

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

**SPECIAL EXCEPTION
4723**

**VARIANCE
4723**

**ALTERNATIVE COMPLIANCE
(12014)**

DECISION

Application:	Church, Variance, and Alternative Compliance
Applicant:	Model Prayer Ministries International (MPM)
Opposition:	None
Hearing Date:	November 6, 2013
Hearing Examiner:	Maurene Epps McNeil
Disposition:	Approval with Conditions

NATURE OF PROCEEDINGS

(1) Special Exception 4723 is a request to operate a Church with 56 seats in the R-55 (One-Family Detached Residential) Zone on approximately 0.522 acres of land located south of Annapolis Road and west of 52nd Avenue at the intersection of Annapolis Road and 52nd Avenue¹, and identified as 5103 Annapolis Road, Bladensburg, MD 20710.

(2) The Technical Staff recommended approval with conditions. (Exhibit 12) The Planning Board chose not to schedule a public hearing and adopted Staff's recommendation as its own. (Exhibit 19)

(3) No one appeared in opposition to the instant request. The homeowner to the south of the site came to the hearing to receive more information about Applicant's request. (T. 66-71)

(4) The record was left open at the close of the hearing to allow the Applicant to submit various items. Some items were received on January 31, 2014, and forwarded to Staff for its comment. (Exhibits 30(a)-(d)) Applicant did not submit written comment from the Town of Bladensburg or the repair order for its porch facing Annapolis Road. Staff's comment on the revised Site Plan was received on March 6, 2014, and the record was closed at that time.

1 The record also refers to 52nd Street. As a result, it will be referred to as "Street" or "Avenue" herein.

FINDINGS OF FACT

Subject Property

(1) The subject property is located south of Annapolis Road and west of 52nd Street at the intersection of Annapolis Road and 52nd Street. The subject property is improved with an existing, 3,020 square foot dwelling.

(2) The property is surrounded by a four-foot wrought iron fence along the perimeter abutting Annapolis Road and 52nd Avenue, and a five-foot chain-link fence along the property line it shares with the Board of Education property to the west. There is a combination four-foot wrought iron and chain-link fence abutting the single-family residence to the south of the subject property. There is an existing area of asphalt paving on the western side of the site and an existing gravel path on the southern side of the building leading to a vehicular entrance from 52nd Avenue on the eastern side of the site. Direct pedestrian and vehicular access is provided via 52nd Avenue. A sidewalk is provided along its northern frontage on Annapolis Road. There is also a sidewalk on the opposite side of 52nd Avenue. (Exhibits 26 and 27)

(3) The site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because it is less than 40,000 square feet in area and has no previously approved Tree Conservation Plan. (Exhibit 7) There are no regulated environmental features on site and the site does not lie within a Chesapeake Bay Critical Area Overlay Zone. (Exhibit 12, p. 39)

Neighborhood/Surrounding Uses

(4) Single-family zoned properties exist east and south of the property. There is developed property with retail uses zoned M-X-T along the northern boundary of Annapolis Road (MD 450). Bladensburg Elementary School is on the west side of the subject property boundary. The neighborhood boundaries in this case are identified as follows:²

- North Annapolis Road (MD 450)
- East 52nd Street
- South Quincy Street
- West 48th Street

The uses immediately surrounding the proposed Special Exception are as follows:

² Applicant does not agree with the northern and eastern boundaries proposed by Staff, and accepted by this Examiner. (T. 15)

- North Single-family residences zoned R-55 and Multifamily-dwellings zoned R-18 within a Development District Overlay Zone (D-D-O-Z)
- South Single-family residences zoned R-55 and R-18
- East Single-family residences zoned R-55
- West Bladensburg Elementary School on property zoned R-55 and O-S

Master Plan/Sectional Map Amendment/General Plan

(5) The property lies within an area governed by the 2009 Port Towns Sector Plan and Sectional Map Amendment (“SMA”). The Sector Plan, prepared in conjunction with the Port Towns of Bladensburg, Colmar Manor, Cottage City, and Edmonston, contains goals, policies and strategies to guide future growth and development. The subject property is part of the Bladensburg Town Center Character Area, discussed in the Sector Plan. Policies discussed in this Character Area include “[encouraging] mixed-use infill development to create a pedestrian-oriented center for activities and services”, “[ensuring] high-quality design for all future development”, and [undertaking] traffic-calming and pedestrian improvements on key thoroughfares to provide a viable pedestrian-oriented town center in Bladensburg.” (2009 Port Towns Sector Plan and Sectional Map Amendment, pp. 45-46)

(6) The subject property is not located within the Development District Overlay Zone (“DDOZ”) boundary designated in the Sector Plan.

