

DEPARTURE FROM DESIGN STANDARDS (DDS-666)
HYATT ADDITION, LOT 50
STATEMENT OF JUSTIFICATION

APPLICANT: Werrlein Property, c/o Karl Granzow
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1. DESCRIPTION OF PROPERTY

The subject property is located at 4016 Crittenden Street, in the City of Hyattsville. More particularly, it is located on the northeast side of Crittenden Street, approximately 100 feet south of its intersection with 40th Place, in Planning Area 68 and Council District 2. The subject site is also located within the Traditional Residential Neighborhood Character Area of the 2006 *Approved Sector Plan and SMA for the Prince George's County Gateway Arts District* (Gateway Arts Sector Plan).

The subject property is located on Tax Map 50 in Grid B1 and contains a total of .2108 acres in the R-55 and Development District Overlay (D-D-O) Zones. Approximately .17 acres is also located within the Chesapeake Bay Critical Area Conservation Overlay (I-O-D) Zone. This proposed departure application is

a companion to a Conservation Plan application (CP-19001), which is currently under review for the construction of one single-family detached unit to replace a single-family detached residence of comparable size that was razed in 2015.

Existing single-family detached uses surround the property to the north, west, and across Crittenden Street. The subject property is immediately adjacent to the Wheelock House, Historic Site 68-010-31, to the east. With the subject DDS application, the applicant seeks relief from Section 4.7 Buffering Incompatible Uses of the 2010 Prince George's County Landscape Manual (Landscape Manual) adjacent to the historic site.

2. REQUEST FOR DEPARTURE FROM DESIGN STANDARDS APPROVAL

The applicant is requesting approval of a departure from design standards to allow for a reduced bufferyard along the property line adjacent to the Wheelock House historic site. Section 4.7(c)(7)(A) Buffering Incompatible Uses of the Landscape Manual requires a Type D Bufferyard where a developing lot adjoins a designated historic site in the Developed Tier. Such bufferyard requires a 50-foot building setback and a 40-foot-wide landscaped yard planted with 160 plant units per 100 linear feet of property line. In this instance there is 130 linear feet of shared property line where the bufferyard is required. The following summarizes the requirement per the Landscape Manual and the Applicant's proposal under this departure request:

REQUIRED BUFFERYARD PER SECTION 4.7(c)(7)(A) OF THE LANDSCAPE MANUAL

Minimum building setback	50
Minimum width of provided buffer	40
Percentage of required buffer strip occupied by existing trees	0
Six (6) foot high fence or wall included in bufferyard	No
Number of plant units required	208

PROPOSED BUFFERYARD

Length of bufferyard	130 feet
Minimum building setback	12.5 feet
Minimum width of provided buffer	8-10 feet
Percentage of required buffer strip occupied by existing trees	0
Six (6) foot high fence or wall included in bufferyard	No
Number of plant units provided	120

This lot has a peculiar shape and size as the front enjoys a large curved line along the front street side and both left and right property lines converge towards each other as they progress towards the rear to a much narrower rear property line as compared to the front. At its southern end, fronting Crittenden Road, the lot is approximately 65 feet wide, then extends northward approximately 200 feet. Over this length, the property narrows to approximately 37 feet in width at its northern boundary. The unusual shape and small area of the property allow limited opportunities for development. A new single-family house is proposed in the southern portion of the site, proximate to Crittenden Road. Approximately 130 feet of the site's eastern property line is shared with the historic property and as such, requires a Type D buffer, in accordance with Section 4.7(c)(7)(A) of the Landscape Manual. The Type D bufferyard requires a minimum 50-foot building setback and a 40-foot-wide landscape bufferyard, the provision of which would render the site undevelopable.

The developing lot and the historic site are separated by an existing black aluminum fence recently installed by the current owner of the historic property (Christopher Currie). Where the fence ends and continues toward the rear of the property to the back-property line, there is a heavy boulder wall that ranges from about 4 feet to 5 feet in height and is topped with buffering plantings. This condition is depicted in the enclosed photo (Attachment "A").

The applicant and current owner of the historic property, Chris Currie, discussed the possibility of installing a 6-foot-high, sight-tight fence along the property line. This would reduce the required planting units by 50 percent to a total of 104. Mr. Currie was in opposition to this as it would have a detrimental look adjacent to his existing black fence as well as an awkward positioning adjacent to his rear boulder wall.

Discussion also entertained the possibility of creating a larger buffer with more shade tree plantings. The applicant offered to do plantings on the historic property and on the developing property, or both. Mr. Currie indicated that he has a very robust farm garden on his property immediately adjacent to the developing property and would rather see very little or no large trees as it would have a detrimental impact on the ability of his garden to receive proper sun light.

The Applicant has worked closely with Historic Preservation Section staff and Mr. Currie in making significant modifications to the proposed architecture to ensure compatibility with the historic site. A memo from Section Supervisor, Howard Berger, to the Historic Preservation Commission regarding the companion Conservation Plan CP-19001 dated December 5, 2019 indicates that "The currently proposed architecture should be considered compatible with the adjacent Historic Site" and recommends approval with no conditions as long as revisions relating to the then pending Alternative Compliance case were reflected on the plans.

The Applicant's request for Alternative Compliance (AC-19013) was recommended for disapproval by the Alternative Compliance Committee and the Planning Director subsequently made a recommendation of denial to the Planning Board. The formal notice dated December 30, 2019 states that "The alternative design proposed is not equally effective as normal compliance with the requirements of a Type D bufferyard. Given the significant spatial limitations of the property, and its location within a well-established residential neighborhood, the Alternative Compliance Committee believes achieving normal compliance, or equally effective design, with the Section 4.7 bufferyard requirements is not possible." Upon the recommendation of the Alternative Compliance Committee and endorsement of that recommendation by the Planning Director, the applicant now submits the subject

departure from design standards application in accordance with Section 27-239.01 of the Zoning Ordinance.

