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## Special Exception Alternative Compliance 4932 Prince George's Avenue

**SE-25001**  
**AC-25001**

REQUEST	STAFF RECOMMENDATION
<p><b>SE-25001:</b> Special exception for a parking lot used in accordance with Part 11, to serve a use in an adjacent commercial, industrial, or M-X-T Zone.</p> <p><b>AC-25001:</b> Alternative compliance from Section 4.7 of the 2010 <i>Prince George's County Landscape Manual</i>, to reduce the required buffer yard width.</p> <p><b>Variances:</b> Reduce the lot width and the lot area.</p>	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none"> <li>• DISAPPROVAL of Special Exception SE-25001</li> <li>• DISAPPROVAL of Alternative Compliance AC-25001</li> <li>• DISAPPROVAL of a Variance to Section 27-442(b)</li> <li>• DISAPPROVAL of a Variance to Section 27-442(d)</li> </ul>

**Location:** On the northeast side of Prince George's Avenue, approximately 450 feet northwest of its intersection with US 1 (Baltimore Avenue).

Gross Acreage:	0.36
Zone:	RR
Prior Zone:	R-R
Reviewed per prior Zoning Ordinance	Section 27-1903(b)
Dwelling Units:	0
Gross Floor Area:	0
Lots:	1
Parcels:	0
Planning Area:	61
Council District:	01
Municipality:	None

**Applicant/Address:**  
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**Staff Reviewer:** Candra Teshome  
**Phone Number:** 301-952-3749  
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Planning Board Date:	11/06/2025
Planning Board Action Limit:	N/A
Staff Report Date:	11/04/2025
Date Accepted:	03/25/2025
Informational Mailing:	01/27/2025
Acceptance Mailing:	03/24/2025
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

[http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/).

Please call 301-952-3530 for additional information.

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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  
The Prince George's County District Council

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section,  
Development Review Division  
Lakisha Hull, Planning Director

FROM: Candra Teshome, Planner III, Zoning Section  
Development Review Division

SUBJECT: Special Exception SE-25001 – 4932 Prince George's Avenue

REQUEST: **SE-25001:** Special exception for a parking lot used in accordance with Part 11, to serve a use in an adjacent commercial, industrial, or M-X-T Zone.

**AC-25001:** Alternative compliance from Section 4.7 of the 2010 *Prince George's County Landscape Manual*, to reduce the required buffer yard width.

**Variances:** Reduce the lot width and the lot area.

RECOMMENDATION: **DISAPPROVAL**

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**NOTE:**

Per Section 27-296(a)(1) of the prior Prince George's County adopted Zoning Ordinance, which is applicable to the review of this project, the Planning Board has received a special exception application for this project. The technical staff report has been prepared in accordance with Section 27-311 of the prior Zoning Ordinance. Per Section 27-307 of the prior Prince George's County adopted Zoning Ordinance, at least thirty days prior to a hearing by the Zoning Hearing Examiner, the application, plans, maps, specifications, technical staff report, and all other data, materials, or record evidence (to date) pertaining to the requested Special Exception shall be sent by the Planning Board to the District Council. The Prince George's County Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of November 6, 2025.

You are encouraged to become a person of record in this application. Requests to become Persons of Record should be submitted electronically, by email to: ZHE@co.pg.md.us. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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The Zoning staff have reviewed the subject application and present the following evaluation and findings leading to a recommendation of DISAPPROVAL, as described in the Recommendation section of this technical staff report.

## **I. EVALUATION CRITERIA**

- A. Prince George's County Zoning Ordinance.** This property is located within the Residential, Rural (RR) Zone. However, this application is being reviewed under the applicable provisions of the Prince George's County Zoning Ordinance effective prior to April 1, 2022 (prior Zoning Ordinance), pursuant to former Section 27-1900 *et seq.* of the Zoning Ordinance. Under the prior Zoning Ordinance, the site was in the Rural Residential (R-R) Zone, which was effective prior to April 1, 2022. Pursuant to former Section 27-1903(b) of the Zoning Ordinance, development applications of any type for properties not in the Legacy Comprehensive Design, Legacy Mixed-Use Community, and Legacy Mixed-Use Town Center Zones were permitted to utilize the provisions of the prior Zoning Ordinance for development of the subject property if the application was accepted on or before April 1, 2025. The subject application qualifies for review under the provisions of the prior Zoning Ordinance because it met the requirements of former Section 27-1904 of the Zoning Ordinance and was accepted for review on March 25, 2025, prior to the abrogation of Section 27-1900, for use of the prior Zoning Ordinance. Staff considered the following criteria in reviewing this application:

A special exception is reviewed and decided by the Prince George's County Zoning Hearing Examiner. Pursuant to Section 27-317(a) of the prior Zoning Ordinance, a special exception may only be approved upon a finding that all of the following standards are met:

- (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 Type 2 Tree Conservation Plan; and**

- (7) **The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5).**

- B. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.** Pursuant to Section 25-119(a)(2)(B) of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, special exception applications shall include a Type 2 tree conservation plan (TCP2) or a standard letter of exemption.
- C. Prince George's County Tree Canopy Coverage Ordinance.** The property is subject to a minimum tree canopy coverage, per requirements set forth in Section 25-128 of the Prince George's County Tree Canopy Coverage Ordinance.

## II. BACKGROUND

- A. Summary and Request:** A special exception for a parking lot used in accordance with Part 11 of the prior Prince George's County Zoning Ordinance, to serve a use in an adjacent commercial, industrial, or Mixed Use-Transportation Oriented (M-X-T) Zone. The applicant operates several automotive repair businesses along US 1 (Baltimore Avenue), at the intersection with Prince George's Avenue, which are commercially zoned. The subject property, addressed 4932 Prince George's Avenue, is proposed to provide additional parking for the applicant's businesses, which are specifically located at 11220 Baltimore Avenue, 11228 Baltimore Avenue, and 11240 Baltimore Avenue.

