

July 19, 2000

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Laxmi Srinivas, Senior Planner

SUBJECT: Detailed Site Plan SP-00003
Departure from Design Standards DDS 513
Variance - VD-00003A
Whosoever Will Christian Church

The Urban Design staff has reviewed the site development plans for the subject proposal and presents the following evaluation and findings leading to a recommendation of DENIAL of SP-00003, VD-00003A and AC-00028 and approval with conditions of DDS-513.

EVALUATION

This Detailed Site Plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the following sections of the Zoning Ordinance:
 - Section 27-429 regarding the R-80 Zone (One-family Detached Residential)
 - Section 27-441 regarding uses permitted in the R-80 Zone
 - Section 27-568 regarding the required number of parking spaces
 - Section 27-582 regarding the required number of loading spaces
 - Section 27-239.01 regarding Departure from Design Standards
 - Section 27-442 regarding yard setbacks in the R-80 Zone
 - Section 27-230 regarding Variances
- b. The requirements of the *Landscape Manual*
- c. Referrals

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

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 10-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 west side yard setback requirement. The west side setback is five feet two inches. The proposal is consistent with all other yard requirements of Section 27-442 for the main and accessory structures in the R-80 Zone. 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 concludes that findings for granting a variance cannot be made. Without approval of the variance, SP-00003 cannot be found to be in conformance with the Zoning Ordinance. Therefore, staff is recommending denial of the subject Detailed Site Plan application.

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 of larger caliper, 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 not yet recommended approval of AC-00028. Because AC-00028 cannot be approved independent of the underlying case SP-00003, and because SP-00003 is recommended for disapproval, AC-00028 must also receive a recommendation for disapproval.
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 than 10,000 square feet	0	0

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 ensure 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 (Motazedi 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 not 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 because it does not comply with the setback requirements for the proposed 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 size of the lot is very large compared to most nearby residential lots. However, the subject site is not the only large lot in the vicinity. Three lots to the east of the subject property are also large residential lots. Therefore, the site is not unique and does not have exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions compared to other residential lots in the vicinity.

The subject site consists of 1.7 acres. The existing building coverage on the site is 17.1 percent. The maximum allowable coverage in this zone is 50 percent. 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. Therefore, adding structures within this lawn area will reduce the visual quality of the site as viewed from Sellman Road. The church has to be accommodated in the rear half of the lot to retain the aesthetic quality of the site. The rear half of the lot contains several mature trees that are going to be retained. 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 adds to the visual quality of the site. There is sufficient space in the rear half of the lot to retain the existing trees and accommodate a church that would meet 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 without compromising the visual qualities of the site. There are no space constraints on the site that would justify a setback of 5 feet 2 inches instead of the required 25-foot setback. The existing barn that is being converted to a church can be relocated to meet the setback requirements or the barn could be removed and new structures be located elsewhere on the site without substantial damage to the existing trees or the residential character of the site. The relocation of the existing barn or construction of a new church that meets the setback requirements would probably result in additional expenditure for the applicant. However, any economic hardship that would be created by relocating the existing barn or proposing a new church is a hardship created by the owner and is not a hardship that relates to the special characteristics of the subject property. The Zoning Ordinance requirements existed when the applicant purchased the subject property for a church. An economic hardship created by the owner and not existing due to special

characteristics of the subject property does not constitute a valid basis for granting a variance. Therefore, in this case, the economic hardship does not constitute exceptional or undue hardship or peculiar or unusual practical difficulties. Therefore, the strict application of this Subtitle will not 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 rear yards of these properties will have noise and privacy impacts due to the proposed church because a building setback of five feet two inches is proposed along the west property line. A building setback of five feet two inches will not be sufficient to provide adequate landscape buffers along the west property line that will screen the church and provide adequate buffers to avoid detrimental noise and privacy impacts to the adjacent properties to the west.

Therefore, the proposal will not be consistent with the Master Plan guidelines for adequate landscape buffers. The variance for the setback of five feet two inches, if granted, will impair the intent, purpose and integrity of the Master Plan by departing from Master Plan guidelines for buffering.

Staff recommends denial of the variance application VD-00003A.

