

PGCPB No. 00-108

Permit No. CNU-5401-2000-U

Prince George's County Certification of Nonconforming Use Permit No. CNU-5401-2000-U

Applicant: Rev. Dr. Kelvin M. McCune, Owner

Location: Located at the intersection of Suitland Road and Skyline Drive

Request: Validate an existing church

### R E S O L U T I O N

WHEREAS, on March 9, 2000, Rev. Dr. Kelvin M. McCune, filed an application for Certification of a Nonconforming Use for approximately 1.77" acres for an existing church in the R-80 Zone; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with Section 27-244(f)(4) of the Prince George's County Zoning Ordinance; and

WHEREAS, the application for Certification of a Nonconforming Use, also known as Case #CNU-5401-2000-U, was presented to the Prince George's County Planning Board by the staff of The Maryland-National Capital Park and Planning Commission on Thursday, June 8, 2000, for its review and action in accordance with Sections 27-244(a)(1) and (f)(1)(A) of the Prince George's County Code; and

WHEREAS, the Technical Staff Report released May 31, 2000 recommends APPROVAL; and

WHEREAS, on June 8, 2000, having considered the recommendation in the staff report and heard testimony from the staff and applicant, the Prince George's County Planning Board agreed with the staff analysis and recommendation and adopted the same as its own.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 27, Prince George's County Code, the Prince George's County Planning Board APPROVED Nonconforming Use No. CNU-5401-2000-U.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- A. Location and Field Inspection: The subject property is located on the northeast corner of the intersection of Suitland Road and Skyline Drive in an unincorporated part of Prince George's County. The property is improved with two structures: a split foyer, brick-frame dwelling which serves as a parsonage and a one- to two-story main structure which serves as a church. The address of the parsonage is 4307 Skyline Drive while the address of the church is 6412 Suitland Road. A gravel parking area is also provided on the property. The property is located within the Heights Planning Area (76A) and within Council District Nine.
- B. History: The property was classified in the R-80 Zone upon adoption of the Subregion VII Sectional Map Amendment in July 1984. The church was constructed in 1952 and a parsonage was added in 1974.

- C. Request: The applicant wishes to validate an existing church on a property of approximately 1.77 acres in the R-80 Zone. Pursuant to Council Bill CB-23-1993, a special exception is required for a church on less than two (2) acres of land in the R-80 Zone. In order for the property to be certified as a non conforming use, the applicant must show that the church existed prior to the enactment of CB-23-1993 (August, 1993) and has been in continuous operation since that date.
- D. Surrounding Uses: The property is located in a predominately residential area with some retail uses nearby. A gas station is located near the subject property across Skyline Drive at Suitland Road in the C-S-C Zone. The remainder of uses adjacent and across Skyline Drive are single-family residential in the R-80 Zone. Across Suitland Road, there are two small commercial centers: one housing a child day care facility, beauty shop, and an employment center is located in the C-S-C Zone; the second, housing a barber shop and lounge/restaurant is located in the C-O Zone. Suitland Road is a collector facility with two through-lanes and a center turning lane. Skyline Drive is a two lane residential street.
- E. Certification Requirements: Certification of a nonconforming use requires that certain findings be made. First, the use must either predate zoning or have been established in accordance with all regulations in effect at the time it began. Second, there must be no break in operation for more than 180 days since the use became nonconforming. Section 27-244 sets forth the specific requirements:
1. In general, a nonconforming use may only continue if a use and occupancy permit identifying the use as nonconforming is issued after the Planning Board (or its authorized representative) certifies that the use is really nonconforming and not an illegal use.
  2. Application for Use and Occupancy Permit:
    - a. The applicant shall file for a use and occupancy permit.
    - b. Along with the application and accompanying plans, the applicant shall provide the following:
      - (1) Documentary evidence, such as tax records, business records, public utility installation or payment records and sworn affidavits showing the commencing date and continuous existence of the nonconform-ing use.
      - (2) Evidence that the nonconforming use has not ceased to operate for more than 180 consecutive calendar days between the time the use became nonconforming and the date when the application is submitted or that conditions of non-operation for more than 180 consecutive calendar days were beyond the applicant's and/or owner's control, were for the purpose of correcting Code violations or were due to the seasonal nature of the use.

- (3) Specific data showing:
  - (i) The exact nature, size and location of the building, structure and use.
  - (ii) A legal description of the property.
  - (iii) The precise location and limits of the use on the property and within any building it occupies.
- (4) A copy of a valid use and occupancy permit issued for the use prior to the date upon which it became a nonconforming use, if the applicant possesses one.

F. Documentary Evidence: According to the applicant's statement of justification, the church was constructed in 1952, held its first services in the facility in 1954 and has been in continuous operation for the past 46 years. While originally established as the East Washington Baptist Church, Inc. it was succeeded by the Morningside Baptist Church and subsequently by the Suitland Road Baptist Church. Since 1987, Reverend Kelvin McCune has served as pastor of the Suitland Baptist Church.

To support the claim of continuous operation since prior to August, 1993, business meeting minutes and church programs have been submitted which cover the time period from October, 1992 through January, 2000. The specifics of the submitted documentation are given in the table below:

January, 1993	minutes from the October, 1992 business meeting
August, 1993	minutes from the August, 1993 business meeting
January, 1994	minutes from the January, 1994 business meeting
August, 1994	minutes from the August, 1994 business meeting
September, 1994	minutes from the September, 1994 business meeting
January, 1995	minutes from the January, 1995 business meeting
July, 1995	minutes from the July, 1995 business meeting
September, 1995	minutes from the September, 1995 business meeting
March, 1996	minutes from the March, 1996 business meeting
July, 1996	minutes from the July, 1996 business meeting
January, 1997	schedule of services and church program for the week of January 5, 1997
July, 1997	schedule of services and church program for the week of July 20, 1997
January, 1998	schedule of services and church program for the week of January 4, 1998
July, 1998	schedule of services and church program for the week of July 12, 1998
January, 1999	schedule of services and church program for the week of January

	10, 1999
July, 1999	schedule of services and church program for the week of July 18, 1999
January, 2000	schedule of services and church program for the week of January 30, 2000

The applicant has also submitted a site plan which provides a legal description of the property, shows existing improvements on the property and illustrates the size and location of the building, structure and use.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following 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 Brown, seconded by Commissioner McNeill, with Commissioners Brown, McNeill and Hewlett voting in favor of the motion, and with Commissioner Boone absent, at its regular meeting held on Thursday, June 8, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of July 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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