



Detailed Site Plan

Trinity Religious Temple Church

DSP-23014

REQUEST	STAFF RECOMMENDATION
Approval of the physical site elements necessary to allow for a 125-seat church use, with a parsonage, to occupy the existing buildings at the property.	With the conditions recommended herein: Approval of Detailed Site Plan DSP-23014 Approval of a Variance to Section 27-441(b), footnote 52

Location: Southeast quadrant of the intersection of Iverson Street and Boydell Avenue.

Gross Acreage: 1.13

Zone: RR

Zone Prior: R-R

Reviewed per prior Zoning Ordinance: Section 27-1903(c)

Dwelling Units: 0

Gross Floor Area: 4,036

Planning Area: 76A

Council District: 07

Municipality: None

Applicant/Address:
Trinity Temple Church of God Inc
2525 Bladensburg Road, N.E.
Washington, DC 20018

Staff Reviewer: Todd Price
Phone Number: 301-952-3994
Email: Todd.Price@ppd.mnccppc.org



Planning Board Date: 05/30/2024

Planning Board Action Limit: 06/03/2024

Staff Report Date: 05/16/2024

Date Accepted: 03/25/2024

Informational Mailing: 11/09/2023

Acceptance Mailing: 03/21/2024

Sign Posting Deadline: 04/30/2024

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.mnccppcapps.org/planning/Person_of_Record/.

Please call 301-952-3530 for additional information.

Table of Contents

EVALUATION CRITERIA	3
FINDINGS	3
1. Request	4
2. Development Data Summary	4
3. Location	5
4. Surrounding Uses	5
5. Previous Approvals	5
6. Design Features	5
CONFORMANCE WITH EVALUATION CRITERIA	7
7. Prince George's County Zoning Ordinance	7
8. 2010 Prince George's County Landscape Manual	14
9. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance	14
10. Prince George's County Tree Canopy Coverage Ordinance	14
11. Referral Comments	14
12. Community Feedback	16
RECOMMENDATION	17

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-23014
Variance to Section 27-441(b), footnote 52
Trinity Religious Temple Church

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this report.

EVALUATION CRITERIA

The subject property is within the Residential, Rural (RR) Zone and was previously in the Rural Residential (R-R) Zone. This application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance effective prior to April 1, 2022 (prior Zoning Ordinance). Pursuant to Section 27-1903(c) of the Zoning Ordinance, an applicant may elect to apply for a detailed site plan pursuant to the requirements of the prior Zoning Ordinance for development of the property in the RR Zone. The applicant has elected to have this application reviewed under the requirements of the prior Zoning Ordinance. Therefore, staff considered the following in reviewing this detailed site plan (DSP) application:

- a. The prior Prince George's County Zoning Ordinance for the Rural Residential (R-R) Zone;
- b. The 2010 *Prince George's County Landscape Manual*;
- c. The Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- d. The Prince George's County Tree Canopy Coverage Ordinance;
- e. Referral comments; and
- f. Community feedback.

FINDINGS

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

1. **Request:** The subject application is a request for approval of the physical site elements necessary to allow for a 125-seat church use, with a parsonage, to occupy the existing buildings on the property. By way of background, the existing building (on the northern portion of the subject property) was previously occupied by a 125-seat church that was a certified nonconforming use. However, that use was abandoned when the building was damaged by fire in 2012 and the church use failed to reestablish within 180 days.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	RR	R-R
Use	Vacant	Church
Gross acreage	1.13	1.13
Parcels/Lots	2 Lots	2 Lots
Gross floor area (GFA) of buildings	4,036 sq. ft.	4,036 sq. ft.

Note: The existing building proposed to be used as a church has a gross floor area (GFA) of 2,840 square feet. The existing dwelling proposed to be used as a parsonage has a GFA of 1,196 square feet. The total square footage of both buildings equals 4,036 square feet.

Parking Data

Use	Required	Provided
Church (125 seats) @ 1 space/6 Seats	21	21
Parsonage @ 1 space	1	1
Total	22 Spaces	22 Spaces
Standard parking spaces (10 ft. x 20 ft.)	0 to 21	18
Parallel parking spaces (10 ft. x 20 ft.)	0 to 21	3
Handicap-accessible parking spaces (16 ft. x 20 ft.)	1	1
Loading Spaces	0	0

Note: Pursuant to Section 27-584(a), legally existing uses are not required to comply with Part 11 of the prior Zoning Ordinance provided that the use “complies with the previous requirements for parking and loading areas (in effect at the time the use began)”. In addition, “[a]ny future use occupying the same premises [. . .]” as a previously legally existing use is similarly exempt “provided there is no expansion or change of use that would require a greater number of parking or loading spaces [. . .] than the number of spaces legally existing under the prior regulations”. The proposed church will occupy the same premises as the previous certified nonconforming church use. No changes that would require a greater number of parking or loading spaces than legally existing are proposed. Accordingly, the parking qualifies for an exception from Part 11 per Section 27-584 of the prior Zoning Ordinance. Therefore, the parking requirement in effect when the previously existing church use was established still applies. When the church was certified as a legal nonconforming use, the parking requirement was one space for every six seats.

In addition, the existing 21-space parking lot was designed in accordance with the pre-1970 dimensional requirements for parking spaces, which required 200-square-foot parking spaces with 18-foot-wide driveways. These dimensional standards continue to apply.

No loading space is required for this use.

3. **Location:** The subject property is located on Tax Map 87 in Grid D4. It is further identified as Lot 5, Block B and Lot 26, Block B, of the Barnaby Village Subdivision. Lot 5, Block B was recorded in the Prince George's County Land Records in June 1950 in Plat Book WWW 17, page 77; Lot 26, Block B was recorded in the Land Records in September 1959 in Plat Book WWW 36, page 28. The applicant proposes a church use within the building on Lot 5, Block B and a parsonage within the dwelling on Lot 26, Block B. The property is located at the southeast quadrant of the intersection of Iverson Street and Boydell Avenue, in Planning Area 76A and Council District 7. The church building's mailing address is 1801 Iverson Street and the parsonage building's address is 5106 Boydell Avenue, both in Oxon Hill, Maryland.
4. **Surrounding Uses:** The subject property is in the Rural Residential (R-R) Zone and is bounded to the north by both Iverson Street and Brierfield Road, with single-family detached homes in the One-Family Detached Residential (R-80) Zone beyond; to the east and south by single-family detached homes in the R-R Zone; and to the west by Boydell Avenue and single-family detached homes in the R-R Zone.
5. **Previous Approvals:** Permit records indicate that the existing building on Lot 5, Block B was initially constructed in 1963 in the R-R Zone, prior to April 1, 2022. The property is not the subject of a prior preliminary plan of subdivision (PPS). There are no notes on the record plats for Lots 5 or 26 related to the development of these lots.

