

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 4, 2001, regarding Detailed Site Plan SP-00029 for Faith Independent Baptist Church, the Planning Board finds:

1. The subject Detailed Site Plan was reviewed by the Planning Board on October 26, 2000. Staff had recommended approval of the Detailed Site Plan with conditions. One of the conditions of approval requires the applicant to remove or relocate the existing sheds at the rear of the property to meet the minimum 25-foot setback requirements of the Zoning Ordinance. The applicant wanted to retain the sheds at their existing locations because it is expensive to relocate them. The sheds will be utilized for storage. Since the sheds do not meet the setback requirements of the Zoning Ordinance, the applicant was advised to file for a variance application. The item was continued so that the applicant could file for a variance application. The applicant has filed a variance application.
2. The subject Detailed Site Plan application is for converting an existing block and frame building and single-family residential house to a church and accessory uses. The proposed church will have 96 seats. The existing single-family residence will be used as a parsonage. At present the property is vacant but it was previously used as a day care center. A Special Exception, SE-1690, was approved for the day care center on March 20, 1968, but no day care center is included in the subject application.
3. The subject property is a 1.8-acre, rectangularly-shaped lot on the south side of Northern Avenue. It is improved with an existing single-story block and frame building, a single-family residence and three storage sheds. The block and frame building and the single-family residence are located in the front portion of the property and the storage sheds are located on the rear of the property. Access to the property is through 2 existing 30-foot-wide driveways along Northern Avenue. Parking is proposed in front of the existing block and frame building that is to be converted to a church. The existing fence along the front property line will be removed. An identification sign is proposed in between the two driveways along Northern Avenue. The applicant has not provided any details for the sign. A condition of approval has been added to require the applicant to submit drawings regarding the size, location, height and details of the proposed sign.

The adjacent uses are as follows:

North - Northern Avenue

South - Vacant property zoned I-1

East - Single-family detached dwelling in the R-R Zone

West - Single-family detached residences in the R-R Zone

4. According to Section 27-441, Uses Permitted, of the Zoning Ordinance, a church is a permitted use in the R-R Zone if a 25-foot setback is maintained on all sides of the property. The existing 825-square-foot shed meets the setback requirements. The other two sheds do not meet the setback requirements of the change in use. The applicant has submitted a variance application for the two sheds that do not meet the setback requirements.
5. The proposal is subject to the requirements of Section 4.2 (Commercial and Industrial Landscape Strip), Section 4.3 (Parking Requirements), Section 4.4 (Screening Requirements) and Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. The proposed landscaping does not comply with the requirements of the *Landscape Manual*. A condition of approval has been added to obtain approval of the Alternative Compliance application prior to certificate approval.
6. Section 27-441 (b), Uses Permitted, of the Zoning Ordinance establishes the following parameters for churches located on lots between one and two acres in size in the R-R Zone:

- *The minimum setback for all buildings shall be 25 feet from each lot line;*

Two existing sheds do not meet this setback requirement. The applicant has filed a variance application for these sheds. The variance application is discussed in detail under Finding 16. Finding 16 concludes that findings for granting a variance can be made. With the approval of the variance, SP-00029 can be found to be in conformance with the above section.

- *When possible there should be no parking or loading spaces located in the front yard;*

The applicant will be using the existing parking lot in the front yard to provide parking spaces for the proposed use. Since there is adequate space in the rear yard, the parking lot could be relocated to the rear yard. However, the applicant will incur additional expenses to relocate the parking lot. Therefore, it is more practical and economical to use the existing parking lot because it provides easy accessibility to the church, the street and the parsonage. Requiring the parking lot to be in the rear yard would have been justified if the applicant was proposing new structures and new parking on the property. All the structures are existing and no new alterations are being made on the site. Staff is of the opinion that in this case parking in the front yard should be allowed to remain because there is an existing parking lot in the front yard. The proposal is therefore consistent with the above requirement that provides the flexibility of allowing parking in the front yard based on the particular circumstances of this site.

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

The maximum lot coverage allowed for churches in the R-R Zone is 50 percent. The proposed lot coverage on the subject lot is 6.3 percent.

7. Sections 27-568 and 27-582, Off-street Parking and Loading, of the Zoning Ordinance require the following:

REQUIRED PARKING SPACES		PROPOSED
Church (96 seats)	1 space per 4 seats (24)	24
Parsonage	2 spaces per SFD (2)	1
TOTAL	26	25
REQUIRED LOADING SPACES		
None required for an institutional use less than 10,000 square feet	0	0

A condition of approval requiring an additional parking space has been added. With this condition, the proposed number of parking spaces will comply with the requirements of the Zoning Ordinance.