3. CONFORMANCE TO THE REQUIRED CRITERIA FOR APPROVAL OF A DEPARTURE FROM DESIGN STANDARDS

Section 27-239.01(b)(7)(B) of the Zoning Ordinance sets forth the following required findings for approval of a departure from a standard contained in the Landscape Manual:

(7) Required findings.

(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;

RESPONSE: *The Landscape Manual lists the following Objectives related to Section 4.7 Buffering Incompatible Uses:*

(1) Establish a comprehensive, consistent, and flexible buffering system consisting of a specified area of land and vertical elements, such as plant materials, walls, fences, and berms, between adjacent incompatible land uses.

(2) Form a visual and physical separation between uses of a significantly different scale, character, and/or intensity of development to mitigate undesirable impacts, such as noise, smell, storage facilities, dust, fumes, vibration, litter, vehicle exhaust, and lighting.

(3) Create a transition between moderately incompatible uses.

The proposed bufferyard will incorporate additional plant materials to the existing wrought iron fencing and boulder wall, providing for a mixture of attractive visual elements between the two incompatible land uses. While the Landscape Manual considers the two uses significantly incompatible, the applicant has worked carefully with Historic Preservation

staff to ensure the scale, and character of the proposed single-family home is compatible with the adjacent historic site. As noted above, a memo from Historic Preservation Section Supervisor, Howard Berger, to the Historic Preservation Commission regarding the companion Conservation Plan CP-19001 indicates that "The currently proposed architecture should be considered compatible with the adjacent Historic Site." Furthermore, the proposed single-family residence will produce the same impacts in terms of noise, smell, storage facilities, dust, fumes, vibration, litter, vehicle exhaust and light as the historic site, which is also in use as a single-family residence. While the Applicant recognizes the Landscape Manual's intent to protect the visual character of historic sites, in this instance it seems most appropriate to consider the adjacent uses moderately incompatible, in which case a transition between the uses is recommended. The proposed combination of plantings and building setback, in combination with the existing fencing and boulder wall will provide an attractive, historically appropriate transition between the moderately incompatible uses.

The Landscape Manual lists the following Design Guidelines related to the buffering of historic sites:

(3) When buffering historic sites from incompatible uses, historically appropriate, noninvasive species should be used to preserve the context of the historic site.

Historically appropriate, noninvasive species, including Red Sunset Maple, Pin Oak, and American Holly are proposed to preserve the context of the historic site.

(4) Consideration should be given to topography, the extent of the environmental setting, and the preservation of vistas whenever possible. When designing bufferyards, equal consideration should be given to preserving and enhancing the views of and the views from historic sites.

As noted above, the applicant discussed the option of installing a 6-foot-high, sight-tight fence along the property line with the owner of the historic site. This would reduce the required planting units by 50 percent to a total of 104. The owner, Mr. Currie, was in opposition to this as it would have a detrimental look adjacent to his existing black fence as well as an awkward positioning adjacent to his rear boulder wall, detracting from the view both of and from the historic site.

Based on the foregoing analysis, the Applicant contends that the purposes of this Subtitle will be equally well or better served under this proposal.

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

RESPONSE: *Given the narrow, deep nature of the site as well as its tapered shape, the maximum width of bufferyard possible has been provided. The Applicant proposes to replace the previously razed single-family home with a new building of comparable size, minimizing the building footprint and maximizing the building setback to the extent possible. With a lot width varying from only 37 to 65 feet, provision of a wider bufferyard was not feasible without rendering the property undevelopable.*

(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;

RESPONSE: *The subject proposal consists of infill development within a well-established community that was originally developed in the early 1900s. The neighborhood is characterized by narrow, deep lots in a regularized grid blocking pattern.*

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

RESPONSE: *As discussed in detail above, the architecture of the proposed single-family house has been revised in consultation with Historic Preservation Section staff, who has deemed it compatible with the historic site. As such, approval of the departure to allow a smaller bufferyard will not impair the visual or functional integrity of the site. Upon approval of the requested departure and construction of the proposed house, an additional 18 Red Sunset Maples, 4 Pin Oaks, and 11 American Hollies will be planted on the site, enhancing the environmental integrity of the site and surrounding neighborhood.*

(B) For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7)(A) above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.

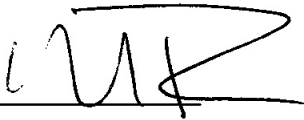
RESPONSE: *The Applicant's request for Alternative Compliance (AC-19013) was recommended for disapproval by the Alternative Compliance Committee and the Planning Director subsequently made*

a recommendation of denial to the Planning Board. The formal notice dated December 30, 2019 states that "The alternative design proposed is not equally effective as normal compliance with the requirements of a Type D bufferyard. Given the significant spatial limitations of the property, and its location within a well-established residential neighborhood, the Alternative Compliance Committee believes achieving normal compliance, or equally effective design, with the Section 4.7 bufferyard requirements is not possible."

CONCLUSION

For all of the foregoing reasons, the Applicant believes the subject application conforms to the criteria for approval of a departure from design standards. Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with this application, the applicant respectfully requests the approval of DDS-666.

Respectfully submitted,

By: 

Attorney for Applicant

Norman D. Rivera