The previously existing church use at Lot 5, Block B was certified as a legal nonconforming use per the approval of Permit 36879-2004-U-01. Permit records indicate that the existing building on Lot 5, Block B was initially constructed in 1963 in the R-R Zone, prior to April 1, 2022. The church use occupying that building was required to certify as a nonconforming use after Prince George's County Council Bills, CB-23-1993 and CB-76-1993, required a special exception for church uses in the R-R Zone. However, as detailed below, the existing building on Lot 5, Block B was damaged by fire in 2012. Since that time, no church use has operated on-site. Accordingly, this certified nonconforming use has since been abandoned.

A Stormwater Management (SWM) plan and approval letter (Application Number 12339-2023-SDC/Approval Number P27976-2023-SDC) were submitted with the application for this site. The Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE) issued the approval on October 25, 2023. The project is exempt from SWM requirements because the proposed limits of disturbance are less than 5,000 square feet.

6. **Design Features:** The property is currently improved with a 2,840-square-foot building proposed to be used as a church (see Figure 1) and a 1,196-square-foot, single-family dwelling, proposed to be used as a parsonage. The church building is located on the northeast side of the property, with an existing parking lot to the west and south of the

building. Vehicular access is provided via a driveway from Iverson Street, at the north end of the property. The existing dwelling, which will serve as a parsonage, is located on the south end of the property with a driveway accessed from Boydell Avenue.

On December 31, 2012, a 2-alarm fire occurred at the existing church, causing significant damage. The damage caused the church to be closed and non-operational for more than six months (or 180 calendar days). As a result of the period of non-operation, the church lost their prior, legal, nonconforming use status. As noted above, the church previously obtained certified nonconforming use status, because the church predated the requirement that churches on properties less than one acre in the R-R Zone obtain a special exception. After the fire, the applicant acquired Lot 26. With Lot 26, the total size of the property now exceeds one acre such that the church use now requires a detailed site plan, rather than a special exception, to locate at the subject property. The applicant filed this DSP application, to demonstrate compliance with the requirements of the R-R Zone, so that it can obtain a building permit for the fire restoration repairs and a new use and occupancy permit. The application proposes no grading, new development, or additional gross floor area. No exterior improvements are proposed other than those required to repair the fire damaged parts of the church.



Figure 1

CONFORMANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the Prince George's County Zoning Ordinance in the R-R Zone:

- a. With respect to Section 27-441(b), Table of Uses, of the Zoning Ordinance, a church or similar place of worship located on a lot between 1 and 2 acres in size is a permitted use in the R-R Zone, subject to footnote 52. Footnote 52 (Zoning Ordinance text in **bold**) includes the following requirements:

52. A church or similar place of worship that is located on a lot between one (1) and two (2) acres in size shall require a Detailed Site Plan in accordance with Part 3, Division 9, of this Subtitle. In addition to the requirements of Section 27-285(b), the following requirements shall be met:

(A) The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;

The existing church complies with this setback except along the eastern lot line, where it is within a minimum of 9.9 feet of the lot line. Accordingly, the applicant is requesting a variance of 15.1 feet for the existing church building. The justification for this variance is analyzed as follows:

Section 27-230. - Criteria for granting appeals involving variances.

(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 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);

In its SOJ, the applicant claims that the property is unique with respect to its: 1) topography; 2) shape; 3) existing development; and 4) limited vehicular access to public roads. The purpose of requiring a demonstration of uniqueness as a prerequisite to granting a variance is threefold: 1) "if the alleged restrictive effect of the zoning law is not unusual, and a characteristic is shared by many properties, the

problem ought to be addressed by legislation, not variances;" 2) "the uniqueness analysis guarantees that a granted variance cannot act as precedent;" and 3) not requiring uniqueness would result in a lack of uniform application of zoning law thereby opening the door to "favoritism towards certain landowners within a zone". *Dan's Mountain Windforce, LLC, et al. v. Allegany County Board of Zoning Appeals*, 236 Md. App. 483, 494–95 (2018). With this in mind, staff concur that the property is unique with respect to topography and limited vehicular access. However, having existing development is not a unique condition that distinguishes the land from the surrounding properties, all of which are developed. In addition, the applicant claims the shape of the property is a "unique and unusual 'L' shape which is the result of its curvilinear boundaries abutting publicly dedicated rights-of-way with curved alignments." However, Boydell Avenue on which the property fronts, curves along the entire block on which the property is located. Thus, the curvilinear boundary line continues down the entire block. Accordingly, staff cannot find the shape to be unique.

Topography:

The subject property is physically unique and unusual in a manner different from the nature of the surrounding properties in terms of its exceptional topographic conditions. The northern portion of the site, Lot 5, has an elevation of 252 feet at its highest point, and approximately 230 feet at its lowest point (a difference of 22 vertical feet). In addition, the northern and southern portions of the property are separated by approximately 50 feet of steep slopes, with an elevation change of approximately 14 feet. These steep slopes continue north along the western property line along Boydell Avenue until approximately 25 feet from the front property line. This stretch of steep slopes along the western property line is approximately 25-feet wide. This condition creates two disconnected developable areas – one to the north and one to the south. In addition, the developable area on the northern portion of the property is constrained on both its south and west sides by steep slopes.

While steep slopes exist on the surrounding properties, according to data obtained from PGAtlas, these slopes do not divide the developable area of those properties in two, as is the case with the

subject property. (See Figure 2 below. The dark red contour represents steep slopes.) Thus, the subject property is physically unique and unusual in a manner different from the nature of the surrounding properties.

Access

The subject property fronts on the right-of-way (ROW) for Brierfield Road to its north. However, Brierfield Road has not been extended to its intersection with Iverson Street, but rather terminates in a dead end with an existing guard rail. Thus, the property lacks access to Brierfield Road. The property also fronts on Boydell Avenue, but direct access is frustrated by the steep slopes discussed above. Accordingly, access to the northern portion of the property is provided via an existing access driveway that leads across the undeveloped Brierfield Road ROW to Iverson Street. This drives the location of the existing parking lot to the west side of the existing church building. Other properties in the surrounding area do not have this condition in that they do not front on a ROW that has not been fully developed. Thus, the subject property is unique in its limited access to public ROWs.