(7) The 2002 General Plan places the property within the Developed Tier. As noted on page 31 of this Plan, “[t]he vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.”

Applicant’s Proposal

(8) The Applicant is seeking permission to operate a 56-seat church within the existing structure. The church site is approximately 0.522 acres (22,746 square feet). A Special Exception is required because Applicant proposes to operate in a structure originally constructed as a dwelling on a site less than one acre in size. The structure is used as a single-family dwelling, and most recently occupied by the church pastor. If the request is approved the pastor and his wife will continue to reside there. (T. 61-62)

(9) The proposed dates and times for church services are Sundays from 10am – 1pm and Bible classes on Tuesdays & Thursdays from 7pm – 9pm. All lighting for the Church will be building mounted with downcast fixtures. (Exhibit 30(d); T. 50)

(10) The revised Site Plan provides a detail for the proposed sign that will be located to the north along the Annapolis Road frontage. (Exhibit 30(d)) Fourteen (14) parking spaces (including one handicapped space) are required for the 56-seat Church and

fourteen (14) are provided. The existing lot coverage on site is 47.5% (a total of 10,795 square feet). (Exhibit 30(d))

(11) Stephen Olujimi, senior pastor for Model Prayers Ministries, testified in support of the request:

It's not just another church around the corner. First of all, this ministry has ... branches in about nine other countries.... I have been in the ministry in this country for about 20-something years.... I've ministered with, worked with homeless people, worked at the shelter, we've been able to bring in a lot of people [to] the shelter, help them with job search and update their resume, do every kind of thing to assist them to be a very good, you know, contributors toward the economy....[S]o what we intend to do here is ... we'll bring in some of the activities that we have done over and over again that benefit, you know, the community....

I come into the Bladensburg community and I also make myself known, so, you know, to the city. I had met with the Mayor; I had met with some of the Councilmen; I have attended, you know, meetings, the town's meetings where I was asked to talk about who we are, what we do, and everything like that...

I have met with ... the Principal of the Bladensburg Elementary School.... I have met with ... the Principal of the school directly opposite us where they have a lot of adult programs and ... they have introduced me to Dr. Anderson, the Pastor of End Time Harvest Ministries, that are also doing a lot of community activities.

(T.55-57)

(12) The variance is requested for the east side, and a portion adjacent to Annapolis Road, as discussed below. Ingress and egress is via an internal street because there is no (and should be no) direct access to Annapolis Road (MD 450). No parking or loading will occur in the front yard. No new construction is proposed.

(13) Staff has recommended that Applicant extend the sidewalk that begins on Annapolis Road and curves along its property line on 52nd Street. Staff recommended the sidewalk be extended along Applicant's eastern property line, reasoning as follows:

Considering that this is in a residential area and expected to have increased pedestrian activities associated with the church services, it would be beneficial to provide a sidewalk along 52nd Street to connect to the recently constructed sidewalk on Annapolis Road (MD 450).

(Exhibit 12, p. 10)

(14) Applicant doesn't wish to construct the sidewalk since there is no connecting sidewalk on that side of 52nd Street, pedestrians will use the sidewalk provided on the opposite side of 52nd Street, it would be quite costly to relocate the utility structures that

currently exist, and those who visit the church will likely park on site and access the sanctuary via internal sidewalks. (Exhibits 12 (pp. 29 and 35), 26 and 27; T. 6-7, 53-54) The Transportation Planning Section offered comment that supports the Applicant's position:

The subject site is adjacent to a state maintained road, Annapolis Road (MD 450) and a locally maintained road 52nd Avenue. MD 450 contains improved sidewalks at the subject property. Recent sidewalk improvements have been completed by the Maryland State Highway Administration (SHA) along MD 450. The improvements are part of a larger system preservation project.

