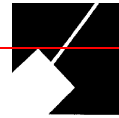


Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3470



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INFORMATION AT THE @ SIGN
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LINE - NOT TAB. ALSO, IT WILL LOOK
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Certification of Nonconforming Use NCU-6762-99- U

Application	General Data
Project Name: Mount Zion Church of God Location: The subject property is located on the southeast corner of the intersection of Addison Road and 61st Avenue. Applicant/Property Address: Martha V. Boyd 737 61 st Avenue Fairmount Heights, MD	Date Accepted: 11-1-99
	Planning Board Action Limit: N/A
	ZHE Hearing Date: N/A
	Plan Acreage: .26± acre
	Zone: R-55
	Dwelling Units: N/A
	Square Footage: N/A
	Planning Area: 72
	Council District: 5
	Municipality: Town of Fairmount Heights
	200-Scale Base Map: 201NE 5R

Purpose of Application	Notice Dates
Validate existing church	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: None (CB-13-1997)
	Sign(s) Posted on Site: 12-23-99
	Variance(s): Adjoining: Property Owners N/A

Staff Recommendation			Staff Reviewer: Jimi Jones
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION

X			
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January 19, 2000

TECHNICAL STAFF REPORT:

TO: The Prince Georges County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: **Certified Nonconforming Use Application No. 6762-99-U**

REQUEST: **Church**

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 301-952-3280 for additional information.

FINDINGS:

- A. Location and Field Inspection: The subject property is located on the southeast corner of the intersection of Addison Road and 61st Avenue in the Town of Fairmount Heights. The property is developed with a two-story frame building that houses the Mount Zion Church of God. A small paved parking area is provided along the south side of the building.
- B. History: The Historic Preservation Section, in a memorandum dated January 6, 2000, provides the following information regarding the history of the subject church:
- The building located at 737 61st Avenue in Fairmount Heights is presently used as the Mount Zion Church of God; it is listed as Historic Resource #72-9-9 in the Historic Sites and Districts Plan, 1992 (Prince George's County's master plan for historic preservation).
 - This two-story frame building was originally constructed in 1912 as the Fairmount Heights Elementary School. It was designed by architect William Sidney Pittman, a resident of Fairmount Heights and son-in-law of Booker T. Washington. The new school building (the first in the new African-American community of Fairmount Heights) opened in the summer of 1912, and was at that time the County's largest school for African Americans, as well as the first to include facilities for industrial training. It served as the public school for Fairmount Heights until 1934, when a new brick school building was constructed a few blocks to the north. At that time, the old school building was purchased by the Mount Zion Apostolic Faith Church (now the Mount Zion Church of God), and has been used continuously for services ever since.
 - The Fairmount Heights Elementary School/Mount Zion Church of God has since 1981 been listed as an Historic Resource under Prince George's County's Historic Preservation Ordinance. It may qualify for designation as an Historic Site because it is a notable example of school architecture of the early 20th century, because it was designed by a prominent local architect, and because of its important role in the history of African-American education.●
- C. Master Plan Recommendation: The 1993 Master Plan for Landover and Vicinity recommends medium-density residential development (3.6 to 5.7 dwelling units per acre) for the subject property.
- D. Request: The applicant wishes to validate an existing church on a .26-acre parcel in the R-55 Zone. Pursuant to Council Bill CB-23-1993, a special exception is required for a church on less than one acre of land in the R-55 Zone. The applicant must show that the church existed prior to the enactment of CB-23-1993 (August, 1993).
- E. Surrounding Uses: The property is surrounded by single-family detached homes in the R-55 Zone.
- 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 non-operation 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 subject church existed prior to the passage of Council Bill-23-1993 which became effective in August 1993. Two large notebooks with church records have been submitted that include:

- 1. Church programs from 1966, 1985 and 1990.
- 2. Records of tithes from 1987 through 1994.
- 3. PEPCO bills from 1991 through 1999.
- 4. Programs for funeral services held at the church from 1976, 1985 through 1987.
- 5. Affidavits from neighbors, a former pastor and church members who have been associated with the church for over 40 years.

CONCLUSION:

The substantive information submitted by the applicant far exceeds the amount of positive evidence normally submitted for such applications. It is clear from these documents that the church predates CB-23-

1993 by many years and has been in continuous operation. Staff recommends APPROVAL of this application.