The applicant is currently parking and storing vehicles on the subject property, in violation of the Zoning Ordinance. The development proposal includes demolition of a single-family dwelling, which currently exists on the subject property, and paving the site. The applicant requests a variance to Section 27-442(b) of the prior Zoning Ordinance, to reduce the net lot area from the required 20,000 square feet to 14,396 square feet. The applicant also requests a variance to Section 27-442(d) of the prior Zoning Ordinance, to reduce the minimum required lot width at the street line, from 70 feet to 60 feet. In addition, an associated alternative compliance is requested from the requirements of Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

**B. Development Data Summary:**

	EXISTING	EVALUATED
Zone(s)	RR	RR (Prior R-R)
Use(s)	Single-Family Detached Dwelling	Parking lot used in accordance with Part 11 to serve a use in an adjacent Commercial, Industrial, or M-X-T Zone.
Acreage	0.36	0.36
Parcels	0	0
Lots	1	1
Gross Floor Area	4,500 sq. ft.	0 sq. ft.
Dwellings	1	0

- C. Location and Site Description:** The subject property is located on the northeast side of Prince George's Avenue, approximately 450 feet northwest of its intersection with US 1. The property is known as the westerly part of Lot 9, described by deed recorded in the Prince George's County Land Records in Book 40970 page 95. The approximately 0.36-acre property is located in Tax Map 19, Grid B1. The property is the result of a division by deed in 1923 (Book 189 page 490), of Lot 9. The original Lot 9, prior to the 1923 division, was recorded on Plat Book JWB 6 page 495, dated 1890. The site is improved with a single-family detached dwelling, which is proposed to be demolished.
- D. Proposed Use(s):** The subject application is for a parking lot used in accordance with Part 11, to serve a use in an adjacent commercial, industrial, or M-X-T Zone. In accordance with Section 27-441 of the prior Zoning Ordinance, the proposed use requires a special exception (SE) when proposed to be located in the Rural Residential (R-R) Zone. It is noted that the adjacent commercial properties contain existing parking, which meet their minimum parking requirements. The parking proposed herein is additional parking (not required) to serve the adjacent commercial uses.
- E. Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by Powder Mill Road and Odell Road, to the east and south by US 1, and to the west by I-95/495 (Capital Beltway). The neighborhood primarily includes residential and commercial/retail uses. The immediate properties surrounding the site and their current respective zoning designations are as follows:
- |               |  |
|---------------|--|
| <b>North—</b> | Commercial uses in the Commercial, Service (CS) Zone.  |
| <b>East—</b>  | Automotive sales and service uses in the CS Zone;  |
| <b>South—</b> | Prince George's Avenue and single-family detached dwellings in the Residential, Rural (RR) Zone. |
| <b>West—</b>  | Single-family detached dwellings in the RR Zone.   |
- F. History and Previous Approvals:** The existing single-family detached dwelling was constructed in 1919, according to the Maryland Department of Assessments and Taxation.

The site obtained approval for a Natural Resources Inventory Equivalency Letter, NRI-021-2024, on February 9, 2024.

There are no other approvals for the subject property. Staff note that paving and parking exist at the rear of the subject site, for which approvals have not been obtained. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) issued the site violations of Section 4-118(c), Sections 27-253(a)(1), 27-441(a)(7), 27-441(b)(1), and 27-441(b)(8) of the prior Zoning Ordinance, and Housing Code Sections 13-181 and 13-182 under Case No. 18-00081714.

### **III. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE PRIOR ZONING ORDINANCE**

This application, for a parking lot used in accordance with Part 11, to serve a use in an adjacent commercial, industrial, or M-X-T Zone through a special exception, is being reviewed in accordance with the prior Zoning Ordinance. The analysis of all required findings for approval are provided below:

**Required Findings**—Section 27-317 of the prior Zoning Ordinance provides the following applicable findings:

**(a) A Special Exception may be approved if:**

**(1) The proposed use and site plan are in harmony with the purposes of this Subtitle;**

The purposes of Subtitle 27 of the Prince George's County Code, as set forth in Section 27-102(a)(1-15) of the prior Zoning Ordinance, are generally to protect the health, safety, and welfare of the public; to promote compatible relationships between various land uses; to guide orderly development; and, to ensure adequate public facilities and services.

The proposal promotes the most beneficial relationship between the uses of land and buildings and protects landowners from adverse impacts of adjoining development. The abutting residentially zoned lot containing a single-family dwelling unit shall be buffered to a degree that is equally effective as full compliance with Section 4.7, per the Alternative Compliance (AC-25001) application filed with this special exception.

The proposal will lessen the danger and congestion of traffic on the streets and ensure the continued usefulness of all elements of the transportation system for their planned functions. The proposal will provide an enhanced environment for workers in the community to access parking and avoid parking on Prince George's Avenue. The proposal offers pedestrian-oriented upgrades to provide for the safety of workers and community members through the provision of crosswalks that facilitate pedestrian safety.

The applicant proposes paving the parking lot with asphalt and providing stormwater management (SWM). The subject site currently contains a gravel covered front yard with an asphalt driveway, which are proposed to be demolished with this application. A pedestrian cross access is proposed from the subject property through the easterly Part of Lot 9 to aid connectivity between the proposed parking lot and the businesses the subject property will serve, which will accommodate workers. A crosswalk crossing the driveway entrance along Prince George's Avenue is also proposed.

The site abuts a residentially zoned lot to the west. The site will be screened via native trees and shrubs.

Staff find that the proposed development will not negatively impact the public and is in harmony with the purposes of this Subtitle.

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**

The proposed use is being evaluated according to the general required findings of approval for all SEs, contained in Section 27-317, and the requirements of the R-R Zone of the prior Zoning Ordinance, as discussed below.

The proposed use is not in conformance with the requirements and regulations set forth in prior Subtitle 27.

The subject R-R zoned property on which this special exception is requested is substandard in its lot width independently, and the applicant requests a variance to Section 27-442(d), to reduce the required lot width from 70 feet to 60 feet at the front street line.

In addition, a variance is requested to Section 27-442(b), to reduce the required net lot area from 20,000 square feet to 14,396 square feet. The deficiencies in lot area and lot width are further addressed in Finding 9 of this technical staff report, which conclude that the lot area variance does not meet the requirements for approval. In addition, the applicant requests alternative compliance from Section 4.7 of the Landscape Manual, which is discussed in Finding 9 of this technical staff report.

Staff find this criterion is not met, given the lot area requirement is not met, and does not meet the required findings for approval of a variance.