A sidewalk exists on the north side of 52nd Avenue across from the subject property.

An SHA project on MD 450 is currently being designed, and is described by SHA as *"Bladensburg Streetscape along MD 450 from Peace Cross to 56th Street."*

The sidewalks appear to be adequate for the proposed use, and there are no State, County, or local capital improvement projects that staff is aware of that would affect the subject application.

(Exhibit 12, p.34)

(15) Mark Ferguson, accepted as an expert in the area of land use planning, opined that the requested use implements the policies of all applicable Plans, reasoning as follows:

The vision for the [General Plan's] Developed Tier is, "a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods." Because the subject site is located in a neighborhood characterized by a broad mix of land uses, and on an arterial roadway served by transit, this proposal would be in conformance with the General Plan's vision for the Developed Tier.

The Port Towns Sector Plan classifies the subject property as lying within the Bladensburg Town Center Character Area, though it was not included in the Development District Overlay Zone, which was created to implement some of the Plan's recommendations.

In their review of this project, planning staff sought to apply several standards from the Development District Standards, which are a part of the Sectional Map Amendment, and not the Sector Plan proper. Because this site is not located within the Development District Overlay Zone, this planner believes that application of the Development District Standards is improper. The Sector Plan proper does, however, lay out a number of goals for the Character Area, including "mixed-use residential, retail, and office development at moderate-to-high densities," and a multimodal, safe and attractive road network" and "restored and fully integrated historic resources."...

[T]he approval of the subject application would be in conformance with the goals of the Sector Plan for the Bladensburg Town Center Character Area by recognizing that this site is a use that would fit into the higher-density, mixed-use vision for the area, and would allow for the ultimate improvement of Annapolis Road to meet the Plan's goals. Finally, while the older portion of the existing building which is proposed to house the church which is the subject of the instant application is not formally classified as a historic site or resource, it was constructed approximately one hundred years ago and does contribute to the historic character of the neighborhood. Its preservation as a part of the subject application on a prominent site would help to promote the Plan's goal for restored and fully integrated historic resources.

(Exhibit 24, pp. 5-6, footnotes omitted)

Alternative Compliance

(16) The Application involves a change from a lower to a more intense use. As such, it is subject to Sections 4.2 (Requirements for Landscape Strips along Streets), 4.3 (Parking Lot Requirements), 4.4 (Screening Requirements), 4.5 (Stormwater Management Facilities), 4.7 (Buffering Incompatible Uses), and Section 4.9 (Sustainable Landscaping Requirements) of the Prince George's County Landscape Manual ("Landscape Manual"). Applicant requested alternative compliance to Sections 4.3 and 4.7 of the Landscape Manual. Applicant argues that alternative compliance is necessary for this redevelopment in an older community.

(17) The Alternative Compliance Committee and Planning Director agreed with applicant, and recommend approval of the request, with conditions, for the following reasons:

The applicant has filed this request for Alternative Compliance....Alternative Compliance is requested from Section 4.3, Parking Lot Requirements, for the relocation of approximately 360 square feet of the required green area and two shade trees required for the interior parking lot planting to the front of the property. The proposed plan meets all other requirements for parking planting. Specifically, the Landscape Manual requires that a planting island be provided on average for every ten parking spaces. The plan proposes to provide no more than five consecutive spaces without the interruption of a planting island. Additionally, portions of the parking lot are adjacent to the Section 4.2 landscape strip and the Section 4.7 landscape yard which contain shade trees that will provide relief to the paved parking areas. Section 4.3 of the Landscape Manual states that the purposes of interior parking lot planting, in part, are to provide shade and visual relief within the parking facility and to minimize the heat island effect created by large expanses of pavement. The adjacent aforementioned landscape areas will dually contribute to the purposes and objectives of parking lot planting. The 360 square feet of proposed green area and two shade trees

are located in the northeastern portion of the site, directly behind the Section 4.2 landscape strip and adjacent to the front of the building. A condition is proposed ... that the plans be labeled to show the removal of asphalt where green area is proposed in the parking lot.

