



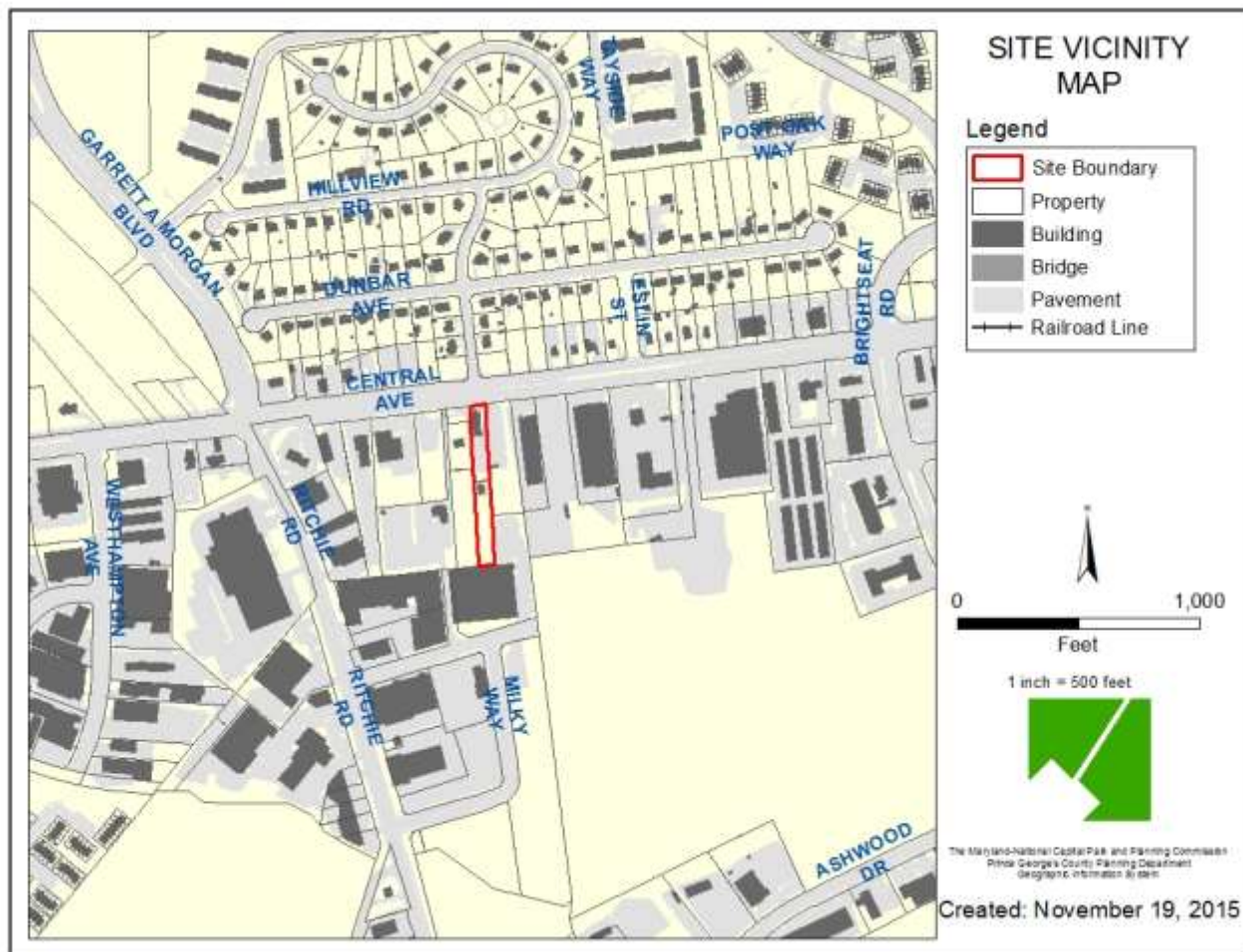
Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Certification of Nonconforming Use CNU-21215-2015

