
A G E N D A I T E M S U M M A R Y

Reference No: CB-12-1991

Draft No: 2

P r i n c e G e o r g e ' s

Meeting Date: 4/16/91

C o u n t y C o u n c i l

Requester: M

Item Title: An Ordinance for the purpose of allowing the Bd. of Appeals to grant a variance from the screening requirement for a vehicle towing station in the industrial zones.

Sponsors M

Date Presented 2/5/91 **Executive Action** / / —
Committee Referral (1) 2/5/91 P&Z **Effective Date** 5/17/91 —
Committee Action (1) 3/4/91 FAV(A)
Date Introduced 3/19/91
Pub. Hearing Date (1) 4/16/91 1:30 PM

Council Action (1) 4/16/91 Enacted
Council Votes CA: A_, B_: A_, C_: A_, D_: A_, F_: A_, MC: A_,
M_: A_, P_: A_, WI: A_, __: __, __: __, __: __
Pass/Fail P

Remarks (See also CB-101-1990)

Drafter: Mary Lane Committee Director **Resource Personnel:** Joyce Beck, Aide to Council Member Mills

LEGISLATIVE HISTORY

PLANNING AND ZONING COMMITTEE REPORT

DATE: 3/4/91

Committee Vote: Favorable, as amended 6-0-0 (In favor: Council Members Castaldi, Casula, Del Giudice, Fletcher, Mills and Wineland).

Staff explained that this bill was CB-101-1990, as amended by the Fiscal and Planning Committee. It is being proposed because the screening requirement in the Industrial Zones use table is not appealable to the Board of Appeals. Martin Shuham, of Knight, Manzi, Brennan, Ostrom & Ham, briefed the Committee on the background of the bill and the need for it. The property to which Mr. Shuham referred involves screening vehicle towing stations from other vehicle towing stations and similar uses. The Police Department has stated that this screening requirement creates a security problem.

The M-NCPPC and Prince George's Municipal Association oppose the legislation as drafted, the Association of Realtors and SMBIA support it. Gail Wheat, representing the Municipal Association, noted that the organizations' concern is not with the concept of allowing a variance from this type of screening requirement, but rather with the precedent of allowing the Board of Appeals to allow a use in a zone where that use is prohibited. The Association urged that the concerns be addressed through another avenue. Adele Connelly, of DER, noted "philosophical" problems with the bill, particularly regarding expanding the power of the Board of Appeals.

Staff suggested several alternatives. The screening requirement could be removed from the use table, and placed in the Landscape Manual, becoming eligible for alternative compliance approved by the Planning Director. The screening requirement could be placed in Sections 27-469(b) and 27-470(b), and be appealable to the Board of Appeals. If the Council wanted to retain control over the waiver, a Departure could be required.

The Committee agreed to amend the bill to remove the screening requirement from the use table, place it in Sections 27-469(b) and 27-470(b), and make it subject to BOA review. This accomplishes the same objective as the original legislation, without impacting more properties or allowing the BOA to grant variances from the use table. The sponsor also requested, and the Committee agreed, to further narrow the circumstances under which a variance may be granted to include only properties that "adjoin lots only in an Industrial Zone that are used for a similar purpose". Also, this type of variance will be valid for only five years.

As with all other Zoning bills that were not taken to public hearing last year because of the Zoning Moratorium, the effective date of this legislation is not subject to the new rules of procedure.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

The Industrial Zones "use table" in the Zoning Ordinance (Section 27-473) currently permits a vehicle towing station in the I-1 and I-2 Zones only when it is screened by a wall or fence at least 6 feet high.

This applies to all vehicle towing stations, including those surrounded by other similar and compatible uses. This requirement is not subject to appeal by the Board of Zoning Appeals, since the Board is not allowed to grant variances that change a use as it is permitted in the use tables, or grant a variance from any screening requirement.

This legislation gives the Board of Appeals the authority to grant a variance from this screening requirement.