

## RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed SE-4658 Fort Foote Barber Shop requesting a three-chair barber shop in the R-R zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on January 7, 2010, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located on the southwest corner of the intersection of Notley Road and Oxon Hill Road. The property is developed with a 2,481-square-foot residence with an attached 892-square-foot building currently used as a one-chair barber shop. Each of the uses has a driveway onto Notley Road. The barber shop is served by a seven-space asphalt parking compound in the western portion of the property. The east and north property lines are fenced with a stone and wrought iron fence.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R	R-R
Use(s)	Single-family Residence One-chair Barber Shop	Single-family Residence Three-chair Barber Shop
Acreage	0.42	0.42
Lots	1	1
Parcels	0	0
Square Footage/GFA	3,373	3,373
Dwelling Units:	1	1

C. **History:** The subject property was retained in the R-R (Rural Residential) Zone by the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. The Board of Zoning Appeals has approved three variances on the site, twice for lot coverage (V-175-04 and V-180-05) and the other for the side setback for structures along Notley Road. The applicant has been operating a one-chair barber shop as a home occupation on the property pursuant to Use and Occupancy Permit 13088-2003.

D. **Master Plan Recommendation:** The 2006 approved Henson Creek-South Potomac master plan recommends a residential low-density land use (up to 3.5 dwelling units per acre) for the property.

E. **Request:** The applicant seeks approval of a special exception application to allow the expansion of an existing barber shop from one chair to three. The Zoning Ordinance has long permitted a one-chair shop as a home occupation, and was amended in 2008 to allow up to three chairs with the

approval of a special exception. There will be no expansion of the buildings or associated parking necessitated by the expansion of the shop.

- F. **Neighborhood and Surrounding Uses:** The applicant does not define a neighborhood in their statement of justification. Staff would define the neighborhood as follows:

North—	The southern boundary of the National Harbor development.
West—	The Potomac River
South—	Fort Foote Road
East—	Oxon Hill Road

This neighborhood is generally referred to as Fort Foote and is predominantly residential in nature. Scattered commercial uses (a CVS drug store, two small shopping centers, a gas station, and Dennison Landscaping Company) are found (like the subject property) along the west side of Oxon Hill Road. Several schools, churches, and the Fort Foote historic site are found in the interior of the neighborhood, west of Oxon Hill Road.

The property is surrounded by the following uses:

**North and South:** Single-family residences in the R-R Zone. The applicant owns the lot to the south.

**East:** Across Oxon Hill Road is a single-family residence in the R-80 (One-Family Detached Residential) Zone.

**West:** Undeveloped land owned by the applicant in the R-R Zone.

- G. **Sec. 27-441. Uses permitted in the R-R Zone:**

A barbershop is permitted with a special exception in the R-R zone subject to the following Footnote 86:

**Provided:**

(A) The subject property is a minimum of eighteen thousand (18,000) square feet in size.

The subject property is 0.4218 acres or 18,373.608 square feet. This standard has been met.

(B) The subject property is located on a corner lot with frontage on at least one public street with a right of way greater than eighty (80) feet in width.

The subject property is a corner lot on Oxon Hill Road, which has an 85 foot right-of-way. This standard has been met.

**(C) The use requires no new "building" construction on the subject property.**

No new construction is proposed in this application.

**(D) The use meets the Additional Requirements for Specific Special Exception as set forth in Section 27-348.03.**

As discussed below, the use meets the requirements set forth in Section 27-348.03.

H. **Specific Special Exception Requirements:** Section 27-348.03 of the Zoning Ordinance provides the following specific requirements for a barber shop:

**(a) A barber shop may be permitted, subject to the following:**

**(1) The applicant/barber shop owner must reside on and own the subject property;**

The applicant resides on and owns the subject property. The applicant also owns the properties to the south and west.

**(2) The barber shop use must be accessory to the primary use of the subject property as a single family residence, and must be located in a structure which is physically attached to the residence. Additional accessory uses, including but not limited to retail sales of hair and skin products, manicure and pedicure services are prohibited.**

The barber shop is located in an attached building to the rear of the residence. The applicant agrees to abide by the prohibitions of other accessory uses and services.

**(3) The structure containing the use shall be located at least fifty feet from any dwelling on an adjoining lot;**

The structure containing the barber shop is 140± feet from the residence to the south. The site plan shows the dimension from the adjoining residence to the property line, but should be amended to show the correct dimension from structure to structure.

**(4) Parking shall be provided on the subject site (no parking shall be allowed within the public right of way) at the rate of two (2) spaces for each barber chair and shall be setback at least ten (10) feet from any public right of way and lot line of the subject property and shall be buffered and screened from any adjoining residences not owned by the applicant;**

A three-chair barber shop requires six parking spaces; seven are shown, including one space for the handicapped. The parking is shown to be set back ten feet from the right-of-way, but is only set back one foot from the rear (western) lot line. The applicant must either redesign the lot to meet the required ten-foot setback from the rear lot line or move the lot line through a lot line adjustment. It appears that there is enough space available to redesign the lot to meet the setback. The parking schedule should also be amended to show the required and provided spaces for the residence.