**(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 Map Plan, the General Plan;**

The subject property is located within the boundaries of the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)* (master plan). The master plan envisions that Subregion 1 “is an integral community consisting of many healthy and historical residential neighborhoods, a regenerated and reinvented ‘main street’ US 1 Corridor, upgraded commercial and industrial areas, and a vibrant ‘downtown’ at the Konterra Town Center. The Subregion 1 community offers open spaces, trails, quality school, and other facilities, as well as multiple transportation modes and public safety.” (page 1)

The master plan recommends a Low Density Residential land use on the subject property (Map 12, *Approved Future Land Use for Subregion 1*, page 160).

The master plan does not provide a definition for Low Density Residential land uses. The 2014 *Plan Prince George’s 2035 Approved General Plan*



describes Low Density Residential land uses as “Residential areas up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.” (Table 14, Generalized Future Land Use Categories, page 100)

However, the surface parking lot is allowed under the R-R base zone, subject to the approval of a special exception (SE), pursuant to Section 27-441, Uses Permitted. If the subject application is approved, meeting the subject criteria for an SE, the proposed parking lot will not impair the integrity of the master plan which also supports upgrades to the US 1 (Baltimore Avenue) corridor commercial areas.

The master plan identifies several goals, policies, and strategies applicable to the subject property:

### **Economic Development**

***Policy 4: Transform the retail environment to compete with a changing market.***

#### ***Strategies***

- **Eliminate substandard, marginal uses and properties, along the US 1 Corridor that need major structure repair and/or promote an unsafe, low-quality setting.”** (page 80)

The applicant proposes to make use of an existing substandard lot adjacent to commercial uses which promotes a high-quality setting, as the proposed parking lot provides a transition from commercial to residential uses and proposes enhancing screening, stormwater improvements, and tree coverage as pursued in the accompanying Alternative Compliance (AC-25001).

### **Urban Design**

***Policy 5: Create a well-defined and visually consistent “street wall” along US 1.***

#### ***Strategies***

- **Locate Parking behind and to the side of buildings**
- **Locate loading areas out of sight, preferably behind buildings**
- **Encourage cross-lot access for cars and pedestrians to create options for circulation between adjacent properties and minimize the need to travel very short distances by automobile on US 1.** (page 86)

The proposed parking lot is behind the existing commercial buildings along US 1. In addition, the applicant has identified a pedestrian cross-lot pathway

from the subject property to the adjacent commercial sites. This will ensure pedestrian safety for employees utilizing the proposed parking lot. The applicant has also proposed a crosswalk along Prince George's Avenue, crossing the site's driveway entrance. These improvements further the intent and purpose of the master plan and ensure an improved pedestrian network for the surrounding community. DPIE has also indicated that frontage improvements will be required during the permit process. Staff would recommend that the cross-lot pedestrian pathway be provided and shown on permit plans for the greater area of the commercial development site, as a condition of approval of this SE, if this project was recommend for approval, to ensure implementation and to protect worker safety per Section 27-317(a)(4) of the prior Zoning Ordinance, and to avoid any impairment of the master plan.

### **Beltsville Living Area**

This property is within the Beltsville Living Area of the master plan (page 160, Map 13 "Approved Future Land Use for Subregion 1"). To support the request for SE, staff encourage the applicant to utilize the following goals, policies, and strategies from the master plan to help advance the intent and purpose of the plan.

### ***Issue: Circulation***

***Concern—There have been increases in the number of cars and speed of commuter and residential traffic avoiding adjacent arterial roads. There is also a desire for nonvehicular access throughout communities in order to connect residents to open space and commercial sites...the patterns cut by roadways and land use in the area contribute to a lack of neighborhood cohesion. (page 113)***

The applicant has proposed cross-lot access from the subject property through the easterly part of Lot 9 to the adjacent commercial uses. This will facilitate the movement of workers parking in the proposed lot, who are employees of the adjacent auto repair facilities. A crosswalk along Prince George's Avenue is also proposed, across the proposed driveway entrance. These improvements support nonvehicular access and circulation.

### ***Policy: Preserve and Maintain Living Environment (page 114)***

### ***Strategy***

- **Explore ways to enforce codes regarding truck and excessive vehicle parking on residential streets, multiple families living in single-family homes, property maintenance and home businesses in areas not zoned for such uses. (page 114)**

Staff encourage the applicant to avoid any truck or vehicle parking along Prince George's Avenue (a residential street). The subject application provides measures to avoid overflow parking on adjacent streets to serve the adjacent auto-repair shop. In addition,

staff highlight a need to ensure the proposed parking lot will not be utilized for long-term vehicle storage as this would compromise the integrity of the use associated with the request for special exception. The definition of a parking lot, per Section 27-107.01(176) of the prior Zoning Ordinance, is as follows:

**Parking Lot: An area of land (other than a "Vehicle Sales Lot") used for parking private "Passenger Vehicles." A "Parking Lot" shall not be used for the storage of dismantled or wrecked vehicles, motor vehicle parts, or junk. ("Parking Lots" used in accordance with Part 11 prior to March 1, 1985, were called "Automobile Parking Compounds.")**

Staff highlight the importance of the applicant maintaining conformance to the allowed uses of a parking lot and not allowing the parking area to be used as a storage yard for motor vehicles.

**(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area;**

Staff find that the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

The development will provide off-street parking for adjacent uses, rather than overflow parking pushing onto adjacent residential streets, and provide safer pedestrian circulation than currently exists on the site for current and future residents or workers. The special exception site plan shows a proposed crosswalk along the site's frontage on Prince George's Avenue along with an internal site-to-site pedestrian cross access.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

Staff find that the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The site is bounded to the south by single-family dwellings across Prince George's Avenue; to the west by single-family dwellings, to the east by commercial uses; and, to the north, by commercial uses. The general neighborhood consists of single-family dwellings along residential, two-lane streets and commercial uses along US 1.

The proposed parking lot directs additional off-street parking for uses along US 1 to the rear of the property. Additional on-site improvements and mitigation measures are proposed to ensure adequate buffering and SWM. Staff find the proposed use is context-sensitive and will not negatively impact the surrounding community, subject to conditions.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan; and**

The property does not require a TCP2. This project is exempt from the provisions of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is less than 40,000 square feet in size and does not have a previously approved tree conservation plan.

**(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The site plan demonstrates temporary impact (Impact 1) totaling 0.03 acre, or 1,304 square feet. The work proposed in this area includes the removal of existing gravel, the stabilization of the impacted area, and planting of landscape materials to restore the regulated environmental features (REF). Therefore, this requirement is met.

