

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DDS-536 requesting a departure from the Zoning Ordinance requirements regarding the width of a two-way drive aisle, the width of a drive aisle (required back-out space) behind 90-degree parking, and the requirement that a parking area be connected to a street by a driveway in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on February 20, 2003, the Prince George's County Planning Board finds:

1. The site is located at 7718 Delano Road, 500 feet northeast of its intersection with Alexandria Ferry Road in Clinton, Maryland. The subject property is also known as Tax Map/Grid 108-A4, Part of Lot 31. The site is zoned Light Industrial (I-1). The proposed use of the site is for a masonry contractor's office and ancillary outdoor storage.
2. The applicant is requesting three Departures from Design Standards. First, for the parking to be located behind the structure on the property, he is requesting a departure of 10 feet from the requirement contained in Section 27-563 of the Zoning Ordinance that a 22-foot, two-way drive aisle serve all parking lots. Second, to allow his handicapped parking space to remain in its current location and be accessed directly from Delano Street, he is requesting a 14-foot departure from Section 27-560 that requires 22 feet behind 90-degree parking. Third, for the same reason, he is requesting a departure from Section 27-563 that requires all parking areas to be connected to a street by means of a driveway.
3. **Requested Departure for the lack of a 22- foot driveway to the parking lot: Required Findings**

Section 27-239.01(b)(9), Required Findings, of the Zoning Ordinance provides that:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The purposes of the Zoning Ordinance set forth in Section 27-102 in general are to protect the health, safety and welfare of the general public in Prince George's County. In this instance, the departure requested will primarily impact the employees of the business as a masonry contractor has very few clients visit their place of business. The impact of having a narrower driveway is mitigated by the fact that the driveway will primarily be utilized only by the three vehicles owned by the business and by the fact that Delano Road is a lightly traveled, dead-end road. The health, safety and welfare of the general public will not be compromised or affected in any way by the requested departure.

By granting this departure, the purposes of this Subtitle will be equally well served by the

applicant's proposal.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The departure is the minimum necessary, given the specific circumstances of the request. The width of the driveway is an existing condition on the site. Widening the driveway in any measure would require the removal of several mature trees on the property. The departure requested is the minimum necessary to allow the driveway to remain in its current configuration and not to require the removal of the above-mentioned trees.

(iii) 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 departure is necessary in order to alleviate circumstances that are unique to the site. The building on the property is a single-family home. Rezoning of the vicinity of the site to industrial has brought commercial/industrial use to this residentially developed property, and it is unreasonable to expect the site to conform to all the normal requirements of an industrial use. These circumstances can only be alleviated by granting the requested departure.

(iv) The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. In fact, allowing the driveway to remain its existing width makes the site more compatible with the surrounding properties that also generally have narrower drives. Granting the departure will not affect the functioning of the site as the applicant will only be utilizing a few vehicles on the site, does not expect many customers or clients to visit the site, and because Delano Road is a lightly traveled dead end. Granting the departure will better serve environmental quality by not creating additional impervious surface and causing more stormwater run-off and by not requiring that several mature trees on the property be destroyed to enable widening the driveway to the 22 feet required by the Zoning Ordinance.

4. Requested departure from the requirement that a 22-foot back-up area be required for the handicap parking space and that the parking area be connected to a street by a driveway.

Required Findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The purposes of the Zoning Ordinance set forth in Section 27-102 in general are to protect the health, safety and welfare of the general public in Prince George's County. In this instance, the departure requested will allow less than the required 22-foot back-up area behind the handicap parking space. As stated above, very few clients are anticipated to visit the subject site. An occasional car backing out from the handicapped space onto the lightly traveled and dead-end, Delano Road will have negligible impacts on the health, safety and welfare of the general public.

in Prince George's County.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The requested departure is the minimum necessary because of the preexisting layout of the site. Handicapped requirements are much more easily and less expensively met by providing handicap parking, ramp and entrance in front of the existing structure. The rear yard will be utilized for the business's trucks and storage. Furthermore, the rear door to the existing single-family house is not suitably wide for handicapped entrance. Without the departure, handicap parking could not be accommodated in the front yard.

(iii) 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 departure is necessary in order to alleviate circumstances unique to the site. The site is improved with a single-family home placed on the property and designed in such a way to make handicap parking better accommodated in the front yard. It cannot be accommodated in the front yard without varying the requirement that a 22-foot back up area be provided behind the handicap parking space. The departure is necessary to realistically allow for the adaptive reuse of a residential property as a commercial/industrial use.

(iv) The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

Not providing a 22-foot back up area behind the handicapped space will not impair the visual quality or integrity of the site or neighborhood. Additionally, primarily because Delano Road is a lightly traveled dead end, the function of the site should likewise not be impaired. The environmental quality of the site will not suffer from the lack of a 22-foot back-up area; in fact, it will be improved by a reduced amount of impervious surface.

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 DDS-536, BRT Masonry, LLC.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of 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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Scott, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 20, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of March 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk

(Revised 8/9/01)