



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

PLANNING DIRECTOR DECISION

Limited Departures and Revisions to Approved Plans

Application No: ROSP SE-1135/01
Project Name: Resurrection Cemetery
Reviewer's Name: Catherine H. Wallace, Planner Coordinator

- A. **Nature of the Applicant's Request:** The applicant requests approval of a revision of site plan for the addition of a 14-foot-high granite shrine and a 6-foot-high chain-link fence.
- B. **Required Findings:**

Section 27-325 (c). Limited minor changes, Planning Director.

- (1) **The Planning Director is authorized to approve minor changes administratively, without public hearing, in cases listed in (b), but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to ten percent (10%). The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.**
- (2) **Before approving a minor change, the Director shall make all findings the Planning Board would be required to make, if it reviewed the application.**
- (3) **The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.**
- (4) **The applicant's property shall be posted within ten (10) days of the Director's acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1. On and after the first day of posting, the application may not be amended.**
- (5) **The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.**

- (6) If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.
- (7) If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, Director, and Technical Staff shall then follow the procedures for Planning Board review in (a) above.

Sec. 27-317. Required findings.

(a) A Special Exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;
- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

B. Determinations:

- 1. The subject property is located on the southeast side of Woodyard Road, approximately .7 mile from Rosaryville Road. It consists of a roughly triangular-shaped parcel, 100 acres in size. It is improved with a cemetery that includes a mausoleum and administrative building. Large portions of the tract remain wooded, especially around the periphery.
- 2. It is surrounded by the following uses:

 North—Single-family residential lots in the R-R Zone
 Northeast—His Lordship's Kindness/Poplar Hill Historic Site in the R-A Zone
 South—Undeveloped land in the R-O-S Zone and single-family homes in the R-R Zone
 West—Single-family homes in the R-R Zone
- 3. The Director has approved the waiver of the posting requirement due to the limited scope and nature of the proposed improvements, upon the recommendation of the Supervisor of the Zoning Section.
- 4. The records in the file of SE-1135 and subsequent building permits indicate that a special exception site plan was never approved. In cases without approved site plans, an “as-

built” plan can be considered the approved special exception site plan. Therefore, the plans submitted for building permit No. 9649-94-CG are considered to be the approved special exception site plan in this case.

- 5. The proposed revision meets the criteria for a limited minor change approvable by the Planning Director. The proposed changes are minor in scope and nature. The requested addition for a shrine and a fence add approximately 566 square feet of land covered by structures other than a building. Given the existing 217,800 square feet of land covered by structures other than a building, the proposed addition amounts to an increase of approximately .3 percent.
- 6. The proposed revision will not alter the previous findings of compatibility with the surrounding area. The revision will not impair the Subregion V master plan that shows the site as a cemetery and a public land use.
- 7. The proposed revision will not affect the approved Type II Tree Conservation Plan.
- 8. The number of parking spaces for the office building is based on the number approved prior to current regulations; therefore, the parking space dimensions must be revised to 10 by 20 feet. Otherwise, eight parking spaces must be provided to meet current requirements.
- 9. Although the site plan indicates that the proposed wrought-iron fence will be six feet in height, the schematic detail retains the information for a nine-foot-high fence. A variance would be required for a fence over six feet in height.

C. **Recommendation:** Based on the above findings, it is recommended that ROSP-SE-1135/01 be APPROVED, subject to the following conditions:

- 1. Prior to the issuance of permits, the site plan shall be revised to include the following:
 - a. The parking spaces shall be dimensioned at 10 feet by 20 feet.
 - b. The general notes and wrought-iron fence detail shall be revised to show the proposed height at six feet or less.
 - c. The site plan must clarify where the wrought-iron fence will end and where the chain-link fence will begin.

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**APPROVED BY AUTHORITY OF:
Fern V. Piret, Planning Director**

By: _____ **Date:** _____
Arie Stouten, AICP, Zoning Supervisor