It is noted that there are no additional requirements for specific special exceptions, as indicated under Part 4, Division 3, of the prior Zoning Ordinance, which apply to this proposal given the parking lot proposed is not for required parking.

**Regulations of the R-R Zone:** The following regulations of the R-R Zone are applicable to the proposed project.

**Section 27-420 – Fences and walls**

**(a) Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings. (See Figure 42.) On lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high unless a variance is approved by the Board of Appeals. In the case of a corner lot consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high unless a variance is approved by the Board of Appeals. Fences constructed pursuant to a validly issued building permit prior to October 1, 2008, shall not be deemed nonconforming; however, replacement of an existing fence must comply with the four (4) foot limitation.**

The applicant proposes the installation of an 181-foot-long, 6-foot-high fence along the west lot line. The proposal does not include fencing in the front yard. The lot is not located on a corner lot. The proposed fence conforms to the height requirements.

- (d) **Walls and fences more than four (4) feet high (above the finished grade, measured from the top of the fence to grade on the side of the fence where the grade is the lowest) shall be considered structures requiring building permits.**

The applicant proposes the installation of a 6-foot-high fence along the west lot line and shall be required to submit any required building permits prior to installation.

- (g) **Except for fences less than four (4) feet in height, fences not requiring a permit, and fences on land assessed as agricultural uses, all structural support (vertical posts and horizontal rails) shall face the interior of the subject lot. (See Figure 42.1).**

The applicant shall be required to install vertical and/or horizontal posts facing the interior of the subject lot, which would be conditioned if this project were recommended for approval.

#### **Section 27-421-01 – Frontage**

**Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code. Additional provisions are contained in Sections 27-431(d) and (e) and 27-433(e) and (f).**

The proposed project has frontage on and direct vehicular access to Prince George's Avenue.

#### **Section 27-568 – Schedule (number) of spaces required, generally.**

The subject parking lot is not necessary to comply with the minimum number of parking spaces in Part 11. Required parking for the businesses to be served is met on the commercially zoned portions of the site located at 11220 Baltimore Avenue, 11228 Baltimore Avenue, and 11240 Baltimore Avenue.

It is noted that Section 27-573(a) of the prior Zoning Ordinance provides requirements for off-site parking lots. However, the subject property is proposed as part of, and is contiguous to, a larger development site that includes the commercial development for which the parking proposed herein will serve. Therefore, it is determined that the subject parking lot is not off-site.

#### **Section 27-442 – Regulations**

The proposed use falls under “other allowed uses” in the R-R Zone in regard to applicable lot standards, subject to Footnote 16 of Section 27-442(b), as follows:

<b>Regulation</b>	<b>Required</b>	<b>Proposed**</b>
Minimum net lot area	20,000 square feet	14,396 square feet
Maximum lot coverage	60 percent	45 percent
Minimum lot width at front street line	70 feet	60 feet

Regulation	Required	Proposed**
Minimum lot width at front building line	100 feet	0 feet*
Minimum front yard depth	25 feet	0 feet*
Minimum side yard depth	17'/8' (total of both/minimum of either)	0 feet*
Minimum rear yard depth	20 feet	0 feet*
Maximum building height	35 feet	0 feet*

**Notes:** \*The applicant does not propose the construction of a building; therefore, these regulations do not apply.

\*\*The proposed development standards above are based on the R-R zoned property on which this special exception has been filed.

The minimum net lot area for other allowed uses in the R-R Zone is 20,000 square feet. The existing R-R zoned property area is 14,396 square feet. The applicant requests a variance from Section 27-442(b).

The minimum lot width at the street frontage for other allowed uses in the R-R Zone is 70 feet. The existing R-R zoned property width is 60 feet wide. The applicant requests a variance from Section 27-442(d).

The requested variances are discussed further below.

### **Variances**

The Prince George's County District Council may grant appeals involving variances from the strict application of this Subtitle in conjunction with its approval of a special exception or subsequent site plan amendment. "A variance refers to administrative relief which may be granted from the strict application of a particular development limitation in the zoning ordinance (i.e., setback, area and height limitations, etc.)." *Mayor & Council of Rockville v. Rylyns Enter., Inc.*, 372 Md. 514, 537 (2002). "It is a land use tool designed to prevent a constitutional violation [such as an unconstitutional taking] that may arise when a valid zoning regulation is applied to a specific parcel of property." *Maryland Reclamation Associates, Inc. v. Harford Cnty.*, 468 Md. 339, 402-03 (2020).

### **Section 27-442(b) and Section 27-442(d) Variances**

The applicant has requested a variance to the 20,000-square-foot lot area in accordance with Section 27-442(b), and to the 70-foot minimum required lot width at the street line in accordance with Section 27-442(d). Pursuant to Section 27-230(a) of the prior Zoning Ordinance, a variance may only be approved upon a finding that all of the following standards are met:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific**

**parcel (such as historical significance or environmentally sensitive features);**

The original Lot 9 is recorded in a plat recorded in the Prince George's County Land Records as Plat Book JWB 6, page 495, dated 1890. However, the property is the result of a subdivision by deed in 1923 (Book 189, page 490) of Lot 9.

#### **Lot Width Deficiency**

The provision for a minimum lot width of 70 feet of frontage at the street line causes disproportionate impact to the subject property. The subject property was subdivided by deed, instead of plat, which resulted in a lack of conformance to the prior zoning regulations.

The applicant contends that because other lots in the vicinity were subdivided by plat and not by deed, access to an exception in the Zoning Ordinance allowing lesser lot widths is not permitted. Per Footnote 21 of Section 27-442(d), "For a lot shown on a record plat of subdivision approved pursuant to former Part 4A of this Subtitle prior to January 21, 1997, no minimum lot width or frontage is required."

In accordance with Section 27-442(d), "other allowed uses" require 70 feet of frontage at the front street line in the R-R Zone. The subject property's street line frontage is 60 feet. Lots along the block face and across Prince George's Avenue, bounded by US 1 and Queen Anne Avenue, average approximately 77.05 feet of street line frontage, excluding the subject property. The lot with the longest street line frontage along the block face, at approximately 121 feet, is the easterly part of Lot 9, which was a portion of the original Lot 9 when subdivision by deed occurred in 1923.