Departure from Design Standards

1. 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

2. Section 27-560, Interior Driveway Widths, of the Zoning Ordinance requires a 22-foot- wide driveway for 2-way traffic and an 11-foot-wide driveway for 1-way traffic. The applicant proposes to use the existing 10-foot-wide driveway instead of providing a 22-foot-wide driveway. Since there is only one church service on Sundays, only a small number of vehicles will utilize the parking lot at one time, and because church services will not be scheduled one after the other, the church is requesting a reduction in the width of the drive to the existing 10 feet. The chance of more than one vehicle attempting to use the driveway at the same time is negligible. The driveway width is increased to 22 feet in the roundabout area where the parking spaces around it will create the 2-way traffic.

A Departure from Design Standards 513 is requested for the 10-foot-wide driveway.

3. Section 27-239.01 (b)(9)(A) of the Zoning Ordinance, Required Findings, states that:

(i) *The purposes of this Subtitle will be equally well or better served by the applicant's proposal;*

As the church will hold only one service each Sunday, all vehicles will come and go from the site at the same time, going in the same direction, thus greatly reducing the potential for conflict. The departure will allow existing residential driveways to remain as is, minimizing any changes to the site. Therefore, granting of the departure will not impair the health, safety, morals, comfort, convenience or welfare of the inhabitants of the County, and the purposes of the Subtitle will be equally well served by the proposed driveway.

(ii) *The departure is the minimum necessary, given the specific circumstances of the request;*

The departure request is to utilize the existing driveway, which is of sufficient width to accommodate one-way traffic, for access to the church parking lot, while retaining the residential character of the property. The Fire Department has requested a 10-foot-wide lane of grass pavers on the eastern side of the property adjacent to the existing driveway. A condition of approval has been added to require the same. With the recommended conditions of approval, the departure will be the minimum necessary given the residential character of the site.

- (iii) *The departure is the minimum necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;*

The departure is necessary to retain the residential character of the property while establishing a church. Since the church is for a very small congregation of 30 people, the number of motorists coming into the church at a given time is very small. In addition, the motorists will not generally be coming to and going from the site simultaneously, but will be either coming or going at any one time. Therefore, the potential for conflict is reduced and a one-way driveway will be sufficient to serve the church congregation. The departure will be the minimum necessary to alleviate circumstances that are unique to the site.

- (iv) *The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.*

The departure will help retain the visual, functional and environmental quality and integrity of the site and the surrounding neighborhood by maintaining the residential character of the property. Since the maximum usage of the drive aisle will be to come into the site before the Sunday morning service or drive out of the site after the Sunday morning service, retaining the existing driveway will not be detrimental to the neighborhood. The traffic coming in and out of the subject property will not disrupt the neighborhood. The proposed parking spaces will not be visible from Sellman Road and only the existing driveway will be visible. Therefore, the proposal as a whole will not impair the visual quality of the site or of the surrounding neighborhood.

Referral Comments

4. The Community Planning Division (Fisher to Srinivas, May 12, 2000) has no comments regarding the Departure from Design Standards.
5. The Transportation Planning Section (Masog to Srinivas, May 30, 2000) has stated that the width of the driveway will have safety problems because it is more than 300 feet in length. Other churches on smaller sites have complied with the minimum width of 22 feet for the driveways. There are no site constraints to providing a 22-foot-wide driveway. The section states that if the length of the driveway were smaller, the safety problems because of the 10-foot width would have been reduced. The 10-foot-wide lane of grass pavers requested by the

Fire Department on the east side of the existing driveway will substantially eliminate the safety concerns of the Transportation Planning Section.

6. The Department of Public Works and Transportation (Hijazi to Stouten, May 23, 2000) has stated that right-of-way dedication and roadway improvements along the frontage of Sellman Road are required in accordance with DPW&T Standard No. 12.
7. The Fire Prevention and Investigation Division of the Fire Department (Oladeinde to Williams, May 24, 2000) has required a 10-foot-wide grass paver along the eastern side of the existing driveway. A 15-foot-wide gate is also required at the entrance. A condition of approval has been added to require the same.
8. The Growth Policy and Public Facilities Planning Section (Williams to Stouten, May 25, 2000) has recommended compliance with the Fire Department's recommendations.

RECOMMENDATION

Detailed Site Plan, Variance and Alternative Compliance

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and DENY SP-00003, VD-00003A and AC-00028.

Departure from Design Standards

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE DDS-513 subject to the following condition:

Prior to certification of the site plan for DDS-513, the site/grading and landscape plans shall be revised to show the following:

- a. A 10-foot-wide lane of grass pavers with 95 percent compaction of subsoil along the eastern side of the existing driveway for the entire length of the driveway.
- b. A minimum 15-foot-wide gate at the entrance.