Application	General Data	
Project Name: House of Prayer Church of God Location: South of Central Avenue (MD 214), approximately 900 feet east of the intersection of Morgan Boulevard and Ritchie Road. Applicant/Address: House of Prayer Church of God 8513 Central Avenue Capitol Heights, MD 20743 Property Owner: Same as applicant	Planning Board Hearing Date:	12/10/15
	Staff Report Date:	11/16/15
	Date Accepted:	10/14/15
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.45
	Zone:	R-R
	Gross Floor Area:	2,662 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	75A
	Council District:	07
	Election District	13
	Municipality:	N/A
200-Scale Base Map:	201SE08	

Purpose of Application	Notice Dates	
Certification of a nonconforming use for a church with 135 seats in a residential zone on less than one acre.	Informational Mailing:	07/22/15
	Acceptance Mailing:	10/13/15
	Sign Posting Deadline:	11/09/15

Staff Recommendation		Staff Reviewer: Ivy R. Thompson Phone Number: 301-952-4326 E-mail: Ivy.Thompson@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Supervisor, Zoning Review Section, Development Review Division

FROM: Ivy R. Thompson, Senior Planner, Zoning Review Section, Development Review Division

SUBJECT: **Certification of Nonconforming Use Application No. CNU-21215-2015
House of Prayer Church of God**

REQUEST: **Certification of a nonconforming use for a church with 135 seats in a residential
zone on less than one acre.**

RECOMMENDATION: **APPROVAL**

NOTE:

The Planning Board has scheduled this application for a public hearing on December 10, 2015. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

FINDINGS

- A. **Location and Field Inspection:** The rectangular-shaped property, zoned Rural Residential (R-R), is located on Central Avenue (MD 214), approximately 900 feet east of the intersection of Morgan Boulevard and Ritchie Road. The subject property, identified as 8513 Central Avenue, has a net lot area of approximately 0.45 acres. The property is comprised of 19,596 square feet of land and is improved with a 3,100-square-foot single-story brick masonry church on the northern portion of Parcel 88. A 78-space asphalt paved parking lot is located at the rear of the church and on the adjacent Parcel I, zoned Light Industrial (I-1), and east of the subject use. Access to the development is provided via MD 214. In addition to owning Parcels 88 and 78, the applicant (House of Prayer Church of God) also owns the adjacent Parcel 91 (east), Parcel 86 (south), and Parcel 61 (south), which are zoned I-1.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	Unchanged
Lot/Parcel	88	Unchanged
Acreage	0.45	Unchanged
Gross Floor Area	3,100 sq. ft.	Unchanged
Use(s)	Church	Unchanged

- C. **History:** The zoning map adopted in 1949 zoned the subject property R-R. A church has operated at 8513 Central Avenue since at least 1956. Per Zoning Map Amendment A-8872, the subject site was used as a church building and residence in the R-R Zone. The church with off-street parking is located in the R-R zone and an overflow parking lot (Parcel 74), constructed pursuant to Permit 3675-84-GU, is located in the I-1 Zone. The adjacent Parcel I is the subject of A-8872-C granted in September 1973, which rezoned the property from R-R to I-1.

- D. **Request:** The applicant requests certification of a nonconforming use for a church in the R-R Zone. Because zoning regulations were changed or adopted after the permitted use was lawfully established, the use became nonconforming. The nonconforming status began when Prince George's County Council Bill CB-23-1993, which was adopted on August 31, 1993. The Prince George's County Zoning Ordinance requires a special exception for a church on less than one acre in the R-R Zone.

- E. **Surrounding Uses:** The surrounding area is developed with a mix of commercial, retail, and industrial uses. The site is surrounded by the following land uses:

North— Central Avenue (MD 214) and Norair Street; developed properties zoned Mixed Use–Infill (M-U-I) in a Development District Overlay (D-D-O) Zone.

South— Church owned property zoned I-1.

East— Developed properties zoned I-1 in a D-D-O Zone.

West— Developed properties zoned I-1 in a D-D-O Zone.

