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

1. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions. The specific parcel of land has an exceptional narrowness and shape, and has an extraordinary condition. The Subject Property has roughly a pie-shaped configuration, with over 184 feet of road frontage along Crosswick Turn. Because of the exceptional shape of the property, the rear yard as defined by the Prince George's County Zoning Ordinance (i.e. the area between the house and the rear lot line) is very narrow and unusually configured. The Department of Community Services, in their review of BOA #VR-3-2019, found that the area of the defined rear yard is only about 1,360 square feet. They also observed that there are gardens, raised flower beds and extensive landscaping throughout the rear yard. The City Council therefore concludes that the Subject Property has an exceptional shape and a very small, irregularly configured and extremely limited rear yard, which constitute an extraordinary condition. For these reasons, the City Council finds this criterion is 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. The exceptional shape of the Subject Property and the unusual configuration of the defined rear yard, combined with the existence of various physical improvements and trees, result in a peculiar and unusual practical difficulty to the property owners. Also, the Subject Property does not currently have a garden shed, which is a customary improvement found on residential lots, and the only practical location for a shed is outside of the defined rear yard. The proposed location, 38 feet from the front lot line, is to the right side and slightly northwest of the existing dwelling, in what would visually appear to be the rear yard. Aerial photographs in the record show that the house on the adjacent lot to the west is oriented with its rear wall toward the Subject Property, resulting in the houses on both lots being "back to back". The proposed shed location is more visually associated with this back yard area than what would be perceived as the front yard in front of the house. The City Council therefore concludes that this criterion is met.

3. The Variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan. The Variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan, because the shed's siding and roof will match those of the main dwelling and will not impair the sight line of neighboring properties.

The Subject Property is located within a Residential, Low Density land use area within the Developing Tier as designated in the 2006 Approved Bowie and Vicinity Master Plan. A stated Goal for the Developing Tier in both the General Plan and Area Master Plan is to sustain or reinforce existing suburban residential neighborhoods. 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 placement of the shed, as proposed, and the building materials and architecture will not impair the General Plan or Master Plan. In fact, the proposed shed's location and construction characteristics reflect compatibility with the residential community and enhance its architectural identity. The City Council concludes that approval of the Variance request will fulfill the recommendations of the Area Master Plan and will not be harmful to the character of the surrounding residential neighborhood. Based on this situation, the City Council finds that approval of the Variance request will not substantially impair the intent, purpose or integrity of the Master Plan or the General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland that the above "Whereas" clauses are hereby incorporated as operative provisions of this Resolution.

BE IT FURTHER RESOLVED that the Council of the City of Bowie, Maryland hereby adopts Resolution R-2-20 to **APPROVE** Variance BV-6-19, allowing a 10' x 14' shed to be located beyond the rear yard, 38 feet from the street line of Crosswick Turn at 4201 Crosswick Turn.

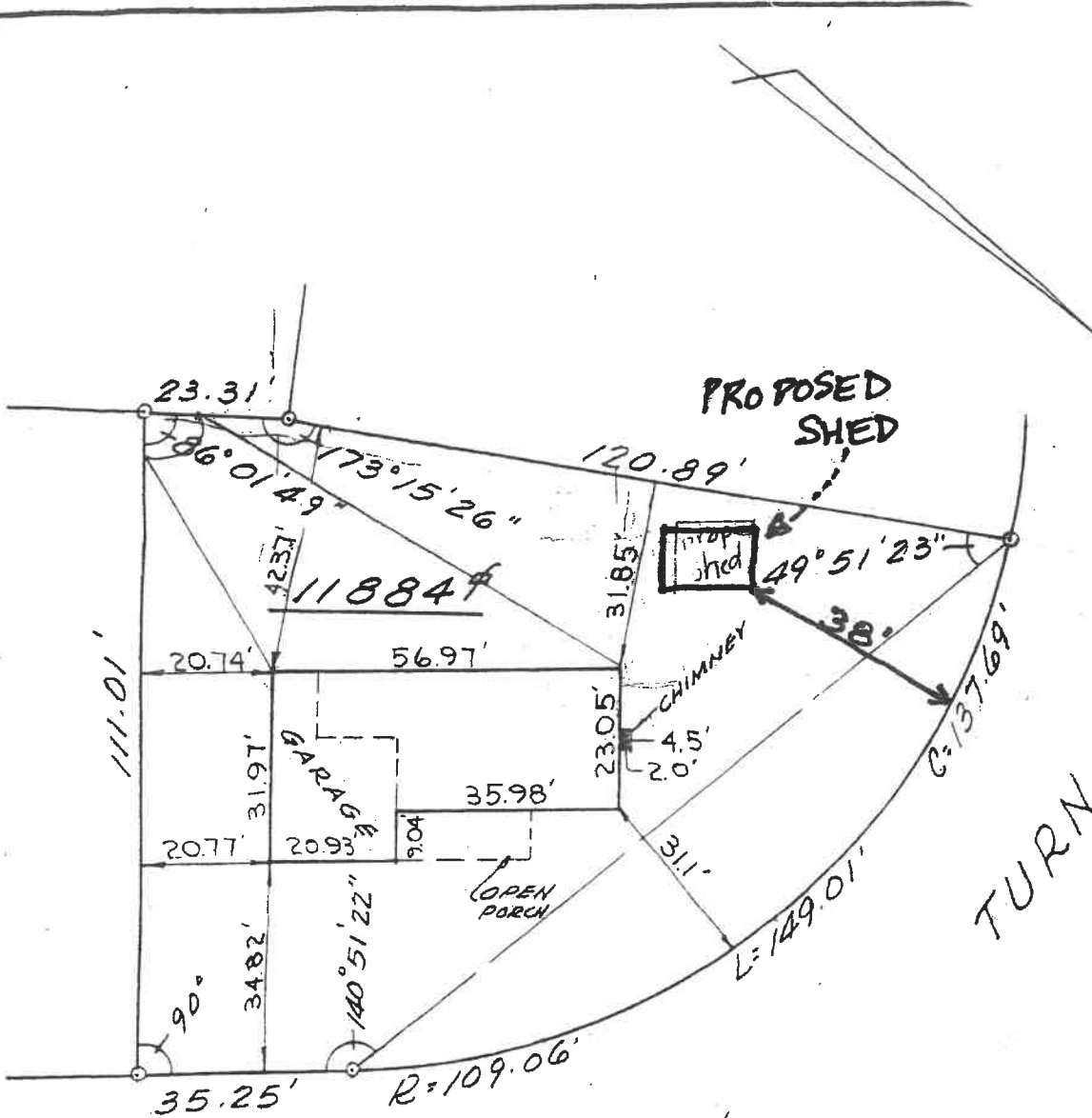
INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on January 6, 2020.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

Timothy J. Adams
Mayor



CROSSWICK

APPROVED

M. Byrd

Bowie Advisory Planning Board

Resolution # BV-6-19

Date: November 26, 2019

MAP OF PROPERTY

4201 Crosswick Turn LOT - 14 BLOCK - 204

1" = 30'

CHAPEL FORGE AT BELAIR - SECTION - 68

FILED - MAR. 19, 1965 PLAT BOOK - 55 PAGE - 73