Alternative Compliance is also requested from Section 4.7, Buffering Incompatible Uses, along the southern property line adjacent to a single-family detached residence for a four-foot reduction to the required 30-foot landscape yard. Section 1.3(a)(3) of the Landscape Manual states that alternative compliance may be granted if the change of use on an existing site increases the buffer required by Section 4.7 more than it is feasible to provide. The change of use proposed on the subject site requires a bufferyard where now was previously required between the subject site and the adjacent property to the south. The plan proposes to provide the minimum parking necessary for the proposed use, whereby a drive aisle and two parking spaces will encroach four feet into the required landscape yard. The applicant proposes to provide 100 percent of the required plant material and a six-foot-high sight-tight fence in lieu of the four-foot encroachment. Some errors in the calculation of plant material shown both on the plan and in the Section 4.7 schedule were found, and a condition is proposed ... requiring the plans be revised to show the correct calculations.

The landscape plan was reviewed in its entirety and several conditions of approval have been proposed ... to address calculation and labeling errors unrelated to this request. The Alternative Compliance Committee is also recommending the use of a columnar species of trees along the southern property line and fence, where a row of 14 evergreen trees is proposed, so that adequate space is provided for branching.

The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance from Section 4.3 of the *Prince George's County Landscape Manual* for interior parking lot planting requirements and Section 4.7 along the southern property line, subject to ... conditions.

(Exhibit 9, pp.2-3)

(18) The Landscape Plan recommended for approval is Exhibit 11(b). Applicant will be providing 14 evergreen trees, 6 ornamental trees, and 15 deciduous trees. There will also be shrubs within the parking area and elsewhere on site.

Variance

(19) Pursuant to Section 27-341.02 of the Zoning Ordinance, churches or similar places of worship are required to have a minimum setback of twenty-five (25) feet from each lot line. The existing building does not meet the required setback of 25 feet along its eastern border on 52nd Street. (Exhibit 25; T. 51-52) A reduction of seven (7) –

thirteen (13) feet to the east is sought because the setback varies along this side of the building which was constructed in 1913. (T. 52)

(20) There is also a requirement in Section 27-442(e) of the Zoning Ordinance regarding required yards for “other allowed uses” (which would include the instant request). The former accessory structure that was constructed in 1980 is approximately 17 feet from the front street line for Annapolis Road (MD 450). Since it is required to be setback 25 feet an 8 foot variance is requested for the northwestern portion of the structure. (Exhibits 24 and 25; T. 32)

(21) The subject property is the product of three existing record Lots which were narrowed over time by the changes in right-of-way dedication along both Annapolis Road (MD 450) and 52nd Avenue. Most of the existing structure was constructed in 1913, long before the County’s inclusion into the regional district. The other portion that requires the approval of a variance was constructed over thirty (30) years ago. Accordingly, Applicant requests the right to continue to use the entire structure without having to tear any portion down.

Agency Comment

(22) The Technical Staff recommended approval of the Variance request and the Special Exception (with conditions), reasoning as follows:

The subject property was previously used as a single-family dwelling, which at the time was in conformance to setbacks for a residential use. The existing site has exceptional narrowness in that the existing structure is seven feet short of meeting the requirement and the property is being narrowed further by the future right-of-way deductions....

The strict application of this Subtitle will result in a peculiar and unusual practical difficulties to, or undue hardship upon, the owner of the property ... in the event that the variance was not approved [because] the church could not operate. This is an undue hardship as all of the conditions are present and outside the control of the church as the property owner

This application is in conformance with the mixed-use recommendations of the October 2009 [Sector Plan and SMA]. The sector plan’s land use recommendation is for infill mixed-use development to create green, healthy, and pedestrian-friendly communities. The application was also found to be consistent with the 2002 General Plan Development Pattern policies for the [Developed] Tier. Therefore, the proposed use will not substantially impair the integrity of any validly approved master plan. ...

The proposed use as a church will not be detrimental to the use or development of adjacent properties or the general neighborhood. The church has access to

multiple modes of transportation (car, bus, bike and pedestrian), which can only contribute to [the creation of a] green, healthy, and pedestrian-friendly community.... The change in use will not impede development that is coming to the area within or proximate to the neighborhood....

(Exhibit 12, pg. 6-8)

(23) Applicant has agreed to the conditions recommended by Staff, with the exception of providing a sidewalk along 52nd Street (discussed above).

