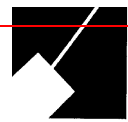


Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530



Comment [COMMENT1]: WHEN INSERTING  
INFORMATION AT THE @ SIGN  
REMEMBER TO USE INDENT FOR SECOND  
LINE - NOT TAB. ALSO, IT WILL LOOK  
LIKE THE TEXT IS GOING WACKO, BUT  
DON'T WORRY - IT IS FINE.

## Special Exception Application No. 4439

Application	General Data
<b>Project Name:</b> St. Philip's Church  <b>Location:</b> South side of Baden-Westwood Road approximately 700 feet east of Baden-Naylor Road, known as 13801 Baden-Westwood Road  <b>Applicant/Address:</b>  Episcopal Diocese of Washington  Mount St. Alban  Washington, D.C. 20016	Date Accepted: 9/26/01
	Planning Board Action Limit: N/A
	ZHE Hearing Date: Not Scheduled
	Plan Acreage: 4.0 Acres
	Zone: O-S
	Dwelling Units: N/A
	Square Feet: 3,314 sq. ft.
	Planning Area: 87A
	Council District: 09
	Municipality: None
	200-Scale Base Map: 221SE12

Purpose of Application	Notice Dates
Expansion of a certified nonconforming use	<b>Adjoining Property Owners:</b> 10-30-01 (CB-15-1998)
	<b>Previous Parties of Record:</b> None (CB-13-1997)
	<b>Sign(s) Posted on Site:</b> N/A
	<b>Variance(s): Adjoining:</b> N/A <b>Property Owners</b>

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

January 3, 2002

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: **Special Exception Application No. 4439**

REQUEST: **Expansion of a Nonconforming Church**

RECOMMENDATION: **APPROVAL, with conditions**

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NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. 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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## FINDINGS:

- A. Location and Field Inspection: The subject property is a rectangularly-shaped parcel located on the south side of Baden-Westwood Road, approximately 700 feet east of its intersection with Baden-Naylor Road. The property is developed with a two-story frame church and gravel parking area. The western half of the property has a large stand of mature trees.
- B. History: The initial use of the property for church purposes began some time after July 7, 1902, when the property was purchased by the Catholic Archdiocese of Washington. Prior to that date, in the 19th century, St. Philip's Church occupied a chapel at a nearby site. The first mention of the St. Philip's Chapel being used was Sunday, July 11, 1880, when the Rt. Rev. William Pinkney confirmed 41 members. Church records indicate that the chapel was the first African-American Episcopal Church in Maryland outside of the City of Baltimore. The original church was a wood frame structure that was destroyed by fire in 1976. Thereafter, the church was without a permanent home for four years. In 1980, the Episcopal Diocese of Washington purchased the property, the former social hall property of St. Michael's Catholic Church of Baden. This site then became the site of St. Philip's Episcopal Church, Baden. The present property owner, the Episcopal Diocese of Washington, has continuously occupied the property since June 30, 1980. The church use of the property was certified as a nonconforming use in June 2001.
- C. Master Plan Recommendation: The Subregion VI Study Area Master Plan recognizes the use of the subject property as a ■Public-Quasi-Public Institutional use■ and recommends a Rural Activity Center and ■Low Rural■ land uses in the vicinity of the subject property.
- D. Request: The applicant wishes to expand the existing nonconforming church by constructing a 3,314-square-foot building addition.
- E. Neighborhood and Surrounding Uses: The property is surrounded primarily by rural-residential uses in the O-S Zone.

The neighborhood is defined by the following boundaries:

North - Baden-Westwood Road

East - Croom Road

South - Aquasco and Croom Roads

West - Aquasco Road

The neighborhood is rural in character with homes on large lots and some light agricultural use.

- F. Specific Special Exception Requirements: Section 27-384 sets forth the specific requirements for the certification of a nonconforming use. The pertinent parts of this section are:
- (a) **The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use**

(except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:

- (1) A nonconforming building or structure, or a building or structure utilized in connection with a certified nonconforming use, may be enlarged in height or bulk, provided that the requirements of Part II are met with respect to the area of the enlargement.

\* \* \* (2) through (4) not applicable \* \* \*

- (5) Any new, or any addition to, or alteration or relocation of an existing building or other improvement (which is either nonconforming or utilized in connection with a certified nonconforming use), shall conform to the building line, setback, yard, and height regulations of the zone in which the certified nonconforming use is located. The District Council may further restrict the location and bulk of the building or structure where the evidence so warrants. If the use is presently permitted by Special Exception in the zone, the new building, improvement, or addition shall conform to all of the physical requirements of the specific Special Exception use.

- (b) Applications for this Special Exception shall be accompanied by a copy of the Use and Occupancy Permit for the certified nonconforming use, as provided for in Section 27-241(b).

The applicant has submitted a valid Use and Occupancy Permit (No. 13045-2001-U) with this application.

