

Prince George's County Special Exception Application No. 4343 and Variance Special Exception Application No. 4343

Applicant: Vicky S. Matullo, Owner
Location: The subject properties are located on the northwest and southeast sides of Larchmont Avenue, south of Clovis Avenue
Request: Special Exception for a Church in the R-55 Zone and a variance from building setback and side yard requirements

R E S O L U T I O N

WHEREAS, the applicant has requested a special exception for a church in accordance with Section 27-341.01 of the Prince George's County Zoning Ordinance; and

WHEREAS, the Technical Staff Report released December 29, 1999, recommended APPROVAL, with conditions; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on February 24, 2000, the Prince George's County Planning Board generally agreed with the staff recommendation.

WHEREAS, the Planning Board recommendation is based on the following DETERMINATIONS:

- A. Location and Field Inspection: The subject properties are located on both the northwest (#411) and southeast (#414) sides of Larchmont Avenue. 411 Larchmont Avenue is a triangular parcel formed by the intersection of Larchmont and Clovis Avenues and developed with an existing church. The church has been in operation since the early 1970s. 414 Larchmont Avenue is a rectangular parcel which is developed with a single-family residence.
- B. Request: The applicant seeks permission to retain the existing church building at #411 and to continue using 414 Larchmont Avenue as a single-family detached dwelling. The applicant also proposes to use 414 as a parking lot to serve the church located at 411.
- C. Neighborhood and Surrounding Uses: The sites are surrounded by the following uses:
 - East, South and West: Single-family residences in the R-55 Zone.
 - North: Strip commercial uses in the C-S-C Zone.

The subject properties are located within a neighborhood with the following boundaries:

North: Old Central Avenue
East: Capitol Heights Boulevard
South: Doppler Street
West: Southern Avenue (The District of Columbia)

The neighborhood is largely residential in character, with the exception being strip commercial uses in the C-S-C and C-M Zones along both sides of Old Central Avenue..

D. Specific Special Exception Requirements: **Sec. 27-341.01. Church or similar place of worship.**

(a) **A church or similar place of worship may be permitted, subject to the following:**

(1) **The minimum setback for all buildings shall be twenty-five (25) feet from each lot line.**

Finding: The existing church building at 411 Larchmont Avenue does not meet this setback. The church building is within 25 feet of each property line, and a variance must be obtained. The existing dwelling at 414 Larchmont Avenue is not required to meet the 25-foot setback because the dwelling is a pre-existing, permitted use.

(2) **When possible, ingress and egress should be located so as to direct traffic away from streets that are internal to a residential subdivision.**

Finding: The parking lot at 414 is accessed from Larchmont Avenue, a heavily-traveled road that functions as a collector roadway. The church itself at 411 is accessed from Clovis Avenue, a primary residential street. However, there are only two parking spaces on this site. In addition, both sites are located in proximity to Central Avenue, and therefore, traffic will not be traveling through streets that are internal to residential subdivisions.

(3) **The applicant shall satisfactorily demonstrate that parking and traffic will not adversely affect adjacent residential neighborhoods.**

Finding: The parking lot at 414 contains 19 spaces, and the church at 411 contains two spaces. Because this existing use is active on the weekends and evenings, it is unlikely that this small number of cars will cause traffic problems for the surrounding neighborhood.

- (4) **When possible, there should be no parking spaces or loading areas located in the front yard; and**

Finding: None of the parking spaces is in the front yard of either property.

- (5) **The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased.**

Finding: The maximum permitted lot coverage for each property is 60 percent. 411 Larchmont Avenue has a lot coverage of 40 percent. 414 Larchmont Avenue shows a lot coverage close to 90 percent. This needs to be reduced. This can be accomplished by deleting a few parking spaces and their associated drive aisle. This may also require the deletion of several seats within the church.

- E. Parking Regulations: The Zoning Ordinance requires one off-street parking space for every four seats in the church. At 58 seats, 15 spaces are required. Two more spaces are required to serve the single-family dwelling. A total of 17 parking spaces are required and provided. The driveway on 414 Larchmont Avenue is shown to be 20 feet wide at one point. It must either be widened to 22 feet, or a departure must be obtained.
- F. Landscape Manual Requirements: The site is exempt from the standard landscaping, buffering and screening requirements of the Landscape Manual per Section 27-328.02(a) of the Prince George's County Zoning Ordinance because no new buildings are proposed, and no existing buildings are proposed for enlargement. However, additional landscaping should be provided along public rights-of-way and adjoining residentially-zoned property to enhance the appearance and protect the surrounding properties.
- G. Zone Standards: The site meets the standards for the R-55 Zone, with the exception of the required seven-foot side yard to the south on 414 Larchmont Avenue.
- H. Sign Regulations: The site plan does not show any signs on the subject property. If one is desired, it must be shown.
- I. Required Variances: The applicant seeks relief from two requirements contained in the Code. Section 27-341.01(a)(1) (25-foot setback from each property line for a church building at 411) and Section 27-441(e) (seven-foot side yard requirement in the R-55 Zone at 414). However, a variance is not needed for the side yard requirement at 414. This dwelling is a pre-existing, permitted use, and it is not intended to be used for church functions.
In accordance with Section 27-230, a variance may only be granted when the District Council finds that:
1. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions.**

2. **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
3. **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

411 Larchmont Avenue has been in use as a church for more than 20 years in a building that has been on the site for many decades, and it was developed prior to the setback requirement for churches. The parking area and existing dwelling at 414 exceed the maximum permitted lot coverage of 60 percent.