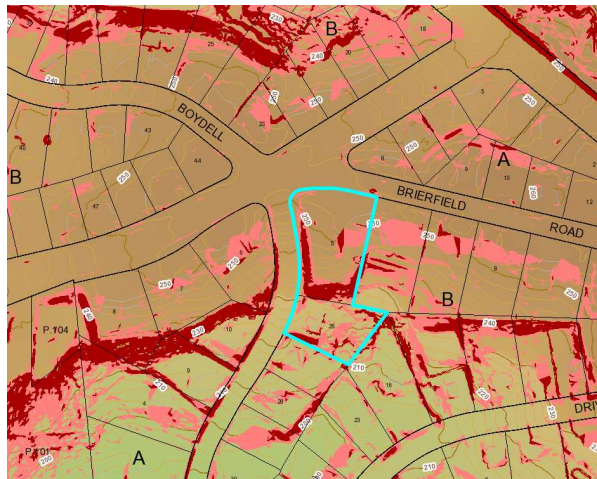


Figure 2

- (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;**

In part, this criterion requires that “the unique aspect of the property must relate to – have a nexus with – the aspect of the zoning law from which a variance is sought.” *Dan’s Mountain*, 236 Md. at 496. “Therefore, the question must be: are there features on the property that cause [. . .] setback requirements to affect this applicant’s individual property differently from the way it effects other surrounding properties?” *Id.* at 498. Staff find that the existing steep slopes and limited access to the property cause the 25-foot setback requirement to disproportionately impact the subject property.

As previously noted, the northern portion of the site, Lot 5, Block B, is improved with an existing building that has historically been occupied by a church with 125 seats. The associated surface parking lot is located to the west and south of the existing building. Steep slopes begin almost immediately to the south and west of the existing parking lot. The existence of these steep slopes limits the area available for the building and necessary parking. In addition, per Section 27-441(b)(footnote 52)(a)(2), whenever possible, parking must not be located in the front yard, which in this case is to the north of the existing building. The application meets this requirement by having the parking located along the side and rear yard, as much as possible. Given the placement of the necessary parking and site circulation in relation to the existing steep slopes, the envelope for the building and its appurtenant improvements (which include a handicap-accessible ramp leading to the main entrance) requires that the building encroach into the 25-foot setback. Specifically, the existing building must remain in its current location to meet parking requirements. The building cannot be moved further west and out of the 25-foot setback because it would encroach into the parking area. The existing parking lot itself cannot move further to the south or west to accommodate moving the building due to the existing steep slopes. Nor can the required parking spaces for the proposed church use be moved to the southern portion of the subject property because the steep slopes frustrate the provision of circulation between the proposed church use on the northern portion of the property and the southern portion of the property.

As noted above, the property is also unique in terms of its limited access to public ROWs. This also makes

compliance with the 25-foot setback along the eastern property line challenging. Specifically, vehicular access must be provided via the existing driveway leading to Iverson Street to the northwest. This makes the western side of Lot 5 the necessary location for vehicular circulation and the most convenient location for the parking lot. In combination with the steep slopes discussed above, this drives the location of the existing church building towards the western property line and into the 25-foot setback.

Strict application of the 25-foot setback from all property lines would result in peculiar and unusual practical difficulties. The only options for compliance would be for the applicant to demolish the portions of the existing building that encroach into the setback or redevelop the entire site, which possibly would entail extensive grading. Whereas, with the variance, the applicant will not have to engage additional land disturbance or make exterior changes to the existing building. Accordingly, strict application of the 25-foot setback will result in peculiar and unusual practical difficulties to the owner of the property.

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

The majority of the existing church is setback 17 feet from the property line. At its closest point, a portion of the building is 9.9 feet from the property line. As previously discussed, the site topography and location of the necessary parking restrict the building area to its current location. As a result, the variance is the minimum reasonably necessary to overcome the exceptional physical 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

The subject property is located within the limits of the 2000 *Approved Master Plan and Sectional Map Amendment for The Heights and Vicinity*. The 2014 *Plan Prince George's 2035 Approved General Plan* (master plan) which recommends a residential low generalized future land use for the subject property.

This master plan places the subject property on the south of Focus Area 4. The master plan does not recommend any goals, policies, or strategies to help advance the intent and purpose of the plan for the subject property. There is no sector plan or transit district development plan that affects the subject property. The church has existed on the property since 1963 and is a permitted use in the R-R Zone. The subject application proposes to continue the existing institutional use. Therefore, the granting of this variance will not substantially impair 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.

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

The existing building has occupied the subject property since 1963 and served as a church until the fire in 2012. Since the fire caused the closing of the church, the building has been vacant and an eyesore for the neighborhood. The sole purpose of the application is to obtain the necessary permits needed to complete the fire restoration repairs so the existing church building can be safely reoccupied. As a result, approval of the variance will not substantially impair the use and enjoyment of adjacent properties. In fact, it will enhance the use and enjoyment of adjacent properties through the restoration of this building that has long been an eyesore for the neighborhood.

(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 location of the existing building on the property has been in place since 1963. The 25-foot setback requirement that is now in place did not exist until the Prince George's County District Council's approval of Council Bill, CB-76-1993, which took effect on December 31, 1993. As a result, the practical difficulty was not self-inflicted by the owner of the property.

(B) When possible, there should be no parking or loading spaces located in the front yard; and

The property fronts on the dedicated ROW for Brierfield Road, as shown on the record plat for Barnaby Village Subdivision (recorded in the Land Records in June 1950 in Plat Book WWW 17 at page 77) and the record plat entitled Plat 1, Barnaby Knolls (recorded among the Land Records in Plat Book NLP 146 at page 50). Thus, the front yard is the area between the existing building on Lot 5, Block B and the Brierfield Road ROW. While most of the parking has been located to the rear and west sides of the existing building, one parallel space and part of one perpendicular space are located in the front yard. However, these spaces cannot be relocated elsewhere on the property due to the topographic constraints discussed in the variance findings above. Accordingly, staff find that all necessary parking has been located in the side and rear yard as much as possible.

(C) The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased.

Per section 27-442(c) the maximum lot coverage for churches or similar places of worship on lots between one and two acres in size, in the R-R Zone is 50 percent. The total existing lot coverage for this application is 34.67 percent. There is no proposed expansion of lot coverage with this application.

- b. The DSP is in general conformance with the applicable site design guidelines, as referenced in Section 27-283 of the Zoning Ordinance and contained in Section 27-274 of the Zoning Ordinance. The design guidelines do not apply to the subject DSP because the site improvements are existing and, as previously stated, this DSP proposes no grading, new development, or additional gross floor area, and only proposes renovations to the existing church building due to fire.
- c. This application is subject to the regulations contained in Section 27-428 for the R-R Zone, of the prior Zoning Ordinance as follows:

Section 27-428. – R-R Zone (Rural Residential)

(c) Regulations.