- F. **Certification Requirements:** Certification of a nonconforming use requires that certain findings be made. First, the use must either predate the pertinent zoning regulation 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 of the Zoning Ordinance sets forth the following specific requirements for certifying a nonconforming use:

(a) In general.

- (1) 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) or the District Council certifies that the use is nonconforming and not illegal (except as provided for in Section 27-246 and Subdivision 2 of this Division).**

(b) Application for use and occupancy permit.

- (1) The applicant shall file an application for a use and occupancy permit in accordance with Division 7 of this Part.**

- (2) Along with the application and accompanying plans, the applicant shall provide the following:**

(A) 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;

(B) 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 one hundred eighty (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 one hundred eighty (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;

(C) Specific data showing:

- (i) The exact nature, size, and location of the building, structure, and use;**
- (ii) A legal description of the property; and**
- (iii) The precise location and limits of the use on the property and within any building it occupies;**

- (D) **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.**

Analysis—Since August 31, 1993, per CB-23-1993, the Section 27-441 (b)(2)(A) of the Zoning Ordinance states that a church or similar place of worship located on a lot less than one acre in size is permitted with a special exception. However, according to the applicant's justification statement and supporting documentation, the subject property has operated as a church since at least 1956 and prior to the zoning change in August 1993. A zoning violation notice was issued by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on March 26, 2015 because the subject property does not have a valid use and occupancy permit. However, due to the zoning change, it was determined that the use was nonconforming. Therefore, in accordance with Section 27-244(f), the Planning Board must determine whether, in fact, the use was legally established prior to the date it became nonconforming and that it has been in continuous operation since that time.

The applicant submitted the following documentary evidence in support of the application for the operation of a church in the R-R Zone:

1. Exhibit 1—List of House of Prayer Church programs and events dated March 14, 1986 through July 16, 2015:

a. **Correspondence to and from Church Representatives:**

3/14/1986	Letter from Robert Clagett re: sale of Hamilton property
2/1/1993	Letter to Citizens Bank of Maryland re: parking lot encroachment
11/18/1994	Letter from Global Travel of Washington, DC
12/9/1994	Letter from Pirate's Cove Holiday Inn, Paradise Island
6/20/1995	Law Offices of Knight, Manzi, Brennan, Ostrom & Ham
12/20/1995	Law Offices of Knight, Manzi, Brennan, Ostrom & Ham
3/19/1996	Law Offices of Knight, Manzi, Brennan, Ostrom & Ham
12/23/1996	Law Offices of Knight, Manzi, Brennan, Shay & Ham
2/18/1997	The Prince George's County Government Office of the County Executive
2/21/1997	Prince George's County Government
7/30/1998	Letter from Congressman Albert R. Wynn
6/11/2000	House of Prayer Church of God
9/24/2002	House of Prayer Church of God
5/23/2003	First Deacon's Fellowship (Mailer to HOP)
4/24/2015	Letter from Iglesia Union Cristiana Y Misionera Inc.

