

**RESOLUTION**  
**OF THE CITY COUNCIL OF BOWIE, MARYLAND**  
**ESTABLISHING PROCEDURES FOR REVIEW AND APPROVAL OF**  
**CERTAIN TYPES OF ZONING VARIANCES**  
**BY THE CITY'S PLANNING DIRECTOR**

**WHEREAS**, the City received delegated authority from the Prince George's County District Council in 1998 to hear requests for variances from the terms of the Prince George's County Zoning Ordinance with respect to items such as building setbacks, height, and lot coverage; and,

**WHEREAS**, in its 2017-2018 session, the Maryland General Assembly approved HB 410, allowing Prince George's County to authorize municipalities to enact regulations for fences that are less restrictive than the County's, with the law becoming effective October 1, 2018; and,

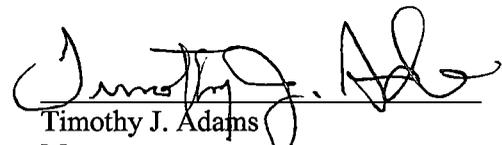
**WHEREAS**, at the City's request, the Prince George's County Council approved CB-1-2019, which enacted the State enabling provisions regarding fences in municipalities and, subsequently, City Council passed Ordinance O-5-19, which amended the City Code to incorporate new language regarding fence height, make required updates and eliminate unnecessary or obsolete provisions; and,

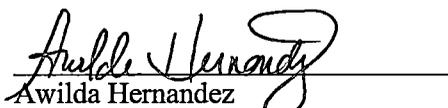
**WHEREAS**, the Prince George's County Council passed Resolution R-84-2019, approving the City's Ordinance O-5-19, which includes Section 26-26.C providing that the Planning Director may issue a variance in uncontested cases and in cases where the variance requested is of a minimal nature, where in the judgment of the Planning Director the applicant otherwise satisfies the criteria for the grant of a variance; and,

**WHEREAS**, City Council determined that having an administrative variance process in place will benefit residents by achieving a quicker turnaround for variance applications and that having such an expedited process is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Bowie does hereby approve the procedures set forth in Exhibit A regarding Planning Director variance approvals.

**INTRODUCED AND PASSED** by the Council of the City of Bowie, Maryland at a meeting on December 2, 2019.

  
\_\_\_\_\_  
Timothy J. Adams  
Mayor

  
\_\_\_\_\_  
Awilda Hernandez  
City Clerk

Planning Director Variance Procedures  
November 25, 2019

Section 26-26.C of the City Code states:

**C. The Planning Director may issue a variance in uncontested cases and in cases where the variance requested is of a minimal nature, where in the judgment of the Planning Director the applicant otherwise satisfies the criteria for the grant of a variance.**

Procedures:

1. Upon a resident contacting City staff regarding a potential zoning variance, City staff shall arrange for a pre-application conference to review application requirements and discuss the possibility for a Planning Director level review.

2. Upon the filing of a variance application, the Planning Director may process the application administratively, without a public hearing, if one of the following situations exists:

Situation #1 – The Planning Director has determined that the amount of the prospective request is *de minimis* (insignificant); or

Situation #2 – An informational mailing and sign posting of the property have been completed by the City, and 14 calendar days have elapsed from the date of mailing/posting, with no opposition to the application having been received by the City. If anyone contacts the Planning Department in opposition to the variance application, the Planning Director shall issue a written communication to the applicant stating that the request is not eligible for Planning Director level review.

All informational mailing notices shall contain:

- a. The name of the applicant and address of the subject property;
- b. A brief statement describing the specific nature of the variance application;
- c. A deadline for submitting comments to the Planning Director; and,
- d. A statement that the variance application will be reviewed as a Planning Director level review application, if no one objects by the deadline.

3. An application for a variance shall be made on the forms provided by the City. All information required on the forms shall be furnished by the applicant and any incomplete applications shall not be accepted.

4. Variance applications undergoing Planning Director level review shall be numbered sequentially. All such cases shall be given the prefix PDVAR, followed by a number/year signifying a unique application. For example: PDVAR-1-2019, PDVAR-2-2019, etc.

5. The Planning Director shall analyze each application and issue a Memorandum of Findings and Conclusions, addressing the Criteria for Granting Variances specified in Section 26-25 of the City Code, along with a disposition of the case. The project case file existing on the date of issuance of the decision shall constitute the record.

6. Each decision of the Planning Director shall be noted in the weekly City Council Status Report, typically within one to two weeks of the date of decision.

7. A decision of the Planning Director permitting the erection of a building or structure shall not be valid for more than two years, unless a building permit for the erection of the building or structure is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.



# 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-86-19  
Zoning Variance Procedures

**DATE:** November 27, 2019

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Attached please find a copy of Resolution R-86-19 establishing procedures for review of certain types of zoning variance applications by the City's Planning Director. On July 1, 2019 City Council passed Ordinance O-5-19, which amended the City Code to incorporate new language regarding fence height, make required updates and eliminate unnecessary or obsolete provisions. The Ordinance was submitted to the County for approval and the Prince George's County Council passed Resolution R-84-2019, approving Ordinance O-5-19. The City Ordinance includes Section 26-26.C providing that the Planning Director may issue a variance in uncontested cases and in cases where the variance requested is of a minimal nature, where in the judgment of the Planning Director the applicant otherwise satisfies the criteria for the grant of a variance.

Staff has drafted procedures to implement the provisions of Section 26-26.C (see Exhibit A to Resolution R-86-19). Staff believes that having an administrative variance process in place will greatly benefit residents by achieving a quicker turnaround for variance applications and is in the best interest of the City.

### Recommendation

It is recommended that Council approve the attached Resolution (R-86-19).

Attachment