

Prince George's County Departure from Design Standards No. DDS-523

Applicant: Cargell Holness, Metropolitan SDA Church & School

Location: The subject property is located on the southeast side of Riggs Road opposite Ray Road

Request: Departure from Design Standards

R E S O L U T I O N

WHEREAS, the applicant is requesting the continuation of an existing condition in which access to an existing loading space is within 42 feet of a residentially zoned property line in lieu of the required 50 feet, as required by Section 27-579 (b) of the *Zoning Ordinance*; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released on July 10, 2001, recommends APPROVAL; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on July 19, 2001, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Prince George's County Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

1. The site is located along the east side of MD 212 (Riggs Road), to the south of its intersection with MD 211 (Sargent Road) and to the north of its intersection with MD 501 (Chillum Road). The site is zone R-55 and encompasses 7.425 acres.

The request of the applicant in Departure from Design Standards DDS-523 is as follows:
To permit the continuation of an existing condition in which access to an existing loading space is within 42 feet of a residentially zoned property line in lieu of the required 50 feet, as required by Section 27-579 (b) of the *Zoning Ordinance*.

2. The G.E Peters Seventh Day Adventist Church and School are existing facilities located at 6303 Riggs Road. The church was constructed first. The school was constructed later in 1992. A Detailed Site Plan SP-91043 (G.E Peters SDA School) was approved for the school construction. The entire property was 9.28 acres.

In 1996, the Chillum Oaks Adventist Apartments was constructed on the site. Because of HUD's financing requirements, the site was subdivided into a 1.86-acre Apartment parcel and a 7.42-acre Church and School parcel by a minor subdivision process, Preliminary Plat 4-96034 (Chillum Oaks). Both properties are owned and controlled by the Seventh Day Adventist Church.

When the property was subdivided, the property line of Chillum Oaks Adventist Apartments was within approximately 42 feet of the only existing entrance of the church and school property leading to a loading space. A situation was created where the access to an existing loading space is within 50 feet of a residentially zoned property, which is not in compliance with the requirements of Section 27-579 (b). This nonconformance was overlooked at the time of minor subdivision and the subsequent two site plan revisions.

A new gymnasium is proposed to serve the existing school which forms the subject application DSP-91043/03. The addition of gymnasium to the existing site requires a revision to the approved Detailed Site Plan. During the subject Detailed Site Plan review process, the aforementioned nonconformance was identified. Since it is impossible to change the locations of both the existing loading space and the entrance, the applicant is requesting a Departure from Design Standards per Section 27-579 (b) to allow the current access to the loading space to continue being within 42 feet of the apartment property line instead of fulfilling the required 50 feet requirement.

3. Section 27-239.01(b)(9), Required findings, of the *Zoning Ordinance* provides that:

A(A) In order for the Planning Board to grant the departure, it shall make the following findings:

A(i) The purposes of this Subtitle will be equally well or better served by the applicant=s proposal;@

The purposes of the *Zoning Ordinance* set forth in Section 27-102 in general are to protect the health, safety and welfare of the general public in Prince George=s County. In this instance, the facts establish that granting the requested departure will in no way jeopardize these purposes. The subject property is located in the R-55 zone surrounded on its north, east and west by C-S-C and O-S zones and Riggs Road respectively. The steep terrain to the north and east of the property makes this site the isolated end of the R-55 zone. The access in question is located between the 7.425-acre parcel and 1.86-acre parcel. Viewing this portion of the site, except from Riggs Road, is impossible. By granting this departure, the purposes of this Subtitle will be equally well served by the applicant=s proposal.

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

The departure is the minimum necessary because the applicant is requesting a departure of eight feet from the standard in order to continue the existing situation where the access to the existing loading space is within 42 feet of the residential property line in lieu of the required 50 feet. Meanwhile, there is some nine-foot difference in ground elevation between the access driveway and the parking lot of Chillum Oaks Adventist Apartments. Currently a staircase links the higher church and school parcel to the lower Chillum Oaks

Adventist Apartments parcel. The change of elevation between the two parcels makes this eight-foot departure even less noticeable.

A(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;@

The departure is necessary to alleviate circumstances that are unique to the site. The subject property was originally one single lot. The HUD=s financing requirements made it necessary for the owner to subdivide the property into two parcels so as to build the Chillum Oaks Adventist Apartments for the elderly or physically handicapped families. The nonconformance resulted directly from this subdivision in 1996. The situation was never discovered in the two subsequent revisions (SP-91043/01 and SP-91043/02) to the detailed site plan which make the situation unique to the subject application. The approval of the two previous revisions further emphasizes the unique character of the existing nonconformance.

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

As discussed above, the departure is approximately eight feet only and is located between the church and school parcel and the apartment parcel. The unique topography of the site makes this departure less conspicuous to the extent that it will be almost invisible from Riggs Road and impossible to be seen from other properties. The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood as it has already existed since 1996.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Design Standards No. 523 is hereby APPROVED.

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 Lowe, seconded by Commissioner Brown, with Commissioners Lowe, Brown, Scott and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, July 19, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of July 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:HZ:rmk