b. **Church Services, Celebrations, and Funeral Programs:**

1/5/1994	Homegoing Service - Mother Cora Simms Contee
7/24/1996	Homegoing Service - Raymond Frederick Greenleaf
12/7/1996	Celebration of a Young Life and a Peaceful Service Home
1/5/1997	Ordination and Consecration Service
12/27/1997	In Loving Memory of Missionary Cora E. Myles
4/1/1998	Homegoing Service- Wendell Leroy Smith
7/16/2000	Young People's Conference
8/22/2000	Celebration of Life for Hattie Lorraine Payne
10/6/2000	26th Pastoral Anniversary
5/6/2001	58th Anniversary of the Try to be a Blessing Chorus
6/30/2001	Homegoing Service - Elder Oscar Douglas Toller
9/21/2001	27th Pastoral Anniversary of Bishop Francis S. Myles
1/31/2002	A Celebration of Life Brother Christopher Richardson
7/31/2002	Victory Celebration Services for Mother Ruth Victoria Coates
5/23/2003	First Deacon's Fellowship (Mailer to HOP)
7/11/2004	21st Women's Day Anniversary
9/24/2004	30th Pastoral Anniversary of Bishop Francis S. Myles
1/9/2004	In Loving Memory of Virgie E. Thomas
2/12/2005	In Loving Memory of Shirley Martin Jones
12/19/2005	Homegoing service- Berry R. Thomas
3/18/2007	Holiness Ministers' Wives and Widows Council of Washington DC and Adjoining States Inc.
11/3/2007	Homegoing Celebration of Life and Love for Corrine Virginia Hamilton
2/5/2008	Celebrating the Life and Journey Home for Jacqueline Theresa Smith
2/16/2008	Men's Chorus 26th Anniversary
4/14/2008	Homegoing service for Vermel C. Harrison
5/4/2008	65th anniversary of the Try to be a Blessing Chorus
6/22/2008	79th Church Homecoming Anniversary
7/20/2008	Young People's Conference
7/26/2008	Consecration and Installation of Elder Ivin D. Miles
8/26/2008	Pre-Men's Day Service
8/31/2008	It's His Time to be Blessed Brother Gregory Angelo Johnson
12/19/2008	Homegoing Celebration of Evangelist Seymore Francis Gray
6/26/2009	Earthly Life Journey of Edward Kahlheim
6/28/2009	80th Church Homecoming Anniversary
7/19/2009	55th Annual Young People's Conference
7/31/2009	Celebration of Life for Stewart Dewayne Myles
8/7/2009	In Loving Memory of Priscilla W. Thomas

8/21/2009	Celebration of Life for Samuel Lee McMickle, Jr.
9/1/2009	Pre-Men's Day Service
9/6/2009	53rd Annual Men's Day
10/3/2009	Homegoing Service - Estella J. Hunter
10/9/2009	35th Pastoral Anniversary
1/7/2010	Homegoing Service - Elder Kelvin Winfield Gross
2/20/2010	The Celebration of Life and Home Going Service for Mother Lillie May Toller
12/3/2011	Ordination and Consecration Service
4/17/2012	Celebration of Life and Homegoing Service Maurine Josie Johnson
1/11/2013	Homegoing Service - Elder Joseph Lawrence Butler
3/17/2013	64th Anniversary Service for Holiness Ministers' Wives and Widows Council of Washington DC and Adjoining States Inc.
6/4/2013	Homegoing Celebration for Howard N. Jackson
6/15/2013	Homegoing Celebration for Missionary Linda Delores Smith
10/26/2013	Celebration of Life for Carrie Beatrice Byrd Fleet
12/1/2013	In Loving Memory of Tyson Jerome Barnette
7/20/2014	60th Annual Young People's Conference
9/5/2014	Celebrating the Life of Evelyn Florence Carroll
10/29/2014	In Loving Memory of Mrs. Dorethera V. Hawkins
4/26/2015	78th Missionary Circle Anniversary
7/13/2015	61st Annual Young People's Conference

c. **Business Statements, Service Statements, and Invoices:**

7/12/1993	U.S. Recording Company
9/9/1993	Department of Assessment and Taxation Prince George's County Office
9/27/1993	Easy Computer Solutions
9/28/1993	State of Maryland Certificate of Registration and Inspection
11/30/1993	Easy Computer Solutions
3/22/1994	Easy Computer Solutions
3/23/1994	County Roofing and Siding Co.
6/16/1994	Computer Doctors
8/1/1994	State of Maryland Safety Test Inspection Notice
3/15/1995	Advanced Coin Paytelephone
5/2/1995	Title Associates, Inc.
3/16/1996	Chuck Levin's Washington Music Center
4/16/1996	Brinks Home Security
7/1/1996	Easy Computer Solutions
12/20/1996	Carolina Door Controls, Inc.