Along the block face, a parcel known as Part of Block 30, Block B recorded in Liber 15143, Folio 00481 was subdivided by deed. This lot meets the minimum lot width requirement, at approximately 80 feet wide. The property addressed 4928 Harford Avenue, noted above, is approximately 75 feet wide at the street line. The property addressed 4938 Harford Avenue recorded in Liber 05310, Folio 22 is approximately 72 feet wide. The property addressed 4721 Prince George's Avenue comprised of part of Lot 6 and Lot 7, recorded in Liber 43555, Folio 78 is approximately 70 feet wide at the street line. Although lots in the vicinity were similarly divided by deed, staff agree that lots in the immediate vicinity do not have the same peculiarity as the subject property, as they meet the 70-foot lot width.

#### **Lot Area Deficiency**

The applicant contends that other lots in the vicinity are developable because they were subdivided by plat, and therefore, may access an exception in Section 27-442(b) if they were recorded prior to July 1, 1966.

The subject R-R zoned property is 14,396 square feet in area. Lots across the block face and across Prince George's Avenue also do not meet the minimum lot area requirement of 20,000 square feet. For example, the property

addressed 4929 Prince Georges Avenue recorded in Liber 43040, Folio 63 contains approximately 11,352 square feet. The property addressed 4931 Prince Georges Avenue recorded in Liber 39327, Folio 85 contains approximately 11,468 square feet. Each of these lots is also in the prior R-R Zone and were also subdivided by deed after the 1890 subdivision plat for the neighborhood. In addition, the property addressed 4928 Harford Avenue, comprised of two lots, recorded in Liber 25313, Folio 488 contains approximately 11,302 square feet. These lots are smaller in area than the subject property.

The applicant contends that a combination of the property's legal recordation status, narrowness, depth, shape, topography, and physical location (abutting a concrete-lined stream) create physical uniqueness and peculiarity. In addition, the applicant provides that the subject property's adjacency to a parcel in the CM Zone, containing significant impervious area, causes disproportionate impact as noted below.

First, the applicant states that the subject property's narrowness contributes to the overall hardship and its inability to meet the minimum lot area requirement. Staff disagree that there is a causal link, because lot width and lot area are two distinct physical calculations. Lot width constrains frontage, and lot area is a function of total square footage (length multiplied by width), which are two separate regulatory deficiencies that must be evaluated on their own merit. The lot's shape and narrowness do not cause numerical deficiency in the lot area; the lot's total square footage causes deficiency. If narrowness were the direct cause of the lot area deficiency, the subject property should be less impacted than its neighbors, considering it is larger than other lots in the neighborhood. The lot area deficiency results from the R-R Zone's default minimum lot size requirement for all unplatted properties. This is an administrative condition, not a physical characteristic or unique feature of the site and, therefore, cannot be considered a basis for hardship under the variance criteria.

Second, the applicant contends that the subject property's unusual depth of approximately 313.6 feet is largely unusable, causing it to be more impacted by the minimum lot area zoning requirement. The subject property is more than double the depth of lots in the vicinity, which contributes to its larger lot area. However, the lot's depth does not cause the lot area deficiency and, therefore, cannot be considered as a basis for a variance.

Third, the applicant states that the subject property's unusual shape – a sharp point at the rear lot line – compounds the property's uniqueness and peculiarity when coupled with the deficient narrowness and unusual depth. The applicant claims that the atypical rear lot line renders the back portion of the site only useful for landscape buffering and preservation of the flood plain. The shape of the rear lot line does not cause the lot area deficiency. There is no evidence that the shape of the rear lot line is so geometrically severe that it renders the lot unusable for its primary purpose.



Fourth, the applicant provides that the subject property has exceptional topographic conditions when compared to other properties in the vicinity, which contributes to its physical uniqueness. The applicant states that the concrete-lined stream creates a "disproportionate impact" because the subject property, unlike its platted neighbors, cannot be redeveloped to mitigate flood risk. However, staff find the concrete-lined stream and floodplain are not unique to the subject property; they are a general condition impacting all properties along the block face and as far west as Powder Mill Road. While the concrete-lined stream may influence what the applicant can construct on the lot, it does not physically prevent it from meeting the minimum lot area requirement. The hardship is regulatory in nature, pertaining to lot size, not the physical constraint imposed by the concrete-lined stream.

Finally, the applicant states that the location of the subject property, adjacent to the Commercial-Miscellaneous (C-M) Zone and a parcel covered in impervious surface, constitutes uniqueness. Specifically, the applicant provides that the rear of the property is unusual due to compounding issues associated with narrowness, shape, and flood risk exacerbated by the C-M-zoned property. Further, the applicant states that the stream and the C-M-zoned property negatively impact the ability to expand the subject property to meet the minimum lot requirement due to flood risk. The location of the subject property, adjacent to the CM Zone and its impervious area, is a zoning and environmental condition, not a peculiar physical condition of the subject property. The presence of the C-M Zone and the stream do not physically cause the subject property to measure 14,396 square feet.

Staff find the subject property is physically unique and unusual in a manner different from surrounding properties due to its narrowness when compared to other lots in the vicinity that were subdivided by deed. However, staff find that the property's lot area is not impacted by its narrowness, depth, shape, topography or adjacency to a commercial zone, and does not constitute a physically unique or unusual condition that would justify a variance.

- (2) **The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;**

#### **Lot Width Deficiency**

The property's 60-foot street line width is 10 feet short of the R-R Zone's 70-foot requirement. This is an uncommon characteristic even compared to other properties in the vicinity that were also subdivided by deed. For example, the easterly part of the original Lot 9, similarly subdivided in 1923, has a compliant 121-foot frontage. Other nearby subdivided lots also meet their respective width requirements. The subject property's narrowness is a peculiar physical characteristic within its immediate context.

**Lot Area Deficiency**

The applicant provides that the combination of unusual narrowness, depth, atypical rear line, and unplatted status results in the lot only achieving 14,396 square feet and that these conditions create disproportionate impact on the property owner.

First, the applicant states that the inability to redevelop the subject property for any use without a variance, including an addition to the existing single-family dwelling on the property, is a peculiar practical difficulty. The inability to redevelop is a general condition shared by all unplatted, undersized lots in the neighborhood, as confirmed by staff's findings. It is a hardship derived from the regulatory language of the Zoning Ordinance, not a unique physical condition.