- G. Parking Regulations: The site plan correctly indicates that 66 parking spaces are required based on the 1 parking space per 4 persons requirement in the Parking Regulations. The subject church has a projected occupancy of 264 people (264/4=66 parking spaces).

- H. Landscape Manual Requirements: The Urban Design Section, in a memo dated October 15, 2001, submits the following comments:

- 1. The subject application is for the proposed development of a 3,314-square-foot building addition onto an existing church facility. The existing church is 3,334 square feet, and both the existing and proposed structures will be 23 feet in height. In addition to the proposed building construction the parking compound will be increased from 32 to 66 spaces, and supplemental landscaping is proposed along the property perimeters. The existing church was certified as a nonconforming use in June 2001. No other revisions are proposed for the subject property. The site is accessed from Baden-Westwood Road to the north. The site is bounded by the Baden-Westwood Road right-of-way to the north; vacant residential property to the west and south; and agricultural property to the east; all of which are zoned O-S. The plan is acceptable in terms of layout, circulation, and open space.

- 2. Sections 4.3, Parking Lot Requirements; and 4.7, Buffering Incompatible Uses, of the *Landscape Manual* are applicable to the subject site with respect to the development proposal, because the construction of the building addition is an increase of more than 10 percent of the area of the existing building. The proposed plan appears to satisfy the requirements of Section 4.3(a) and (c) within the parking lot and along the frontage at Baden-Westwood Road, and the requirements of Section 4.7 along the east, west, and south property lines. The subject application is in full conformance with all said requirements of the *Landscape Manual*, and is acceptable.●

- I. Zone Standards: The proposed use meets the setback and height requirements for the O-S Zone. No variances are required.
- J. Sign Regulations: No new signs are included in this application.
- K. Required Findings:

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

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

The proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. These purposes generally seek to protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county. The subject church has served the community for almost 100 years. The proposed expansion will allow the church to continue to provide worship services to a larger congregation in accordance with the purposes of the Zoning Ordinance.

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

With the recommended conditions, the proposed use is generally in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The Permit Review Section, in a memo dated October 18, 2001, noted some minor deficiencies that must be corrected. The applicant will be required to revise the site plan in accordance with the comments from the Permit Review Section.

- (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 proposed use will not substantially impair the integrity of the Subregion VI Study Area Master Plan (September 1993). The Community Planning Section, in a memo dated November 14, 2001, submits the following comments:

- The community planning issue in this case is whether the proposed addition is consistent with the Rural Activity Center designated on the plan map at this general location and with the rural character along Baden-Westwood Road. Although the

plan does not define community boundaries for the rural areas of the county, each area has its own organizational ties and sense of community (plan, page 84). This is evident in proximity to the subject site where Baden Elementary School, a health clinic, a library facility, a firehouse, and several other churches are located along with farms and single-family homes on five-acre lots.

■Among other things, a Rural Activity Center serves a community of 5,000 - 12,000 persons in a rural community, has a service area of up to 5 miles in radius, or 15 miles driving time, has access provided by a collector or arterial, and is typically the only form of activity center in the area. The Rural Activity Center designation means that the plan recommends more land uses devoted to serving the community at this location. The location of this existing church is consistent with the Rural Activity Center concept. It appears that the proposed 3,414-square-foot addition to this church will enable it to maintain a low key presence in the community while cultivating community activity, as intended in the approved master plan.●

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

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The subject church has served the community for over a century. The proposed expansion will allow the church to continue to serve as a religious center in the community.

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

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The Transportation Planning Section (memo dated October 24, 2001) submits that no significant transportation impacts would result from the proposed expansion. There are no other impacts evident in the review of this application that suggest that this proposal would be detrimental to the general neighborhood.

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

The subject property is exempt from the Woodland Conservation Ordinance since it has less than 10,000 square feet of woodlands.

## **CONCLUSION:**

Staff recommends APPROVAL of SE-4439, subject to the following conditions:

1. The site plan shall be revised as follows:
  - a. Development Data Note 10(A) shall be revised to add the percentage of the lot coverage required and provided.

- b. Development Data Note 10(F) shall be revised to indicate the height of the proposed building as 23 feet and not 20 feet.
- c. A ramp or depressed curb shall be provided for the parking space for the physically handicapped to replace the existing wood ramp which is shown on the site plan as ~~to~~ to be removed.
- d. The schedule and site notes for Section 4.3 (b) shall be deleted from the site plan.
- e. The bufferyard schedule for Parcel 28 east should be revised to read Parcel 28 west.
- f. The site plan indicates a waste collection area on the west side of the existing church. If a dumpster is proposed, it must be screened in accordance with Section 4.4 of the *Landscape Manual*.
- g. The proposed HVAC pad must be screened in accordance with Section 4.4 of the *Landscape Manual*.