7/1/1997	Wann Bay Country
9/14/1998	Long's Electronics
11/9/1998	AdironDack Direct
12/21/1998	Superior Products MPG.CO.
3/12/1999	Viking Office Products Duplicate Invoice
5/7/1999	Lab Safety Supply Original Invoice
5/7/1999	Champion America Inc.
5/7/1999	County Roofing and Siding Co.
5/7/1999	Viking Office Products Original Invoice
5/31/1999	Superior Products MFG.CO.
7/16/1999	Long's Electronics
10/2/1999	Floor Service Company
10/13/1999	Credit Memo
11/18/1999	Reliable Your Office Supply People
11/29/1999	Reliable Your Office Supply People
12/30/1999	Long's Electronics
2/16/2000	Contract William Broadway
2/16/2000	T.W. Stanley
3/11/2000	Chuck Levin's Washington Music Center
3/13/2000	Champion America Inc.
3/13/2000	Long's Electronics
4/18/2000	Prince George's County False Alarm Reduction Unit
6/11/2000	House of Prayer Church of God
6/20/2000	Chuck Levin's Washington Music Center
10/31/2000	Quick Books
1/2/2001	Long's Electronics
6/1/2001	Christian Bookshop of Annapolis
6/30/2002	MBM A/C and Heating Company
7/9/2002	Jiffy John Inc.
10/8/2002	Lab Safety Supply
11/11/2002	Magee Company
1/6/2003	Quill
2/6/2003	Christian Bookshop of Annapolis
3/17/2003	DLLR State of Maryland
5/8/2003	United Security & Communication, Inc.
7/11/2003	Technical Audio Service Order & Invoice
10/24/2003	Christian Bookshop of Annapolis
9/8/2004	Gospel Publishing House
9/9/2004	Technical Audio Service Order & Invoice
10/9/2004	Integrity Video Audio Group, LLC

6/1/2004	Daycon
10/12/2004	Daycon
1/3/2005	Daycon
2/23/2005	Daycon
4/7/2005	Daycon
7/7/2005	Daycon
2/21/2006	Daycon
4/30/2006	Daycon
9/7/2006	Daycon
3/21/2007	F&M Fire Protection Service, Inc.
3/29/2007	Long's Electronics
6/14/2007	Griffith Energy Services Inc.
7/10/2007	Gospel Light
7/15/2007	Radio One
8/10/2007	Gospel Publishing House
12/4/2007	Gospel Publishing House
1/19/2009	Letter to Free State Cycle re: encroachment lease
2/19/2009	WSSC Bill
6/11/2009	Prince George's County Building Permit
8/4/2009	WSSC Bill
11/2/2009	PEPCO Bill
11/18/2009	WSSC Bill
12/1/2009	MBM A/C and Heating Company
12/31/2009	Suburban Propane
6/3/2010	The Mattress Store Annapolis
7/1/2010	Picas Printing Co.
7/9/2010	Exxon Mobil
7/15/2010	Washington Gas
7/27/2010	Local Church Publishing
9/16/2010	Verizon Wireless
9/30/2010	Verizon Business Link Rewards Statement
2/16/2011	Verizon Wireless
6/2/2011	Griffith Energy Services Inc.
6/3/2011	Jiffy John Inc.
8/31/2011	Suburban Propane
10/12/2011	Brooks Lock & Security Corp.
10/21/2011	Nelson Nick Remodeling Specialist
11/16/2011	Verizon Wireless
2/10/2011	Budget Statement
12/10/2011	Budget Statement