Second, the applicant contends that the subject property's extraordinary topography and location exacerbate the impacts of the minimum lot area causing disproportionately greater impact when compared to other properties in the vicinity. Specifically, the applicant provides that the subject property suffers from unique susceptibility to flooding, the floodplain reduces its buildable area, and the inability to redevelop deprives the property owner of an opportunity to mitigate flood risk.

Staff disagree with the applicant's contention that the purported increased flood risk due to the property's location abutting a concrete-lined stream has a causal impact on the lot area deficiency. The stream and floodplain are environmental features that have no bearing on the subject property's lot area. The subject property would still be 14,396 square feet if the stream and floodplain were not present. In addition, the applicant states that per Section 27-107.01(a)(161) of the prior Zoning Ordinance, the floodplain area's exclusion from the net lot area calculation imposes a disproportionate impact. If the floodplain area impacts the subject property to the point that it fails to comply with the Zoning Ordinance, the peculiarity here is the property's existing substandard size that is not caused by environmental conditions. Further, Section 27-107.01(a)(161) is a regulation that applies to all properties across the County and is not unique or peculiar to this location. The applicant states that the subject property's proximity to the stream is unique to the site. The applicant contends that each unplatted lot in the vicinity is not proximate to the stream or the clogged culvert adjacent to US 1, and would not be similarly impacted by the denial of a variance. While the subject property may be more susceptible due to its positioning; the floodplain and stream are still environmental conditions that affect the block face. Disapproval of the variance would be a consequence of deficient lot area, not the cause of the deficient lot size.

Finally, the applicant provides there is a unique inability to feasibly acquire additional land to solve the lot area deficiency. The applicant contends that purchasing land to the east (Lot 9 or Lot 3) would resolve the area deficit, but would compromise existing parking relied upon by adjacent businesses, directly undermining the purpose and intent of the SE application. The applicant further contends that acquiring land to the northeast (Lot 1 and

Lot 2) is impossible because the area is majority floodplain/floodplain buffer, making a meaningful connection between the subject property and developable areas of those lots impossible. The applicant states that purchasing land to the west (Lot 10) is unacceptable because it would necessitate razing a second single-family dwelling. This significantly increases the negative impact on the neighborhood, jeopardizing the SE's required finding that the use is not detrimental to adjacent properties.

The primary reasons presented by the Applicant for ruling out adjacent land acquisition—disrupting shared parking and razing a second dwelling—are consequences of the applicant's specific proposal and their desire to protect neighborhood amenity, not a physical impediment of the subject property itself. The hardship is therefore self-imposed or tied to the proposed use, which is not a basis for a variance.

**(3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;**

The applicant requests a 10-foot reduction to the required 70-foot lot width and a 5,604-foot reduction to the required 20,000 square feet of lot area. The lot is 60 feet wide and 14,396 square feet in area, and the requests represent the minimum reasonably necessary to overcome the lot width and lot area conditions.

**(4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property; and**

Staff find approval of the variance for the lot width at the street line, which has existed since 1923, will not substantially impair the integrity of the master plan. The master plan supports upgrades to the US 1 corridor commercial areas, and the proposed use is context-sensitive and will not degrade the integrity of the master plan, subject to conditions.

However, staff find that the applicant has not demonstrated that the property meets the requirements for the lot area variance, and therefore, recommend disapproval.

**(5) Such variance will not substantially impair the use and enjoyment of adjacent properties.**

The lot width and lot area of the subject property have existed since 1923 and do not impair the use and enjoyment of surrounding properties. Surrounding properties are developed and in use for their purposes.

**(6) Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.**

The deficiencies in lot width and lot area are not self-inflicted by the property owner. The lot conditions are the result of subdivision by deed in 1923.

### **Conclusion**

Staff find that the combined deficiencies in lot frontage and lot area do not constitute an exceptional circumstance that would warrant approval of a lot area variance. Although the property exhibits a compound nonconformity in both lot width and lot area, this condition stems directly from its original subdivision in 1923.

To qualify for a variance, the required peculiar physical condition must be inherent to the land itself. In this case, the lot's deficiencies are the result of historical subdivision practices, not a physical characteristic of the property. The hardship arises from the application of prior zoning regulations, which did not automatically exempt properties created under prior standards. This is a general condition in the neighborhood and not a unique hardship specific to the subject property. Granting a variance requires a finding that the hardship is peculiar to the property, and not a condition that is a widespread or a general issue within the neighborhood.

Therefore, staff conclude that the criteria for granting a variance to the minimum lot area requirement are not satisfied. The applicant has not demonstrated that the physical conditions of the property create a hardship that is unique to this lot.

## **IV. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE 2010 PRINCE GEORGE'S COUNTY LANDSCAPE MANUAL**

The proposed development is subject to the requirements of the Landscape Manual. Specifically, conformance is required to Section 4.2, Landscape Strips Along Streets; Section 4.5, Stormwater Management Facilities; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Analysis of conformance with these sections is discussed below:

### **Section 4.2, Landscape Strips Along Streets**

The proposed development is required to improve its appearance as viewed from Prince George's Avenue. The applicant has elected to use option 1 which requires the provision, "...of a minimum ten (10) foot wide landscape strip to be planted with a minimum of one (1) shade tree and ten (10) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings." The applicant provides a 10-foot-wide landscape strip with 20 shrubs and two shade trees along Prince George's Avenue.

The proposed landscape strip conforms to the requirements of Section 4.2.

### **Section 4.3, Parking Lot Requirements**

Section 4.3 requires a parking lot perimeter landscape strip for parking lots equal to or greater than 7,000 square feet. The proposed development is not required to adhere to this section because the parking lot area is 6,600 square feet.

The proposed development is exempt from Section 4.3.

**Section 4.5, Stormwater Management Facilities**

The proposed development includes SWM facilities, which shall be reviewed and approved by the appropriate authority.

**Section 4.7, Buffering Incompatible Uses**

The proposed development is subject to the requirements of Section 4.7 because the proposed parking lot is adjacent to a residentially zoned lot and is considered an incompatible use. Specifically, conformance is required for Section 4.7, Buffering Incompatible Uses, regarding the buffer width along the west lot line, adjacent to a single-family detached dwelling.