(24) As noted above, the Planning Director recommended approval of Applicant's request for Alternative Compliance to the requirements of the Landscape Manual. (Exhibit 9, pp. 1-3)

(25) The subject property lies within the municipal boundaries of the Town of Bladensburg. Applicant proffered that it had met with the Town and that the Town was supportive of its request. (T. 3-4, and 56) However, no representative of the Town appeared at the hearing, nor was any written support or opposition submitted.³

LAW APPLICABLE

(1) A Church in the R-55 Zone, on a lot of less than one (1) acre in size, is permitted by grant of a Special Exception in accordance with Section 27-341.01 of the Zoning Ordinance. All Special Exceptions must be found to comply with the general criteria of Section 27-317 of the Zoning Ordinance.

(2) Section 27-317 states as follows:

- (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 Type 2 Tree Conservation Plan; and

³ The Town of Bladensburg was given notice of the Application. (Exhibit 4(b))

(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).

(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:

- (1) where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or
- (2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.

(3) Section 27-341.02 states as follows:

- (a) A church or similar place of worship may be permitted, subject to the following:
 - (1) The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;
 - (2) When possible, ingress and egress should be located so as to direct traffic away from streets that are internal to a residential subdivision;
 - (3) The applicant shall satisfactorily demonstrate that parking and traffic will not adversely affect adjacent residential neighborhoods;
 - (4) When possible, there should be no parking spaces or loading areas located in the front yard; and
 - (5) The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased.

(4) The Application must be in harmony with the purposes of the R-55 Zone found in Section 27-430 (a) of the Zoning Ordinance, which provides as follows:

- (a) Purposes.
 - (1) The purposes of the R-55 Zone are:
 - (A) To provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;
 - (B) To facilitate the planning of higher density one-family residential developments with small lots and dwellings of various sizes and styles;
 - (C) To encourage the preservation of trees and open spaces; and
 - (D) To prevent soil erosion and stream valley flooding.

(5) The Court of Appeals provided the standard to be applied in the review of a Special Exception application in Schultz v. Pritts, 291 Md 1, 432 A2d 1319, 1325 (1981):

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [administrative body] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal.

(6) A variance may be granted if the request satisfies the provisions of Section 27-

230(a) of the Zoning Ordinance, which provides as follows:

(a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

CONCLUSIONS OF LAW

(1) Section 27-102 sets forth the general purposes of the Zoning Ordinance. The requested use will be in conformance with the following applicable purposes found in Section 27-102 since it provides a place of community worship, will provide needed community services, will provide additional landscaping, and does not negatively impact its surroundings:

(1) To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;

* * * *

(4) To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business; [and]

* * * *

(12) To insure the social and economic stability of all parts of the County

(Section 27-317(a)(1))

(2) The use does not conflict with the purposes of the R-55 Zone. The District Council has predetermined that churches are compatible with said purposes. Additionally, the instant Application will provide additional landscaping and minimal lot coverage. (Section 27-317(a)(1))

(3) If the requested variance and alternative compliance are approved, the use will be in conformance with all applicable requirements and regulations of the Zoning Ordinance. (Section 27-317(a)(2)) The request does not substantially impair the integrity of the Master Plan, since the Master Plan encouraged aesthetic improvement of properties within the Bladensburg Town Center Character Area and did not specifically address the subject property. (Section 27-317(a)(3)) The use will not adversely affect the health, safety or welfare of residents or workers in the area since the structure has been on the site for decades (and, a portion thereof, for over 100 years), and the proposed addition of a small church with limited hours of operation will not result in any substantial change. (Section 27-317 (a)(4)) The use will not be

detrimental to the use or development of adjacent properties or the general neighborhood since the area is already a mix of homes and institutional uses. (Section 27-317(a)(5))

(4) The Application is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because the property is less than 40,000 square feet in size and has no prior Tree Conservation Plans. (Section 27-317 (a)(6)) There are no regulated environmental features on the site. (Section 27-317 (a)(7)) Finally, the property does not lie within a Chesapeake Bay Critical Area Overlay Zone. (Section 27-317 (b))

(5) The Application satisfies the criteria found in Section 27-341.02 (a) (3) since church parking will be interior to the site, and traffic will not adversely affect adjacent residential neighborhoods given the site's location adjacent to MD 450. The Application satisfies Section 27-341.02 (a)(5) because the permitted lot coverage in the Zone is 60% and the subject property has 47.5% lot coverage.