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the R-R Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

Compliance with these regulations is addressed as follows:

- The DSP complies with Off-Street Parking and Loading (Part 11) as discussed in Finding 2 above;

- The DSP does not include any signage. Any signage proposed in the future shall comply with Part 12 of the prior Zoning Ordinance.
 - The DSP complies with Divisions 1 and 5 of Part 5 of the prior Zoning Ordinance, as applicable. In compliance with Section 27-421.01, the property has frontage on and direct vehicular access to public streets (Boydell Drive and Iverson Street). In compliance with Section 27-421, to the extent the property is considered a corner lot, this DSP does not propose visual obstructions more than 3 feet in height within the triangle formed by the intersection of the street lines and points on the street lines 25 feet from the intersection.
 - The DSP is in compliance with the regulation tables contained in Section 27-442(b) of the prior Zoning Ordinance, for development in the R-R Zone.
 - As discussed below, this DSP is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).
8. **2010 Prince George's County Landscape Manual:** The application is exempt from the Landscape Manual because it meets the requirements of Section 1.1(d). The subject application is limited to fire restoration repairs to the existing church. The application does not propose a change in use from a lower to a higher category, and the application does not increase the impervious surface or GFA.
 9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site was issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance (S-062-2023) because the site is less than 40,000 square feet in size and has no previous tree conservation plan approval. A Natural Resources Inventory equivalency letter (NRI-054-2023) was issued for the property because there are no regulated environmental features (REF) on-site.
 10. **Prince George's County Tree Canopy Coverage Ordinance:** Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that propose more than 5,000 square feet of disturbance or increase in GFA. The subject application proposes no disturbance and no increase in GFA. Therefore, the application is exempt from TCC requirements. As a condition of approval, a general note addressing the TCC shall be added to the plan.
 11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Historic Preservation**—In a memorandum dated April 16, 2024 (Smith, Chisholm, Stabler to Price), the Historic Preservation Section stated 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. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.

- b. **Community Planning**—In a memorandum dated April 23, 2024 (Tariq to Price), the Community Planning Section provided an evaluation of the application, stating the applicant’s proposal is to continue the existing institutional land use. Therefore, there are no issues with the conformance of the recommended land use.
- c. **Transportation**—In a memorandum dated May 3, 2024 (Shaw to Price), the Transportation Planning Section concluded that the vehicular, pedestrian, and bicycle access and circulation for this plan is acceptable, consistent with the site design guidelines pursuant to Section 27 and meets the findings for pedestrian and bicycle transportation purposes.
- d. **Subdivision**—In a memorandum dated May 1, 2024 (Bartlett to Price), the Subdivision Section stated that the application is exempt from filing a PPS and final plat per Section 24-111(c)(3) of the prior Prince George’s County Subdivision Regulations as detailed below:
 - “• Section 24-111(c)(3) states that a final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless the development proposed is in addition to a development in existence prior to January 1, 1990, and does not exceed 5,000 square feet of GFA. The existing development of a church (on Lot 5) was in place prior to January 1, 1990. The square footage of the parsonage on Lot 26, however, is not clearly listed on the DSP. It appears that only the GFA on the first floor of the structure is listed. Even if the first floor GFA of the structure on Lot 26 is doubled to approximate the maximum GFA of the two-story structure, the total GFA on Lot 26 will be 2,392 square feet. The proposed change of use to a parsonage (on Lot 26) will, therefore, result in development that is less than 5,000 square feet of GFA in addition to development in existence prior to January 1, 1990, and is exempt from filing a PPS and final plat per this section.
 - “• Per Section 27-107.01.(a)(129) of the prior Zoning Ordinance, a “Lot” is defined, in part, as one or more entire “Record Lots”. Applied to this DSP application, Lot 5 and Lot 26 combine to create the building lot and the combined GFA of each lot is considered the GFA of the development, which represents less than 5,000 square feet of proposed GFA in addition to development in existence prior to January 1, 1990, and is therefore exempt from the requirement of a PPS and final plat.”

The memorandum also stated that the property is not required to have an approved certificate of adequacy (ADQ) in accordance with Section 24-4503 of the Subdivision Regulations, because the proposed development is exempt from filing a new PPS and final plat in accordance with the prior Subdivision Regulations.

The Subdivision Section recommended a condition of approval relating to gross floor area that has been included in the Recommendation section of this report.

- e. **Permit Review**—In a memorandum dated April 11, 2024 (Hughes to Price), the Permit Review Section offered comments, which have been addressed through revisions to the plans or are included in the Recommendation section of this report.

- f. **Environmental Planning**—In a memorandum dated April 4, 2024 (Schneider to Price), the Environmental Planning Section provided a discussion of the DSP’s conformance with SWM, WCO and NRI, which has been included in the findings above.
 - g. **Prince George’s County Fire/EMS Department**—In a memorandum dated March 25, 2024 (Reilly to Price), the Fire/EMS Department stated they had reviewed the application and had no comments.
 - h. **Washington Suburban Sanitary Commission (WSSC)**—In an email and attached comments dated April 10, 2024 (Watkins to Price), WSSC offered an analysis of the application and offered comments to be addressed at time of permit.
 - i. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated April 23, 2024 (Guzman to Price), DPIE offered an analysis and had no objections to the application.
 - j. **Prince George’s County Health Department**—In a memorandum dated April 16, 2024 (Adepoju to Price), the environmental health specialist noted that a desktop health impact assessment had been completed and offered multiple recommendations with respect to health-related issues on the property. These recommendations have been included as conditions of approval in the Recommendation section of this report.
12. **Community Feedback:** As of the writing of this technical staff report, staff received one inquiry from the community regarding the subject DSP.
- On May 3, 2024, staff spoke to Ms. Jessie Jefferson, who resides at 5110 Boydell Avenue, Oxon Hill, Maryland. She owns the single-family home immediately south of the subject application parsonage. Ms. Jefferson voiced her support for the approval of this application as the existing fire-damaged church is both an eyesore and a safety hazard, as the subject property suffers from break-ins. She looks forward to having the application approved and the church restored and reopened.
13. As required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. As required by Section 27-285(b)(4), for approval of a DSP, the REF on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Subtitle 24-130(b)(5) of the Subdivision Regulations, as this DSP does not propose any change to the established limits of disturbance and does not result in any impacts to REF.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-23014, for Trinity Religious Temple Church, subject to the following conditions:

1. Prior to certification of this detailed site plan, the following revisions shall be made, or information shall be provided:
 - a. Verify the parsonage building height, and revise plans, as necessary.
 - b. Show dimensions of all buildings within the subject property on the site plan.
 - c. List the gross floor area (GFA) for each floor level of the parsonage separately on the site plan and revise general note if necessary.
 - d. Add a note stating "During the construction phases of this project, noise shall not be allowed to adversely impact activities on the adjacent properties. The project must conform to the construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code".
 - e. Add a note stating "During the construction phases of this project, no dust shall be allowed to cross over property lines and impact adjacent properties. The project must conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control".
 - f. Add a note to the plan stating that the site is exempt from the Prince George's County Tree Canopy Coverage Ordinance.