The northern lot line abuts an auto repair use and requires a Type B bufferyard. The minimum required building setback per the Landscape Manual is 30 feet. The applicant proposes the demolition of an existing single-family detached dwelling, and no new buildings, so the building setback requirement does not apply. The minimum required width of the landscape yard is 20 feet, and the proposal exceeds this requirement.

The proposed use, parking lot (commercial), as identified in the Landscape Manual, is considered a medium impact use. Medium impact uses require a Type C bufferyard when abutting lots contain one-family detached dwelling units. The west lot line abuts a lot with a single-family detached dwelling. The minimum required building setback per the Landscape Manual is 40 feet. The applicant proposes the demolition of an existing single-family detached dwelling, and no new buildings, so the building setback requirement does not apply. The minimum required width of the landscape yard is 30 feet. The applicant proposes the provision of an 11-foot-wide landscape yard.

The proposed development complies with Section 4.7 along the north lot line, but alternative compliance is requested along the west lot line.

An application for Alternative Compliance, AC-25001, to Section 4.7 of the Landscape Manual was provided with this application, and is evaluated below. Staff find the subject application is in conformance with the requirements of the Landscape Manual, with the approval of the AC request.

**Section 4.9, Sustainable Landscaping Requirements**

The proposed development is subject to the requirements of Section 4.9. The proposed plant materials are 100 percent native.

The proposed sustainable landscaping requirements of Section 4.9 are met.

**V. ALTERNATIVE COMPLIANCE**

The applicant requests alternative compliance from Section 4.7, Buffering Incompatible Uses, of the Landscape Manual, along the west lot line adjacent to a residentially zoned lot containing a single-family dwelling. The applicant provides the following alternative proposal:

**REQUIRED: Section 4.7. Buffering Incompatible Uses, Bufferyard C. adjoining single-family detached dwelling**

Length of Buffer Yard	303.6 feet
Minimum Building Setback Width	20 feet
Minimum Landscaped Yard Width	30 feet
Plant Units (120 required per 100 linear feet of property line)	365
6-foot-high fence or wall	(n/a)

**PROVIDED: Section 4.7. Buffering Incompatible Uses, Bufferyard C. adjoining single-family detached dwelling**

Length of Buffer Yard	303.6 feet
Minimum Building Setback Width	(n/a)
Minimum Landscaped Yard Width	11 feet
Plant Units (120 required per 100 linear feet of property line)	182 (50% reduction)
6-foot-high fence or wall	181-foot-long, 6-foot-high opaque fence

**Justification of Recommendation**

The applicant requests alternative compliance from the requirements of Section 4.7, along the 110 linear foot segment of the west lot line adjoining a single-family detached dwelling. Table 4.7-3, Bufferyard Type C, requires a minimum landscape yard width of 30 feet and 120 plant units per 100 linear feet of lot line.

Section 4.7-3(E)(ii) allows a reduction of up to 50 percent in the required number of plant units for properties located in the Developing Tier, provided a 6-foot-high opaque fence or wall is installed within the bufferyard. The applicant is utilizing this provision and proposes a total of 182 plant units, reflecting the 50 percent reduction. To meet this requirement, the applicant proposes planting 7 Red Maple shade trees (each equivalent to 10 plant units) and 112 Callicarpa Americana shrubs along the southwest segment of the west lot line, and the northeast segment of the east lot line. In addition, the applicant proposes the construction of a 181-foot-long, sight-tight fence within the bufferyard, extended to the edge of the flood plain buffer, to compensate for a reduction in bufferyard width from 30 feet to 11 feet. Due to spatial limitations, no plantings are proposed between the fence and the parking lot.

The Prince George's County Planning Director finds the applicant's proposal to be equally as effective as full compliance with Section 4.7, as the proposed measures will provide adequate screening for the adjoining single-family detached residential use. The proposed 6-foot-high, sight-tight fence, extending 181 linear feet along the northwest lot line to the edge of the floodplain buffer, combined with 182 planting units, is considered sufficient to support a reduction in the required Bufferyard Type C width from 30 feet to 11 feet, along a 110 linear foot segment of western lot line.

**VI. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE PRINCE GEORGE'S COUNTY TREE CANOPY COVERAGE ORDINANCE**

Prince George's County Council Bill CB-21-2024 for the Tree Canopy Coverage Ordinance became effective July 1, 2024. Subsequently, Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 2,500 square feet of gross floor area (GFA) or disturbance, and requires a grading permit. The subject site is located within the Residential, Rural (RR) Zone. The Tree Canopy Coverage Ordinance is not subject to the current Zoning Ordinance grandfathering provisions and does not contain any grandfathering provision for using the prior zoning, except for specified legacy zones or developments that had a previously approved landscape plan demonstrating conformance to tree canopy coverage (TCC). Therefore, this application is being reviewed for conformance with the TCC requirement for the current property zone, which is RR.

Staff find that the proposed project is in conformance with the applicable provisions of the Tree Canopy Coverage Ordinance for the RR Zone, which is subject to a minimum TCC of 20 percent, per requirements set forth in Section 25-128 of the Tree Canopy Coverage Ordinance. The subject site is 0.36 acre in size, requiring 0.07 acre, or 3,136 square feet of TCC. The project proposes 3,825 square feet of TCC on the site, exceeding and satisfying the requirement.

#### **VII. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE 2024 PRINCE GEORGE'S COUNTY WOODLAND AND WILDLIFE HABITAT CONSERVATION ORDINANCE**

This project is exempt from the provisions of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is less than 40,000 square feet in size and does not have a previously approved tree conservation plan. The property received a letter of exemption from the WCO (S-016-2024) on February 9, 2024, and expires on February 9, 2026. However, the site is subject to grandfathering provisions of the 2024 WCO which extended the validity of woodland conservation letters of exemption that were valid as of June 30, 2024. Pursuant to those grandfathering provisions, S-016-2024 will remain valid until June 30, 2026, on which date the exemption shall expire. No additional information is required regarding woodland conservation.

This project is exempt from Division 2 of Subtitle 25 of the Prince George's County Code, including an exemption from the variance criteria of Section 25-119(d) of the WCO, and the conservation priorities outlined in Section 25-122(b)(1)(G) of the WCO.