While 411 Larchmont Avenue is irregularly shaped (a narrow triangle), 414 Larchmont is a regularly shaped (rectangular) collection of lots. There are no known exceptional physical characteristics associated with 414 Larchmont which could be used to argue compliance with the first criterion for the variance. Although the topography at 414 slopes downward significantly from Larchmont to Mentor Avenue, this feature is not unique to the subject property. Similar conditions are also present on adjacent properties.

A variance cannot be justified for 414 Larchmont, and therefore, the proposed lot coverage must be reduced so as not to exceed 60 percent. The site plan must be revised accordingly. This will require the deletion of a few parking spaces and a corresponding number of seats in the church.

411 Larchmont, on the other hand, meets all of the criteria for a variance. It is oddly shaped, being a narrow triangle which makes meeting the 25-foot setback requirement for churches impossible. In addition, it is already developed with an existing structure which has been in use as a church for more than 20 years. It would place an undue hardship upon the church to force compliance with the 25-foot setback, the only alternative would be to close the church and convert the building to a residence. The 1985 *Master Plan for Suitland-District Heights and Vicinity* recommends the property for ■medium suburban residential• land use. Churches, such as this one, have long been accepted as appropriate uses in residential neighborhoods. This proposal would not impair the integrity of the 1985 *Master Plan*.

J. Required Findings:

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

1. **The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The primary purposes of the Zoning Ordinance are to protect the public health, safety and welfare. The applicant's proposal to retain this long-standing church while providing parking across the street poses no obvious threat to the present and future residents of this area. This proposal will not create an intensification of use on the site, but rather it will allow the church to better serve the needs of its parishioners, and by extension, the neighborhood.

2. The proposed use is in conformance with all the applicable requirements and regulations of the Zoning Ordinance.

Finding: With the approved variance for the building setback at 411 and the recommended site plan revisions, the proposed church meets all of the requirements and regulations of the Zoning Ordinance.

3. The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Master Plan, the General Plan.

Finding: The 1985 *Master Plan for Suitland-District Heights and Vicinity* recommends the properties for a ■medium suburban residential■ land use. This church has been part of this residential neighborhood for many years without negatively impacting the surrounding area.. This proposal will not impair the integrity of the *1985 Master Plan*.

4. The proposed use will not adversely affect the health, safety and welfare of the residents or workers in the area.

5. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

Finding: The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area or be detrimental to the use or development of adjacent properties or the general neighborhood. As recommended, the special exception will require a slight reduction in the scope and intensity of current church activities. The removal of 200 to 400 square feet of covered land area will require the deletion of one to three parking spaces and 4 to 12 seats from within the church. Therefore, traffic, activity and noise levels are likely to decrease as well.

In addition, the inclusion of landscaped area along public rights-of-way and common boundaries with adjoining residentially-zoned land will serve to enhance the appearance and buffering elements of the church activities.

6. The proposed site plan is in conformance with an approved Tree Conservation Plan.

Finding: A Tree Conservation Plan (TCP) is not required because the property contains less than 10,000 square feet of woodland, and it does not have a previously approved TCP.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board recommends that Special Exception No. 4343 be APPROVED, subject to the following conditions:

1. Prior to the issuance of permits, the site/landscape plans shall be revised to include the following:
 - a. Deletion of enough covered land area (parking lot facilities) from the east side of Larchmont Avenue to achieve a maximum lot coverage of 60 percent.
 - b. Installation of a 10-foot-wide landscape strip (containing one shade tree and 10 shrubs per 35 linear feet) along the dedicated public rights-of-way and adjoining residentially-zoned property, as space allows.
 - c. Delineation of the freestanding sign for the church on the west side of Larchmont Avenue.
 - d. Widen the driveway on the east side of Larchmont Avenue to at least 22 feet.

In addition, a variance for the 25-foot building setback for the church on the west side of Larchmont Avenue is also recommended for APPROVAL.

Note: The requested variance for the seven foot side yard for the single-family detached dwelling at 414 Larchmont is not needed. This dwelling is a pre-existing permitted use in the R-55 Zone. It will continue to be used solely as a dwelling.

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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 Boone, seconded by Commissioner McNeill, with Commissioners Boone, McNeill, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 24, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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