12/13/2011	Suburban Propane
1/10/2012	Budget Statement
1/14/2012	Vintage Security
10/26/2012	ETI Elevator Technologies, Inc.
12/22/2014	Daycon Cleaning and Maintenance Supplies
2/19/2015	Harding Trucking, Inc.
3/17/2015	Greenscape Environmental Services, Inc.
4/30/2015	Personnel Concepts
5/15/2015	Amsterdam Printing
6/30/2015	Suburban Propane
7/16/2015	W.L. Meekins, Inc. Land Surveyor

d. **Inspection and Permit Notices:**

9/28/1993	State of Maryland Certificate of Registration and Inspection
8/1/1994	State of Maryland Safety Test Inspection Notice
8/7/1997	State of Maryland: Department of licensing and Regulation Division of Labor and Industry Safety inspection unit
8/5/1998	State of Maryland: Department of licensing and Regulation Division of Labor and Industry Safety inspection unit
3/17/2003	DLLR State of Maryland
6/22/2006	Maryland Labor Law Postal Service
6/11/2009	Prince George's County Building Permit
7/23/2012	DLLR Annual Safety Inspection Registration Notice
8/23/2012	IRS- Department of Treasury Internal Revenue Service
10/26/2012	DLLR Elevator Safety Inspection
10/26/2012	Allsafe Elevator Inspections
6/1/2015	The Maryland- National Capital Park and Planning Commission Permit Review Section

2. **Exhibit 2**—34 Notarized affidavits from House of Prayer congregants affirming that the House of Prayer Church of God has operated as a church at the existing location prior to 1956:

1. Trina Harvell, church member since 1988;
2. L'Tanya N. Bryan, church member since 1988;
3. Helen T. Pinkney, church member since 1939;
4. David Wilmore Miles, church member since 1946;
5. Delydia M. Jones, church member since 1943;
6. Carolyn McMickle, church member since 2003;
7. Antoine Cole, church member since 1986;
8. Dorothy M. Love, church member since 1985;
9. Leonora M. Gross, church member since 1945;
10. Elizabeth C. Harvell, since church member since 1980;
11. Alicia M. Nick, church member since 1985;

12. Jean D. Payne, church member since 1992;
 13. Melvin A. Myles, church member since 1953;
 14. Lelah Mae Myles, church member since 1955;
 15. Gloria Richardson Myles, church member since 1989;
 16. Carolyn Simms, church member since 1957;
 17. Debra Myles, church member since 1991;
 18. Daisy Myles Harris, church member since 1959;
 19. Edith E. Curtis, church member since 1955;
 20. Donald W. Simpson, Jr., church member since 2009;
 21. Janice Myles, church member since 1974;
 22. Sharon Miner, church member since 1969;
 23. Walter V. Nick, church member since Jr. 1979;
 24. Yvonne A. Malloy, church member since 1985;
 25. Hazel Belt, church member since 2000;
 26. Anthony Myles, Sr., church member since 1970;
 27. Melissa Chapman, church member since 1986;
 28. Brigitte Myles, church member since 1987;
 29. Sharon Tolson, church member since 1977;
 30. Betty Myles, church member since 1982;
 31. Susan Martin, church member since 1952;
 32. Delores Summers, church member since 1942;
 33. Melvin Burley, church member since 1965;
 34. Francis Myles, Sr., church member since 1950.
3. **Exhibit 3**—PG ATLAS aerial photographs for the years: 2014, 2011, 2009, 2007, 2006, 2005, 2000, 1998, 1993, 1984, 1980, 1977, and 1965.

DISCUSSION

The subject property was zoned R-R in 1949 and became nonconforming in August 1993 when the Prince George's County Council adopted Council Bill CB-23-1993 requiring a special exception for churches in residential zones on less than once acre. The applicant has provided evidence to support their assertion of legal use prior to the use becoming nonconforming in August 1993. The applicant has provided a plethora of documents ranging from programs, service letters from utility companies, letters, invoices, and other church documents, all which demonstrate the use of the subject property as a church. There is no evidence that the subject property ceased operating as a church at any time since becoming nonconforming.

CONCLUSION

Based on the evidence submitted by the applicant, together with the lack of contradictory evidence from other sources, staff concludes that 8513 Central Avenue is currently used as a church in accordance with the requirements of the Zoning Ordinance in effect prior to August 31, 1993. There is also no evidence to suggest a lapse of continuous use since that time. Therefore, it is recommended that Certification of Nonconforming Use Application No. CNU-21215-2015 be APPROVED as a certified nonconforming use.