8. The Permits Review Section (Gallagher to Srinivas, July 24, 2000) has requested minor revisions to the drawings to ensure conformance to Zoning Ordinance requirements.
9. The Community Planning Division (Fields to Srinivas, July 28, 2000) has stated that there are no master plan issues associated with the proposal. It has also stated that there may be some impacts on the level of service on Northern Avenue since this is a conversion from a residential to a public use. However, the property was being used as a day care center which is a public use since 1968. The Transportation Planning Section does not have any comments on the level of service along Northern Road.
10. The Transportation Planning Section (Masog to Srinivas, August 13, 2000) has no comments regarding the proposal.
11. The Environmental Planning Section (Finch to Srinivas, July 26, 2000) has stated that a letter of exemption is required from the Woodland Conservation Ordinance prior to issuance of building permits. A condition of approval has been added to require the same. The applicant should also identify specimen trees on the property and try to protect them if possible.

12. The Department of Public Works and Transportation (Motazedi to Srinivas, August 7, 2000) has stated that right-of-way dedication and roadway improvements along the frontage of the property in accordance with DPW&T Standard No.14 are required.
13. The Subdivision Section (Chellis to Srinivas, August 3, 2000) has stated that the proposal is exempt from the requirements of the Subdivision Regulations.
14. The Department of Environmental Resources (Guzman to Srinivas, August 7, 2000) has stated that the proposal is consistent with stormwater management concept approval #008007300.

Variance

15. Section 27-441, Uses Permitted (Footnote 52), of the Zoning Ordinance requires the following in the R-R Zone:

Setback for all buildings = 25 feet from each lot line

The applicant's proposal is inconsistent with this requirement in the following ways:

Accessory Building #1 - Existing south (rear) yard setback - 15 feet
Accessory Building #3 - Existing south (rear) yard setback - 20 feet
Existing west (side) yard setback - 9 feet

16. Section 27-230 of the Zoning Ordinance requires the Planning Board to make the following findings prior to approving an application for a variance:

- (1) *A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;*

All the buildings on the site are existing structures. The applicant intends to utilize the existing structures so that new structures need not be built. Accessory building #1 has a permanent concrete foundation and accessory building #3 is a wooden structure that cannot be reassembled or relocated. Both these structures are located in the rear yard and will be utilized for storage of grounds maintenance equipment. These buildings met the setback requirements of the Zoning Ordinance for accessory structures when the subject site was used as a residential property and a day care center. Since the proposed use is a church, larger setbacks are required for all buildings, including accessory structures. These two buildings are permanent structures that cannot be relocated or reassembled. Therefore, the site has preexisting conditions that justify granting a variance from the setback requirements.

- (2) *The strict application of this Subtitle will result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon the owner of the property; and*

The rear yard of the subject site is large enough to accommodate storage sheds that meet the setback requirements. However, both the accessory structures are permanent structures that cannot be dismantled and relocated. Tearing down these structures and building new sheds that meet the setback requirements create practical difficulties for the applicant to meet the setback requirements. The applicant intends to use these structures for storage. They are not visible from the street. Removing the sheds would reduce the overall utility of the site. Therefore, the granting of the variance is justified because the strict application of this Subtitle would result in unusual practical difficulties for the owner of the property.

- (3) *The Variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.*

The proposed use of the property as a church is in conformance with the master plan and will provide a desirable amenity that complements a residential community. The granting of a variance for two accessory structures in the rear yard will not conflict with any master plan issues. Therefore, the variance will not impair the intent, purpose or integrity of the master plan.

The staff recommends that the Planning Board find that approval of variance application VD-000029A is justified based on the fulfillment of the criteria mentioned above.

17. With the proposed conditions and the approval of the variance application, Detailed Site Plan SP-00029 is found to represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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 APPROVED the Detailed Site Plan SP-00029 and further approved Variance Application No. VD-00029A.

1. Prior to certification of the Detailed Site Plan, the site/grading and landscape plans shall be revised to show the following:
 - a. Size, location, height and details of the proposed sign
 - b. A total of 26 parking spaces

- c. A note stating that there will be no Sunday school during the same time as the church services
2. Prior to certificate approval, the applicant shall obtain the approval of the Alternative Compliance application. The Planning Director shall have final approval authority for the alternative compliance as designee of the Planning Board.
3. Prior to issuance of building permits, a letter of exemption shall be obtained from the Environmental Planning Section, Countywide Planning Division.

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 Lowe, with Commissioners Brown, Lowe, Eley, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 4, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of January 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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