

Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



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CERTIFICATION OF NONCONFORMING USE

CNU-11548-2001

Application	General Data
Project Name Washington National Cemetery Location South side of Suitland Road approximately 1,100' west of Arnold Road, known as 4101 Suitland Road. Applicant Cornerstone Family Services, Inc. 155 Rittenhouse Circle Bristol, Pennsylvania 19007	Date Accepted 5/31/01
	Planning Board Action Limit None
	Tax Map & Grid 080 B-2
	Plan Acreage 51.92 Acres
	Zone O-S
	Dwelling Units None
	Square Footage None
	Planning Area 75A
	Council District 07
	Municipality None
	200-Scale Base Map 204SE4

Purpose of Application			Notice Dates	
Certification of a nonconforming cemetery in the O-S Zone.			Adjoining Property Owners (CB-15-1998)	06/08/01
			Previous Parties of Record (CB-13-1997)	N/A
			Sign(s) Posted on Site	10/05/01
			Variance(s): Adjoining Property Owners	None
Staff Recommendation			Staff Reviewer	Tom Lockard
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION	
X				

October 8, 2001

TECHNICAL STAFF REPORT:

TO: The Prince Georges County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Certified Nonconforming Use Application No. CNU-11548-2001-U**

REQUEST: **Cemetery in the O-S Zone.**

RECOMMENDATION: **APPROVAL**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date indicated above. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

FINDINGS:

- A. Location and Field Inspection: The subject property comprises 51.92 ∇ acres located on the south side of Suitland Road, 1,100 ∇ feet west of its intersection with Arnold Road. It is developed as the Washington National Cemetery. It is hilly in topography, descending gradually from east to west. The cemetery has a combination of lawn crypts and mausoleums, as well as associated offices and maintenance buildings.
- B. History: The applicant states that the cemetery was first established in 1934, prior to the area's incorporation into the Regional District on May 12, 1942. The site was then placed in the ■Residential-A Zone, which permitted a cemetery ■subject to the approval of the Commission.● In 1949, the site was placed in the R-R Zone, which required a special exception for this use. In 1986, the *Suitland-District Heights and Vicinity Sectional Map Amendment* placed the site in the O-S Zone, which also requires a special exception for a cemetery.

Through the years, several special exceptions have been approved for sections of the cemetery, including a pending application for additional crypts and mausoleums on 9.9 ∇ acres (SE-4379). During the processing of SE-4379, it was discovered that the cemetery site in its entirety had never been approved either through the certification of a nonconforming use or a special exception.

- C. Master Plan Recommendation: The 1985 *Master Plan for Suitland-District Heights and Vicinity* recommends public/quasi-public use for the site in recognition of its long use as a cemetery.
- D. Request: The applicant seeks certification of the cemetery as a nonconforming use.
- E. Surrounding Uses: The site is surrounded by the following uses:

North: Across Suitland Road is Cedar Hill Cemetery in the O-S Zone.

Northeast: Garden apartments in the R-18 Zone

East and Southeast: The Suitland Federal Center in the C-O Zone

South and Southwest: The Lincoln Memorial Park Cemetery in the O-S Zone and Suitland Parkway.

- F. Certification Requirements: Certification of a nonconforming use requires that certain findings be made. First, the use must either predate zoning or have been established in accordance with all regulations in effect at the time it began. Second, there must be no break in operation for more than 180 days since the use became nonconforming. Section 27-244 sets forth the specific requirements:
1. **In general, a nonconforming use may only continue if a use and occupancy permit identifying the use as nonconforming is issued after the Planning Board (or its authorized representative) certifies that the use is really nonconforming and not an illegal use.**
 2. **Application for Use and Occupancy Permit:**

- a. **The applicant shall file for a use and occupancy permit.**
- b. **Along with the application and accompanying plans, the applicant shall provide the following:**
 - (1) **Documentary evidence, such as tax records, business records, public utility installation or payment records and sworn affidavits showing the commencing date and continuous existence of the nonconforming use.**
 - (2) **Evidence that the nonconforming use has not ceased to operate for more than 180 consecutive calendar days between the time the use became nonconforming and the date when the application is submitted or that conditions of nonoperation for more than 180 consecutive calendar days were beyond the applicant's and/or owner's control, were for the purpose of correcting Code violations or were due to the seasonal nature of the use.**
 - (3) **Specific data showing:**
 - (i) **The exact nature, size and location of the building, structure and use.**
 - (ii) **A legal description of the property.**
 - (iii) **The precise location and limits of the use on the property and within any building it occupies.**
 - (4) **A copy of a valid use and occupancy permit issued for the use prior to the date upon which it became a nonconforming use, if the applicant possesses one.**

G. Documentary Evidence: The applicant must show that the cemetery existed prior to May 12, 1942, when the site was first incorporated into the Regional District. The applicant has submitted sections of the ■Record of Interments■ for the cemetery showing the earliest interment in 1934, as well as complete records from 1942 up to April 2001. At no time does the record show a break of more than 180 days during the time period from December 27, 1941, to April 2, 2001.

CONCLUSION:

The evidence submitted by the applicant clearly shows that the cemetery predated the May 12, 1942 incorporation date for this area of the county. It also shows that there has been no break in operation of more than 180 days since the time the use became nonconforming and the date the application was filed. Staff recommends APPROVAL of this application.