

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 July 27, 2000, regarding Detailed Site Plan DSP-00003 for Whosoever Will Christian Church, the Planning Board finds:

1. The subject Detailed Site Plan application is for converting the existing single-family residential house and accessory structures to a church and accessory uses. The applicant is also requesting by means of a companion case, DDS 513, a departure from design standards for the ten-foot-wide driveway. A Variance application for the west side yard setback has also been filed.
2. The subject property is a 1.7-acre rectangularly-shaped lot on the north side of Sellman Road. It is improved with a single-family residence, a storage shed, an accessory office structure and a barn. All the structures are located on the rear portion of the property. The entire front portion of the property consists of lawn that gradually slopes down toward Sellman Road. The difference in grade between Sellman Road and the rear property line is approximately 30 feet. Therefore, the existing structures are located approximately 30 feet higher than the road level along Sellman Road and are hardly visible from the street. Access to the property is through an existing gravel driveway. At the end of the driveway is a roundabout that provides access to the existing structures and the proposed parking.

The existing residence, located on the east side of the property, will be converted to a parsonage. The existing barn, on the west side of the property, will be converted to a church with 50 seats. The accessory structure located in between the residence and the barn will be converted to an office. The storage shed along the rear property line will be retained as a storage shed. Fifteen gravel parking spaces are proposed around the roundabout. The existing driveway is being widened on the east and west sides of the roundabout. There is a five-foot-high wood fence along the rear portion of the west property line, a four-foot-high chain-link fence along the north property line and an iron pipe fence along the rear portion of the east property line.

The adjacent uses are as follows:

- North - Single-Family detached residences in the R-R Zone
- South - Sellman Road
- East - Single family detached dwelling in the R-80 Zone
- West - Single-Family detached residences in the R-R Zone

3. According to Section 27-441, Uses Permitted, of the Zoning Ordinance, a church is a permitted use in the R-80 Zone if a 25-foot setback is maintained on all sides of the property. The proposal is consistent with all the requirements of Section 27-441 except the setback requirements. The west side setback for the proposed church is 5 feet 2 inches. Although the structures are existing, the change in use requires larger setbacks. Since the proposal does not meet the setback requirements for the proposed use, the subject Detailed Site Plan will not be consistent with the Zoning Ordinance.

The applicant has submitted a Variance application (VD-00003A) for the west side yard setback. Finding 14 below addresses the Variance application. Finding 14 concluded that the findings for granting a Variance can be made.

4. The proposal is subject to the requirements of Section 4.2 (Commercial and Industrial Landscape Strip) and Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. The proposed landscaping does not comply with the requirements of the *Landscape Manual*. The applicant has applied for Alternative Compliance (AC-00028). The Alternative Compliance Review Committee reviewed the proposal on July 10, 2000 and recommended that the Planning Director recommend approval of AC-00028 with conditions. The conditions of approval recommended by the Committee include additional landscaping along the west and north property lines, additional planting materials, a fence along a portion of the west property line adjacent to the proposed church, trees along the driveway and elimination of a parking space within the 30-foot landscape strip along the west property line. The Planning Director has recommended approval of AC-00028 with conditions. The recommendations of the Alternative Compliance Committee were modified by the Planning Board during the course of the Public Hearing.
5. Sections 27-568 and 27-582, Off-street Parking and Loading, of the Zoning Ordinance require the following:

REQUIRED PARKING SPACES		PROPOSED
Church (50 seats)	1 space per 4 seats (12.5)	13
Parsonage	2 spaces per SFD (2)	2
TOTAL	14.5	15
REQUIRED LOADING SPACES		
None required for an institutional use less	0	0

than 10,000 square feet		
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The proposed number of parking spaces complies with the requirements of the Zoning Ordinance. Two of the proposed parking spaces (for the Parsonage) are tandem parking spaces (parking spaces located one behind the other). Section 27-551, Permitted Use of Parking Areas and Loading Spaces, of the Zoning Ordinance states that:

- (e) Parking for one-family dwellings.**
(1) Parking spaces provided solely for, and on the same lot with, one-family dwellings may be located one behind the other. The front space may be used as access to the rear space.

Since the proposed tandem parking spaces serve the parsonage, which will be used as a single-family residence, they will comply with the above requirements of the Zoning Ordinance.

