

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2021 Legislative Session

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**Reference No.:** CB-067-2021

**Draft No.:** 2

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 09/30/2021

**Action:** FAV(A)

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### REPORT:

Committee Vote: Favorable as amended, 8-1 (In favor: Council Members Hawkins, Davis, Dernoga, Franklin, Glaros, Ivey, Taveras, and Turner. Oppose: Council Member Anderson-Walker)

The Committee of the Whole convened on September 30, 2021 to consider CB-67-2021. The Planning, Housing, and Economic Development Committee Director summarized the purpose of the bill and informed the Committee of written comments received on referral. This bill will authorize the County Board of Appeals to consider and decide applications for variances from the strict prohibition on front yard driveways for property located in the R-55 and TDO Zones of the County.

Council Member Glaros, the bill's sponsor, explained that the bill is intended to address a provision within the Transit District Oriented Zone which requires homeowners to obtain Detailed Site Plan approval prior to the construction of a driveway. Ms. Glaros commented that it is a unique situation in West Lanham Hills where the homes were built without driveways which has resulted in parking concerns.

The Planning Board supports CB-67-2021 with amendments and provided the following analysis by letter dated September 23, 2021 to the Council Chairman:

#### **“Policy Analysis:**

CB-67-2021 will authorize the Board of Zoning Appeals to hear and grant variances for front yard driveways for properties located in One Family Detached Residential (R-55) and Transit District Overlay (T-D-O) Zones. Many of the established communities inside the beltway are older dwelling units developed without garages and are within overlay zones. Allowing the Board of Zoning Appeals to hear and grant variances in this situation will reduce the need for owners of a house in the R-55 Zone located in a T-D-O to file a Planning Board level Detailed Site Plan (DSP). This legislation would impact 925 R-55 properties located with T-D-O Zones.

The Planning Board would like to recommend a few amendments for consideration.

Amend Section 27-229 (b) (19); the language restricts the Board of Zoning Appeals from

granting variances within overlay zones.

Next, amend the legislation to exempt R-55 zoned properties in Development District Overlay (D-D-O) Zones. The amendment would also exempt those properties from the requirement of obtaining DSP approval for front yard driveways.

The Planning Board supports this needed change to the development review regulations. When necessary, the proposed legislation allows homeowners in older communities to deviate from current zoning requirements through the simpler variance review process with the Board of Zoning Appeals.

**Impacted Property:**

This legislation will impact 925 R-55 zoned properties located in T-D-O Zones

**Adopted Zoning Ordinance:**

The adopted Zoning Ordinance removes all T-D-O Zones.”

Barbara Stone, the Board of Appeals Administrator was present for the discussion and submitted the following comments by memorandum to the Committee Director:

- Why include this specific allowance of driveways in the front yards under 27-229 Powers and duties? Could the exception of R-55 and T-D-O (Transit District Overlay) Zones be included in 27-120.01 Front yard of dwellings? Section 27-229 (a) (1) through (6) does not include any other specific exception and is generally broader. Although, (5) does include sections.
- Section 27-229 (b) (19) specifically states that the Board of Appeals does not have the authority to grant variances from the T-D-O (Transit District Overlay) Zones. Should a note be included that these variances must be processed through the Maryland-National Capitol Park & Planning Commission Planning Board?

Ms. Stone also inquired about other regulations that require Detailed Site Plan in a TDOZ to which the Board is not allowed to grant variances.

The Office of Law reviewed CB-67-2021 as it was presented on September 14, 2021 and found it to be in proper legislative form with no legal impediments to its enactment.

The following individuals testified in support of the legislation: Lan Tsubata Lee, Kathleen Tsubata, and Jose Machuca.

On a motion by Council Member Glaros and second by Council Member Davis, the Committee voted favorable, 8-1, as to CB-67-2021 including the Planning Board recommended amendments to Section 27-229 (b)(19) and to include the exemption for R-55 zoned properties in Development District Overlay (D-D-O) Zones. The addition of the DDOZ also resulted in a change to the bill title.