(6) The site is a corner lot and the legal front yard is Annapolis Road. There will be three parking spaces in the front yard to avoid impacting the residence to the south. (Section 27-341.02(a)(4)) Applicant is not permitted to have direct ingress and egress to Annapolis Road (MD 450). As a result it must access 52nd Street – a street internal to a residential subdivision. (27-341.02(a)(2))

(7) Applicant needs a variance from the requirements set forth in Section 27-341.02 (a) (1). I believe Applicant has satisfied the criteria for granting the request. The lot has been impacted by the extraordinary condition that resulted upon expansion of the planned rights-of-way adjacent thereto. Adherence to the 25-foot setback would result in "peculiar and unusual practical difficulty" for Applicant since it would have to remove a portion of the existing decades-old old structure, or the church cannot be allowed. Finally, approval of the requests would not impair the intent of a Master Plan that specifically encourages in-fill development that will contribute to green, healthy communities. The additional landscaping and minimal lot coverage will further this goal. (Section 27-230 (a))

(8) Applicant also seeks approval of its request for alternative compliance to the requirements of the Landscape Manual, again as a result of pre-existing site conditions. I believe this request can also be granted since Section 1.3 of the 2010 *Landscape Manual* suggests that alternative compliance may be granted where there are "[s]pace limitations, unusually shaped lots, prevailing practices in the surrounding neighborhood, in-fill sites" or where it is needed "for improvements and redevelopment in older communities." It may also be granted where the "proposal is equal or better than normal compliance." The proposal meets these criteria since the subject property is in an older community and Applicant will be providing additional plant materials and installing a six-foot-high fence along its southern property line to lessen any impact on the adjoining dwelling.

DISPOSITION

APPROVAL of S.E.4723, Variance 4723 and AC-12014, subject to the following conditions:

1. Prior to the issuance of any building permits the Special Exception Site Plan shall be revised as follows, and submitted to the Zoning Hearing Examiner for approval and inclusion in the record:
 - a. Outline the Special Exception boundary in red, as required by the Zoning Ordinance.
 - b. Delineate the portion of the structure that will be used as a church and the portion to be used as a residence and provide the square footage for both uses.
 - c. Show the parking spaces that will be required for the residence.
 - d. In the alternative, if Applicant does not intend to use the property as a residence, add a note to that effect.
 - e. Add a note to state that "direct access to Annapolis Road (MD 450), an arterial roadway, should be restricted."
2. Prior to the issuance of any building permits the Landscape Plan shall be revised as follows, and submitted to the Zoning Hearing Examiner for approval and inclusion in the record:
 - a. Revise the Section 4.7 schedule to reflect that 11 shrubs are provided and that a total of 166 plant units are provided, as is reflected on the Landscape Plan.
 - b. Revise the Landscape Plan to label the correct quantity of proposed plant material shown to be planted in the Section 4.7 landscape yard along the southern property line.
 - c. Label the asphalt to be removed in the parking lot planting areas and a curb or other protective device shall be shown on both the Site and the Landscape Plans.
 - d. Revise the Section 4.3-2 schedule to provide the size of the total parking lot area.
 - e. Replace the Pinus Strobus shown in the plant list and on the landscape plan with a columnar species evergreen tree such as Nellie Stevens, Eastern Red Cedar, Magnolia Grandiflora 'Edith Biogue,' or equivalent.
 - f. Revise the plant list to show the common name of Quercus Phellos to be Willow Oak, Gleditsia Triacanthos to be Honey Locust, and Cercis Canadensis to be Kentucky Redbud.
 - g. Revise the quantities in the plant list to accurately reflect the plant material as shown on the Landscape Plan.

- h. Revise the Section 4.2 schedule to indicate 265 linear feet of frontage, 8 shade trees, and 76 shrubs required. Revise the Landscape Plan to provide at least the minimum plant material required.

[Note: The revised Special Exception Site Plan is Exhibit 30 (d). The Landscape Plan is Exhibit 11(b).]