6. The Permits Review Section (Bakka to Srinivas, March 22, 2000) has requested minor revisions to the drawings to insure conformance to Zoning Ordinance requirements.
7. The Community Planning Division (Fisher to Srinivas, February 29, 2000) has stated that the master plan contains guidelines for buffering incompatible uses from the residential properties. The guidelines include landscaping, open space, fencing and other creative site planning techniques for buffering.
8. The Transportation Planning Section (Masog to Srinivas, April 11, 2000) has stated that the site plan is acceptable with the exception of the existing driveway.
9. The Environmental Planning Section (Finch to Srinivas, July 14, 2000) has stated that a letter of exemption is required from the Woodland Conservation Ordinance prior to issuance of building permits.
10. The Department of Public Works and Transportation (Motazedzi to Srinivas, March 9, 2000) has stated that right-of-way dedication and roadway improvements along the frontage of the property in accordance with DPW&T standard No.12 are required.
11. The Subdivision Section (Del Balzo to Srinivas, March 22, 2000) has stated that the proposal is exempt from the requirements of the Subdivision Regulations. Also, the site plan correctly identifies the void between the subject property and the adjoining single-family lots.

12. The Washington Suburban Sanitary Commission (Maholtz to Srinivas, February 29, 2000) has stated that the proposal has no impacts on the existing conditions.
13. The Detailed Site Plan SP-00003 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.

Variance

14. 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;*

The subject property was originally a residential site. The subject site consists of 1.7 acres. The existing building coverage on the site is 17.1%. The maximum allowable coverage in this zone is 50%. Only the rear half of the site has been used for the existing structures. The rear half of the lot also contains several mature trees that are going to be retained. The rest of the site has open lawn. The significant amount of trees in the rear half of the lot, the open lawn in the front portion of the site and the large size of the lot enhance the visual quality of the site. The existing trees cannot be retained if the existing structures are relocated or new structures are built to meet the setback requirements. The site therefore, has exceptional topographic conditions and unique qualities 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 site is large enough to accommodate a church that meets the setback requirements. However, the existing or proposed structures have to be accommodated in the rear half of the lot to retain the aesthetic quality of the site. These unique conditions of the site create space constraints on the site. The existing trees cannot be retained if the existing structures are relocated or new structures are built to meet the setback requirements. These unique conditions of the site create practical difficulties for the applicant to meet the setback requirements. The preservation of the existing trees is a justification for granting a variance from the setback requirements and 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.

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

The 1990 Master Plan for Subregion I rezoned the property from the R-R to the R-80 Zone. The Master Plan contains the following guidelines that are relevant to this proposal:

■ Buffering in the form of landscaping, open space, attractive fencing, and/or other creative site planning techniques should be utilized to protect residential areas from commercial, industrial, and other incompatible uses. •

The 25-foot-wide setback required by the Zoning Ordinance for the proposed church use would have been adequate to provide landscape buffers to protect the adjacent residential uses from the noise and privacy impacts of the proposed church. Adequate landscape buffers can be provided along the north and east sides of the subject property to protect the adjacent residential uses. The subject property abuts the rear yards of the residential properties to the west. The applicant is providing a fence along the west property line and additional landscaping to screen the subject property and avoid impacts to the adjacent properties.

Therefore, the proposal will be consistent with the Master Plan guidelines for buffering with creative site planning techniques. Therefore, the variance will not impair the intent, purpose and integrity of the Master Plan by departing from Master Plan guidelines for buffering.

The Planning Board finds that the approval of the Variance application VD-00003A is justified based on the fulfillment of the criteria mentioned above.

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 DSP-00003, with conditions and further approved Variance Application No. VD-00003A and AC-00028.

1. Prior to certification of the Detailed Site Plan, the site/grading and landscape plans shall be revised to show the following:
 - a. lot coverage calculations
 - b. correct labeling of the van accessible parking space

- c. means of accessibility from the parking lot to the building for the physically handicapped.
 - d. fulfillment of the approved Alternative Compliance conditions as follows:
 - (1) plant evergreen trees of appropriate size and species, to be determined jointly by applicant and staff, in any areas devoid of vegetation in the following areas:
 - (a) from the common lot lines of Lots 4 and 5 to the northwest corner
 - (b) from the northeast corner to the existing house to the east
 - (2) A six-foot-high board on board fence shall be installed from the front corner of the church to the northwest corner of the property
 - (3) remove and relocate the proposed parking space within the required 30-foot landscaped yard on the west
 - (4) plant three shade trees along the west side of the driveway for a distance of 100 feet from Sellman Road.
 - e. a ten-foot-wide grass paver with 95% compaction of subsoil along the eastern side of the existing driveway for the entire length of the driveway if ultimately required by the Fire Department.
2. Prior to issuance of building permits, a letter of exemption shall be obtained from the Environmental Planning Section, Countywide Planning Division.

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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 Lowe, Eley, Hewlett, and Brown voting in favor of the motion, at its regular meeting held on Thursday, July 27, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of September 2000.

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AC-00028
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Executive Director

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