

Prince George's County Departure from the Design Standards Application No. 514 and Variance Application No. VDDS-514A

Applicant: **Cecilia J. Brickerd**

Location: **South side of Hamilton Street approximately 284' west of Baltimore Avenue, known as 4309 Hamilton Street.**

Request: A Departure from Design Standards and Application and a Variance to access a parking lot from a public alley and to waive the requirement for frontage and direct vehicular access to a public street.

R E S O L U T I O N

WHEREAS, the applicant is requesting to access a parking lot from a public alley and to waive the requirement for frontage and direct vehicular access to a public street.; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released November 2, 2000, recommends APPROVAL, with conditions; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on November 9, 2000, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Prince George's County Planning Board amended Condition No. 1 of the recommended conditions of approval in the Technical Staff Report; and

WHEREAS, the Prince George's County Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

- A. Location and Field Inspection: The property is located on the south side of Hamilton Street, approximately 284 feet west of Baltimore Avenue. The site comprises 0.14 acre (6,230 square feet) of land and is improved with a one-story (with a lower level), structure that was originally constructed in 1916 as a single- family dwelling. It is currently being used for administrative office for an employment agency. The rear portion of the property contains a 2, 870 square- foot surface parking lot that is accessed from an adjoining 15-foot-wide public alley to the rear. The property has 44.5 feet of frontage on Hamilton Street.
- B. History: The property was rezoned from R-55 to C-O in 1982. The 1994 Sectional Map Amendment for Planning Area 68 retained the property's C-O zoning.

- C. Master Plan Recommendation: The 1994 Approved Master Plan for Planning Area 68 recommends office-commercial land use for the property.
- D. Request: The applicant is requesting a departure to validate existing access to a surface parking lot from a public alley at the rear of the property. The applicant is also requesting a variance from the commercial zone requirements for frontage and direct vehicular access to a public street.
- E. Surrounding Uses: The immediate area surrounding the site is generally characterized by a mixture of residential, commercial and institutional uses (schools and city government offices). The subject property abuts single-family dwellings that are converted to offices to the east and west, in the C-O Zone. The City of Hyattsville Municipal Office Building is located across the 15-foot-wide alley to the south (rear) in the C-O Zone. Residentially zoned properties are located west of the subject property in the R-55 Zone. The Commercial uses are concentrated east of the subject property along Baltimore Avenue in the C-S-C Zone.
- F. Design Requirements:
1. Number of Required Spaces: **Section 27-568 of the Zoning Ordinance requires one parking space for every 250 square feet (of the first 2,000) of gross floor area.**

The applicant's site plan provides for seven parking spaces, exceeding the required number of spaces by four, based on the 612 square feet of gross floor area. The parking spaces include one van-accessible space. The site plan must include notes to indicate compliance with ADA requirements with regard to access from the parking lot for the physically handicapped. Moreover, if the parking lot is to be used at night, adequate lighting must be provided or a note shall be added to the site plan to indicate that the parking lot will not be used at night.
 2. Landscape Manual: The proposal does not involve the construction, enlargement or extension of a building, thus the specific requirements of the *Landscape Manual* do not apply.
 3. Signs: No sign is shown on the site plan. All signs that will be placed on the property, including building signs, must meet all area, height and setback requirements. Any proposed freestanding sign must be included on the approved site plan.
- G. Commercial Zone Requirements: The property conforms to all commercial zone requirements, except for the one variance addressed in a later section of this report.
- H. Departure From the Design Standards (DDS-514):
Pursuant to Section 27-563, every parking lot shall be connected to a street by means of a driveway. This driveway (except those provided for, and on the same lot with, one-family dwellings), shall be at least 11 feet wide for each lane, exclusive of curb return and gutters.

The parking lot on the subject property is not connected to a public street by a driveway. The parking lot is accessed directly from a public alley located along the south portion of the site.

Required Findings:

(A) **Section 27-239.01(b)(9) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**

1. The purposes of this Subtitle will be equally well or better served by the applicant's proposal.

The purposes of the Zoning Ordinance are set forth in Section 27-102. They are varied in nature, but in general, are to protect the health, safety and welfare of the residents and workers in Prince George's County. In this instance, the facts establish that granting the requested departure will in no way jeopardize these purposes. The purposes of the design standards for parking lots (Section 27-500) are generally aimed at relieving congestion on public streets by providing adequate parking to serve commercial uses. In this case, the granting of the requested departure will be in keeping with these purposes.