TRINITY RELIGIOUS TEMPLE CHURCH

Detailed Site Plan

Variance to Section 27-441(b), Footnote 52

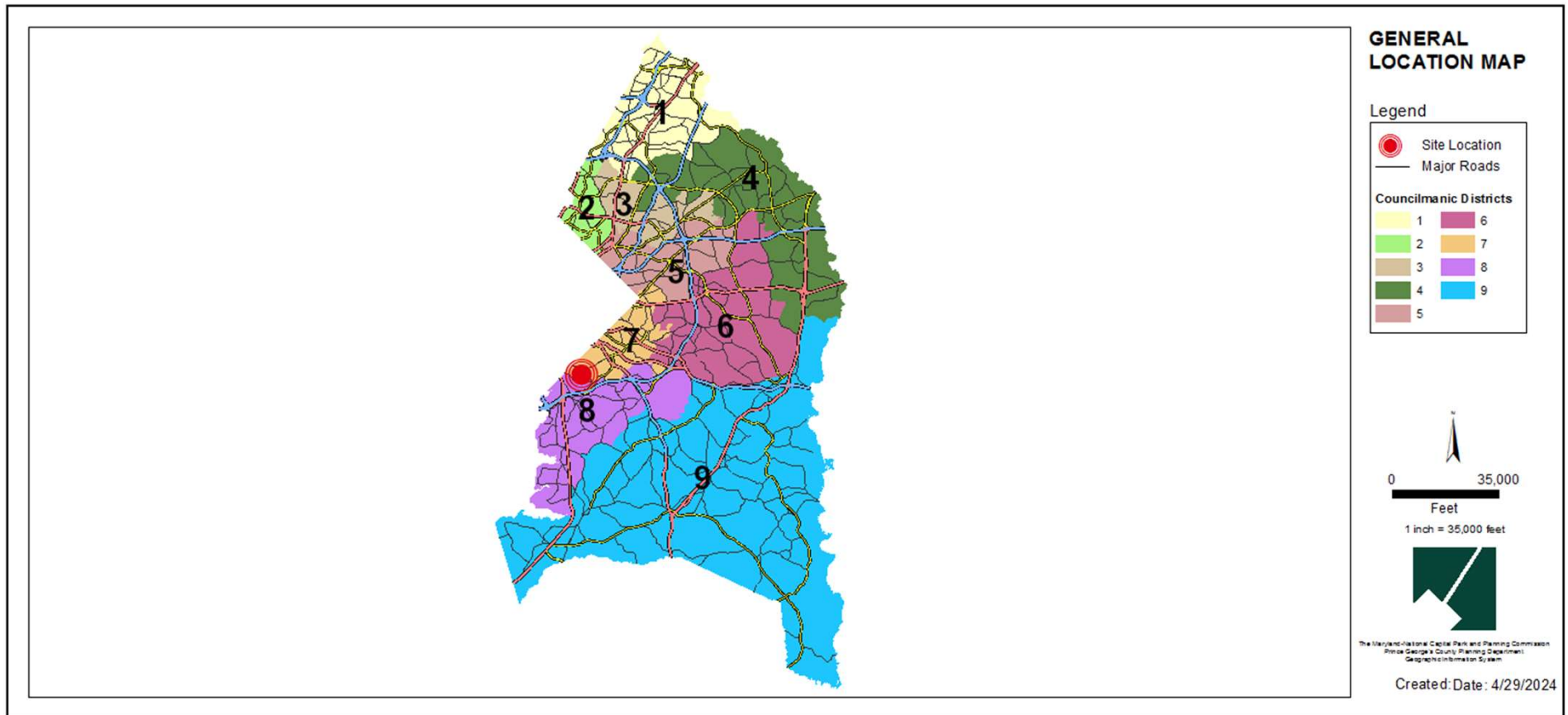
Staff Recommendation: APPROVAL with conditions