#### **VIII. REFERRAL COMMENTS:** The following referrals were received and are incorporated herein by reference. All comments are addressed on the site plan, or as part of this technical staff report:

- A. Community Planning**—In a memorandum dated May 23, 2025 (Parks and Bishop to Teshome), the Community Planning Division found that pursuant to Section 27-317(a)(3) of the prior Zoning Ordinance, this application will not substantially impair the integrity of the master plan.
- B. Transportation Planning**—In a memorandum dated April 22, 2025 (Udeh to Teshome), the Transportation Planning Section determined the proposed plan is acceptable.

- C. **Environmental Planning**—In a memorandum dated May 23, 2025 (Meoli to Teshome), the Environmental Planning Section provided an analysis of the subject application.

The site has an approved Natural Resources Inventory Plan (NRI-021-2024) and no further information is required for the NRI regarding existing site conditions. In conformance with Section 27-317(a)(3) of the prior Zoning Ordinance, the special exception shall not substantially impair the integrity of any applicable master plans. The site is not within the green infrastructure network, as no regulated or evaluation areas exist on-site; therefore, the proposed development is in conformance with the Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. This project is exempt from the provisions of the WCO because the site is less than 40,000 square feet in size and does not have a previously approved tree conservation plan. This project is exempt from Division 2 of Subtitle 25 of the Prince George's County Code, including an exemption from the variance criteria of Section 25-119(d), and the conservation priorities outlined in Section 25-122(b)(1)(G).

#### **Regulated Environmental Features**

Section 27-317(a)(7) of the prior Zoning Ordinance states that the Prince George's County Planning Board may approve a special exception if it finds that the REF have been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the prior Prince George's County Subdivision Regulations. Impact to the on-site REF is proposed as follows:

##### **Impact 1 – 0.03 acre (1,304 square feet)**

Impact 1 is a temporary impact for the removal of existing impervious areas within the 100-year floodplain. This area will be stabilized and planted with landscaping. The proposed stabilization restores the REF per the requirement of Section 27-317(a)(7). Staff are in support of Impact 1 as proposed and shown on the approved SWM concept plan.

#### **Conclusion**

One primary management area (PMA) impact is proposed with this application. The temporary impact, along with the site's SWM and floodplain control measures, are considered necessary impacts and would be recommended for approval.

Notwithstanding, this application is recommended for disapproval, for failure to meet lot area requirements.

#### **Stormwater Management**

In accordance with Section 27-317(a)(5) and (7) of the prior Zoning Ordinance, an approved SWM Concept Plan (34220-2024-SDC/P04417-2024-SDC) was submitted with this application and shows the use of micro-bioretenion and underground storage. A PMA impact for the removal of existing impervious surface within the 100-year floodplain is shown on the plan. This SWM concept plan was approved on February 20, 2025, and expires on February 20, 2028.



## **Soils**

According to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, soils present include Christina-Downer complex and Woodstown-Urban land complex. According to available mapping information, unsafe soils containing Marlboro clay do not occur on this property. Christiana clay does exist, but there are no geotechnical concerns with this application.

Development shall comply with the requirements for sedimentation and erosion control, in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sedimentation Control, of the County Code. The County requires approval of an erosion and sediment control plan.

- D. Subdivision**—The property subject to this Special Exception, SE-25001, is known as the westerly Part of Lot 9, described in a deed recorded in the Prince George's County Land Records in Book 40970, page 95. The approximately 0.36-acre property is located in Tax Map 19, Grid B1. There is no prior preliminary plan of subdivision (PPS) applicable to the property.

The total development proposed for the property does not exceed 5,000 square feet of GFA. Per Section 24-107(c)(7) of the prior Subdivision Regulations, development of a property subdivided by deed prior to January 1, 1982 is restricted to a single-family detached dwelling, or 5,000 square feet of GFA. No GFA is proposed with this special exception application. Therefore, the proposed development is exempt from the requirement of filing a PPS and final plat of subdivision. Any future development on the property may be subject to the requirement of filing a PPS and final plat.

- E. Historic Preservation**—In a memorandum dated April 21, 2025 (Stabler, Smith, and Chisholm to Teshome), the Historic Preservation Section noted that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. There are no Prince George's County historic sites or resources on or adjacent to the subject property.
- F. Prince George's County Department of Parks and Recreation (DPR)**—As of the writing of this technical staff report, DPR did not offer any comments on this subject application.
- G. Prince George's County Fire/EMS Department**—In a memorandum dated April 7, 2025 (Reilly to Teshome), the Fire/EMS Department had no comments on this subject application.
- H. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 12, 2025 (Guzman to King), DPIE evaluated the subject property and provided comments to be addressed prior to or concurrent with the issuance of a fine grading permit, and at the time final permits are filed.

- I. **Washington Suburban Sanitary Commission (WSSC)**—As of the writing of this technical staff report, WSSC did not offer any comments on this subject application.
  - J. **Prince George’s County Health Department**—As of the writing of this technical staff report, the Health Department did not offer any comments on this subject application.
- IX. **COMMUNITY FEEDBACK:** On June 15, 2025, staff received an email from a community member expressing concern about the neighborhood meeting notification process and opposition to the proposed use on the subject property.
- X. **RECOMMENDATION**

Based on the applicant’s statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has not demonstrated conformance with the required special exception findings, as set forth in the prior Prince George’s County Zoning Ordinance. Specifically, staff find that the proposed special exception application does not comply with the requirements of Section 27-442(b) of the prior Zoning Ordinance, lot area requirements, and does not meet the criteria for approval of a variance to said requirement. Notwithstanding the recommendation of disapproval, staff find that the variance requested from Section 27-442(d), for lot width, and Alternative Compliance AC-25001 would meet the criteria for approval. However, given that all requirements cannot be met for the project, this special exception application and all associated requests are recommended for disapproval.

Therefore, staff recommend DISAPPROVAL of Special Exception SE-25001, DISAPPROVAL of the Variances to Section 27-442(b) and Section 27-442(d), and DISAPPROVAL of Alternative Compliance AC-25001, for 4932 Prince George’s Avenue. If the special exception were considered for approval, staff find the following condition should also be met:

- 1. Prior to certification of the special exception site plan and landscape plan, the following revisions shall be made:
  - a. Revise the special exception site plan to include the exact impervious area locations and the exact acreage.
  - b. Provide a detail or note that shows the proposed fence will conform with Section 27-420(g) of the prior Prince George’s County Zoning Ordinance, which states all structural support (vertical posts and horizontal rails) shall face the interior of the subject lot.