It is important to note that departure is being requested in order to validate an existing situation. An attempt to locate new driveway entrance on the property's street frontage, would most likely alter traffic circulation in a way which would create more problems than it would solve. It would also create various inconsistencies with current zoning standards and may render the parking lot at the rear portion of the property unusable.

In response to referral, the Transportation Section has offered the following comments:

■Although access is clearly inadequate and we would not support such under a new application, there is no superior solution for new access or modification of the existing. As it serves the property in its current form, we see little reason to oppose the departure or variance on transportation grounds.●

No vehicular access to this property has ever existed from Hamilton Street (front), dating back to the period prior to rezoning of the property from R-55 to C-O in 1982. The public alley from which the property is accessed has served the subject property and the immediate neighborhood since its construction in 1902. Access to the parking lot, as it currently exists, has apparently not created any safety problems for either the driving public or pedestrians in the area.

2. **The departure is the minimum necessary, given the specific circumstances of the request.**

The requested departure is the minimum necessary without requiring the reconstruction of existing improvements, altering the established pattern of development and creating new inconsistencies with current zoning regulations.

3. **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.**

The property was developed prior to 1949 and is located in an older, developed portion of the County. The existing structure was constructed in 1916 as a single-family dwelling. The community in which the property is located supports preservation of the existing residential character of the block. The validation of the existing development on the property will be in keeping with the established land use pattern where the parking lots for several properties in this area are accessed via public alleys.

4. **The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.**

The departure will in fact, serve to retain the visual, functional, and environmental quality or integrity of the site and the surrounding neighborhood. The proposed project will be compatible with the existing development pattern and residential character of the street which the community would very much like to preserve. Granting the departure will have no discernible negative impact upon the site or the surrounding neighborhood.

I. Variance (VDDS-514A):

Section 27-448.01 requires that each lot in a commercial zone shall have frontage on, and direct vehicular access to a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24.

As previously noted, vehicular access is provided via an alley, not a public street. Therefore, a variance must be obtained.

Required Findings:

Section 27-230 provides that a variance may be granted based on the following findings:

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

The subject property is located in an older area where the existing pattern of development on the block is or characterized by limited access from the street and direct vehicular access from a public alley. The public alley has been in existence since 1902. The location of the subject property within an older community, which desires to maintain the residential characteristics of the commercially-zoned properties in the area and preserve its small town image, constitutes an extraordinary situation in this case.

The requested variance is essential to maintain and preserve the established pattern of land use and character of the block. A provision of driveway access to the street would disrupt the existing pattern of development and trigger a need for relief from a number of current zoning requirements. Therefore, the strict application of this Subtitle will result in undue hardship upon the applicants.

The requested variance will not impair the intent, purpose or integrity of the approved Master Plan for Planning area 68. The Master Plan recognizes the fact that current zoning and development standards are inappropriate for much of the development in the Planning Area and are often impossible to meet.

Dineene O'Connor of the Community Planning division has offered the following comments:

The subject property exists in the particular section of Hyattsville which was deemed appropriate for M-U-TC Zone because application of current zoning regulations would diminish or destroy the integrity of the area. For example, provision of vehicular access from Hamilton Street to the paved parking lot in the rear of the subject property would destroy the integrity of the residential character of the street. Consequently, the requested variance and departure from the design standards are reasonable and consistent with the intent of the Master Plan. In particular, the Master Plan (page 65) identifies design concepts for this area which are supported by the requested variance and departure:

1. *Preserve residential appearances and scale of side street development so that the existing architecture and site layout is preserved and preserves the integrity of the residential street.*
2. *The plan recognized the importance of Church Lane Alley as a popular pedestrian way that links several important public buildings and allows direct vehicular access to many buildings from rear parking lots.*

NOW, THEREFORE, BE IT RESOLVED, that Departure from the Design Standards Application No. 514 and Variance Application No. VDDS-514A is hereby APPROVED subject to the condition that the site plan shall be revised prior to the issuance of permits to include the following:

1. Notes to indicate compliance with ADA requirements with regard to access for the physically handicapped.
2. Lighting for the parking lot or a note that the parking lot will not be used at night.

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.

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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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 9, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of November 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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