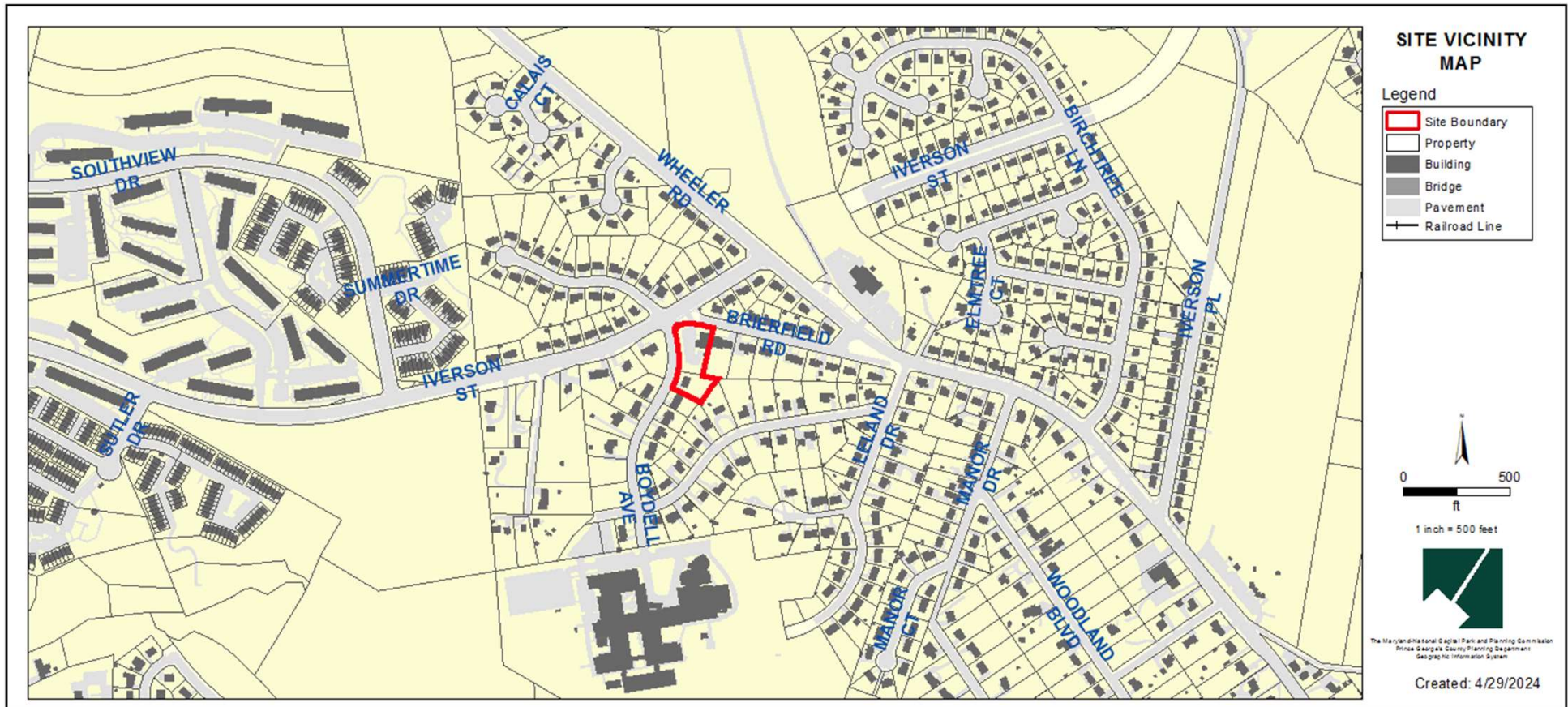
GENERAL LOCATION MAP

Council District: 07

Planning Area: 76A



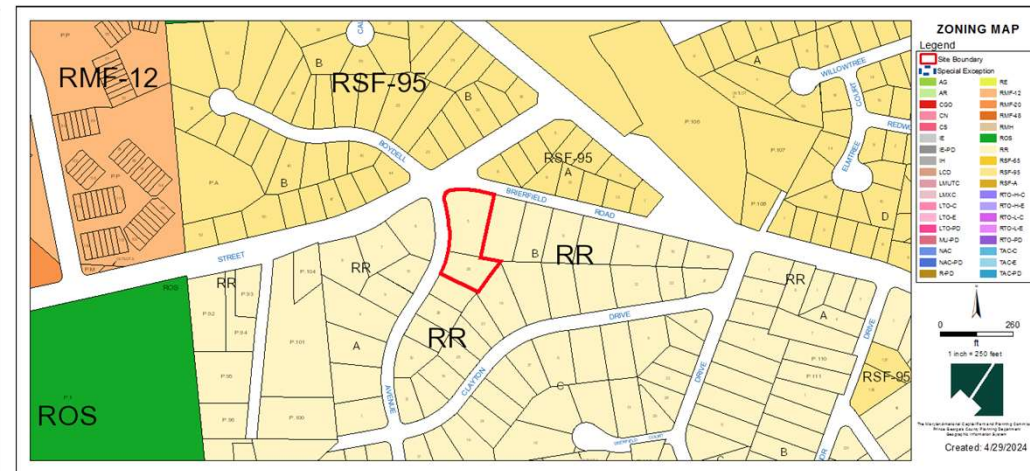
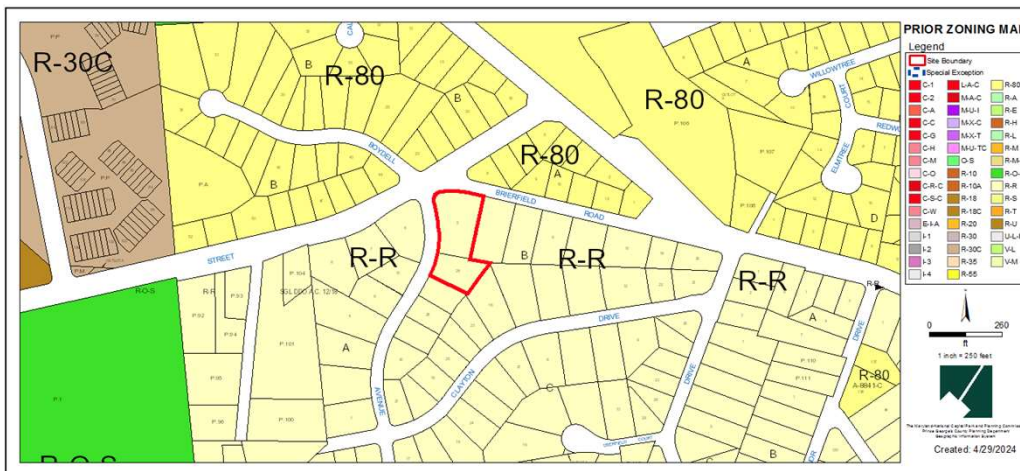
SITE VICINITY MAP



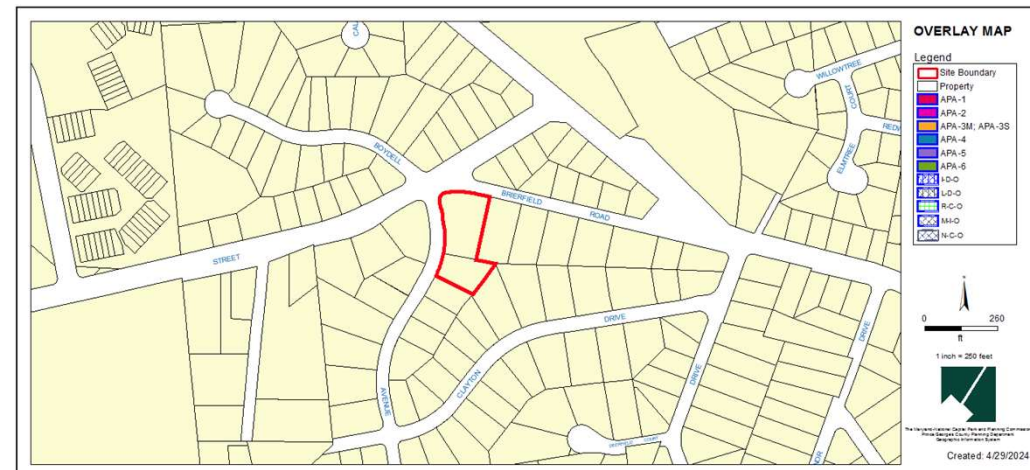
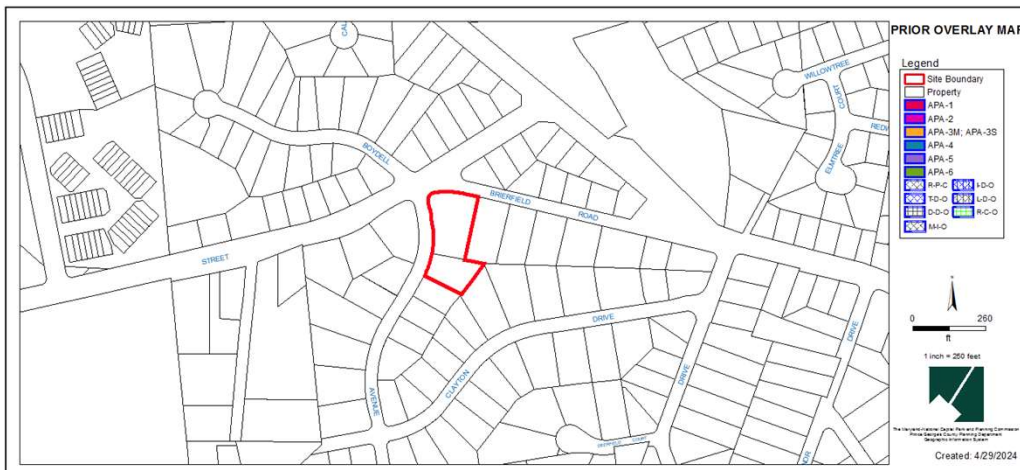
ZONING MAP (PRIOR AND CURRENT)