- (5) **The applicant/barber shop owner shall pay the appropriate fee to the Department of Public Works and Transportation (DPW&T) for the posting of "No Parking Anytime" signs on all adjoining streets in accordance with DPW&T standards;**

The applicant agrees to this payment.

- (6) **Hours of operation shall be limited to the hours of 9:00 a.m. to 9:00 p.m., Monday through Friday; 7:00 a.m. to 6:00 p.m. Saturday and 10:00 a.m. to 3:00 p.m. on Sunday;**

The site plan identifies these hours of operation.

- (7) **The use may be identified by an unilluminated sign, not exceeding eight (8) square feet in size attached to the accessory structure; and**

The site plan notes a sign of this size will be attached to the accessory structure. The site plan should be revised to show a sign detail.

- (8) **The barber shop use may contain a maximum of three (3) barber chairs and three (3) shampoo bowls.**

The applicant proposes a maximum of three chairs and bowls.

- (b) **In addition to the requirements of Section 27-296(c), the site plan shall show:**

- (1) **The location of the primary residence and attached accessory structure on the subject property;**
- (2) **The location and use of all buildings on adjoining lots; and**
- (3) **The location of and buffering and screening of the required parking area.**

The site plan shows this information.

- I. **Parking Regulations:** The parking schedule provided on the site plan correctly indicates that a total of six spaces are required for the three-chair barber shop use on the property. The site plan indicates that seven parking spaces are provided. Any redesign of the lot pursuant to the necessary ten-foot setback may result in the loss of a parking space. The entrance from Notley Road is shown at 18 feet in width; it must be widened to 22 feet. In addition, the minimum two parking spaces for the residential use must be shown on the site plan and noted in the parking schedule.
- J. **Prince George's County Landscape Manual Requirements:** The use is exempt from the requirements of the *Prince George's County Landscape Manual* since it does not involve additional structures or parking. Landscaping is provided along the parking lot along Notley Road in conformance with Section 27-348.03(a)(4) of the Zoning Ordinance.
- K. **Zone Standards:** With the aforementioned variances, the proposed use meets the general requirements of the R-R Zone, with one exception; the shed in the southwest corner of the site is shown to be set back 1.2 feet from the property line. A two-foot setback is required. The applicant must either move the shed or adjust the property line. No variance has been requested.
- L. **Sign Regulations:** The site plan indicates that a sign will be installed on the barber shop. A sign detail must be provided.
- M. **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;**

With the recommended conditions, the proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance (Section 27-102(a)) seek generally to protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county. The subject barber shop has existed on this site for several years and such uses have long been permitted as a home occupation as an accessory use in the county. Sufficient parking is provided, and buffering and screening in accordance with the County Code is shown.

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**

With the recommended conditions, the proposed use will be in conformance with all applicable 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;**

The proposed use will not substantially impair the integrity of the 2006 approved Henson Creek-South Potomac master plan which recommends a residential low-density land use (up to 3.5 dwelling units per acre) for the property. Home occupations, such as the requested barber/beauty shop, permitted by the Zoning Ordinance as an accessory use, are consistent with master plan recommendations for residential areas. This enlargement of the home occupation use is permitted in the zone by special exception and deemed to be compatible.

- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area. Parking is provided in accordance with the Code and no on-street parking will be permitted. The use is, by nature, not one which produces health and safety concerns.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The barber shop use is currently in operation on the property as a home occupation. This special exception would allow for the accessory use to be enlarged. No information has been submitted that suggests the use will have a detrimental impact on the neighborhood.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The site is exempt from the Prince George's County's Woodland Conservation and Tree Preservation Ordinance because no trees are proposed to be removed as part of the proposed expansion. A letter of exemption was issued on January 21, 2009 and is valid for a period of two years from the date of issuance.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED, subject to the following conditions:

- I. The site plan shall be revised as follows:
  - a. The shed in the southwest corner of the site shall either be moved to meet the two-foot setback or the lot line adjusted.
  - b. The parking area for the barber shop shall be redesigned to meet the prescribed ten-foot setback.

- c. The driveway entrance from Notley Road shall be widened to 22 feet.
- d. The dimension shall be shown from the barber shop structure to the residence to the south.
- e. The parking schedule shall be revised to show the minimum two spaces required for the single-family residence and those spaces shall be shown on the plan.
- f. The sign detail shall be shown.

\* \* \* \* \*

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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, January 7, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of February 2010.

Patricia Colihan Barney  
Acting Executive Director

*Frances J. Guertin*

By Frances J. Guertin  
Planning Board Administrator

PCB:FJG:TL:gdr

**APPROVED AS TO LEGAL SUFFICIENCY**

*Mac*  
M-NCPPC Legal Department

Date 1-12-10