Prior Zone: R-R

Current Zone: RR



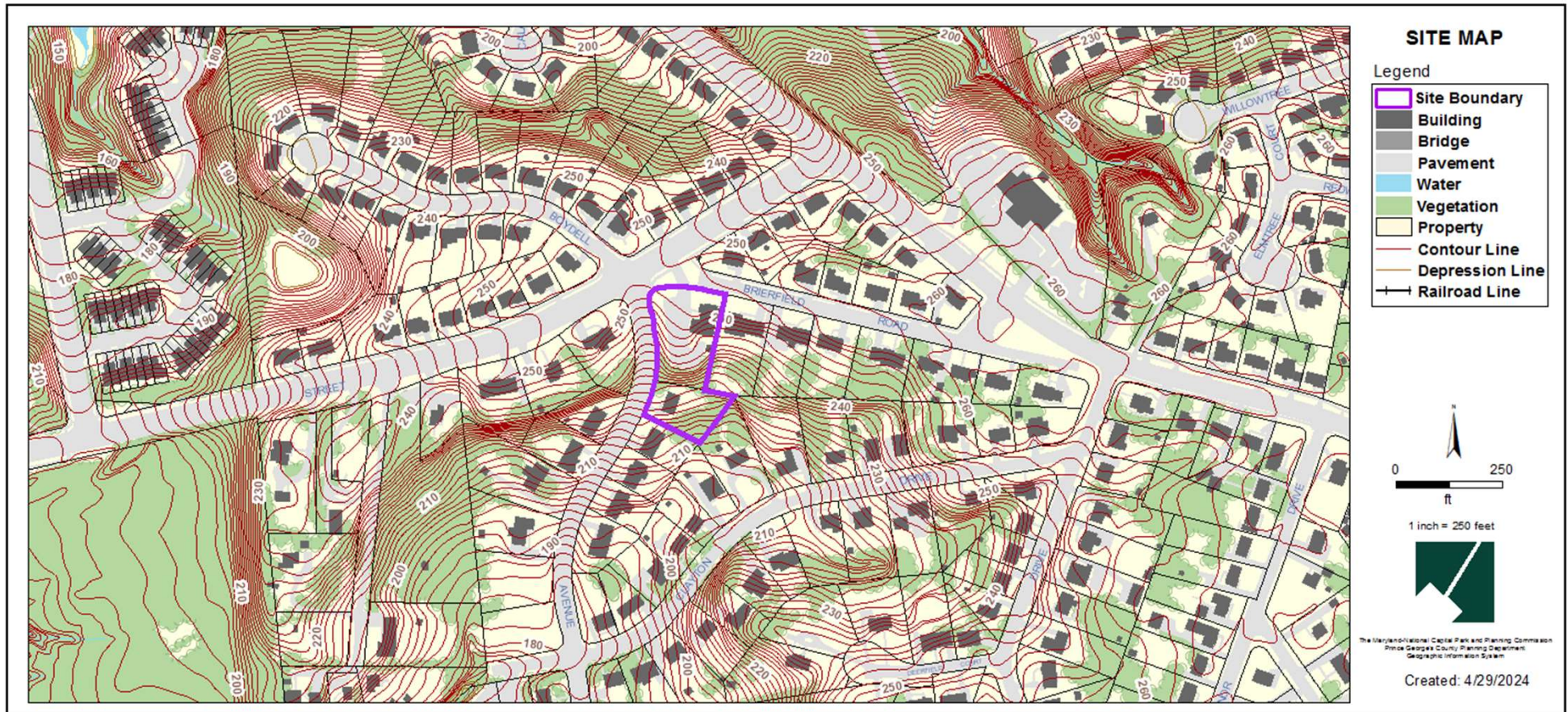
OVERLAY MAP (PRIOR AND CURRENT)



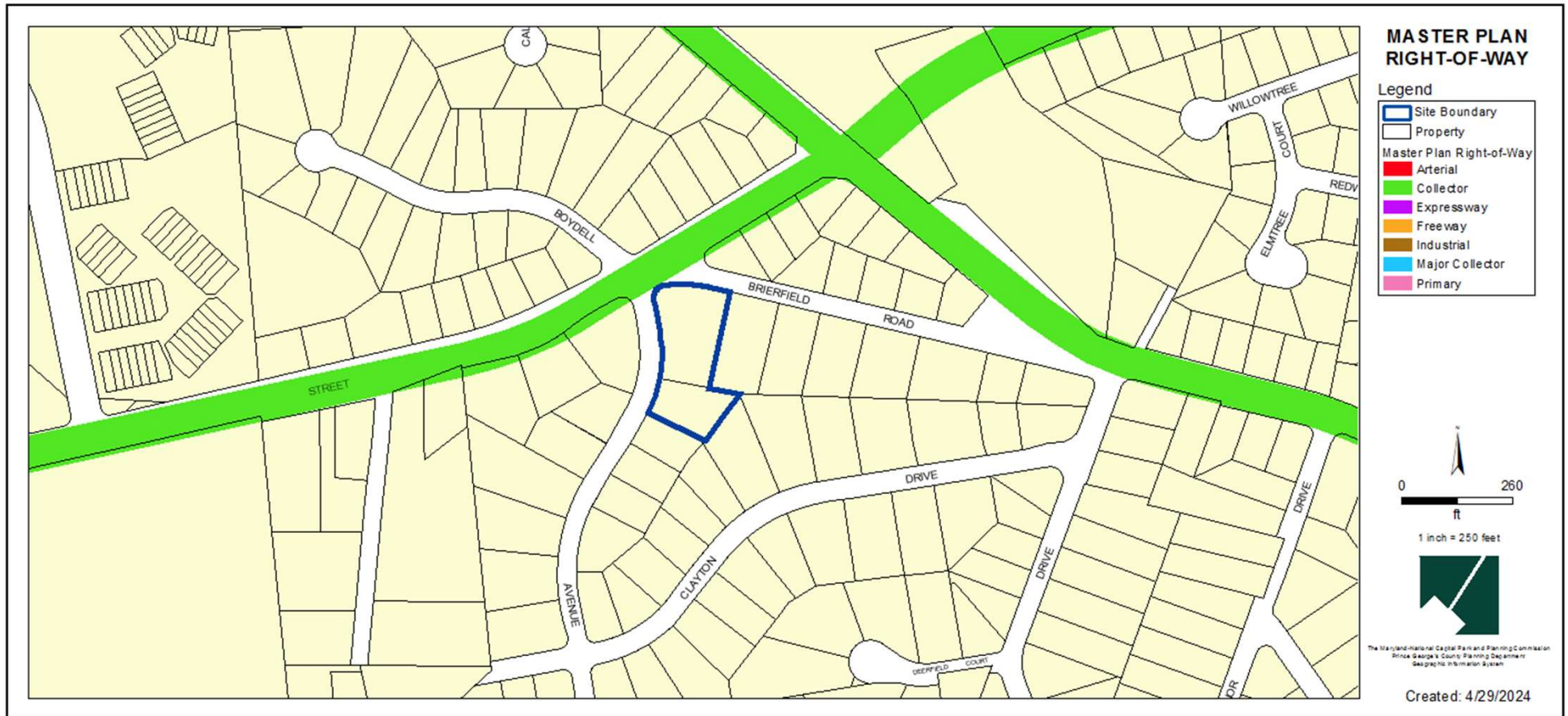
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



[illegible]

EXISTING CONDITIONS



EXISTING CONDITIONS

Existing Church Building - (Street View from Boydell Avenue)



EXISTING CONDITIONS

Color Pictures of Existing Church Building

Elevation 1 – Front of Existing Church (along Brieffield Road)



Elevation 2 – Front of Existing Church (along Iverson Street & Boydell Avenue)

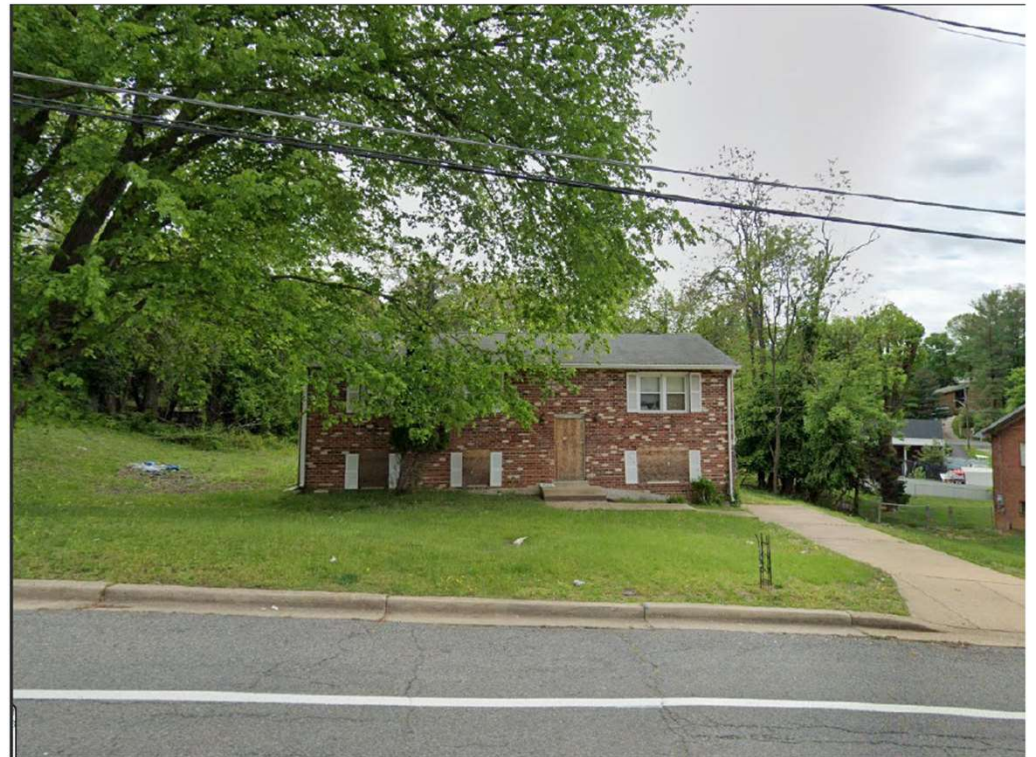


EXISTING CONDITIONS

Elevation 7 – Side of Existing Church



Elevation 8 – Front Elevation of Existing Parsonage – (5106 Boydell Avenue)



STAFF RECOMMENDATION

APPROVAL with conditions

Issues: None

Applicant Required Mailings:

- Informational Mailing: 11/9/23
- Acceptance Mailing: 3/21/24

LAW OFFICES
SHIPLEY & HORNE, P.A.

Russell W. Shipley
Arthur J. Horne, Jr.*
Dennis Whitley, III*
Robert J. Antonetti, Jr.

1101 Mercantile Lane, Suite 240
Largo, Maryland 20774
Telephone: (301) 925-1800
Facsimile: (301) 925-1803
www.shpa.com

Bradley S. Farrar
L. Paul Jackson, II*

* Also admitted in the District of Columbia

May 10, 2024

VIA ELECTRONIC DELIVERY

Mr. Todd Price, Planner II
Urban Design Section
Maryland-National Capital Park
& Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

RE: REVISED STATEMENT OF JUSTIFICATION
Detailed Site Plan, DSP-23014 & Variance from
Section 27-441(b), footnote 52
(1801 Iverson Street and 5106 Boydell Avenue)

Dear Todd:

This firm represents Trinity Temple Church of God Inc (the “Applicant”) regarding its proposed redevelopment of 1801 Iverson Street and 5106 Boydell Avenue, Oxon Hill, Maryland 20745 (the “Property”). On April 1, 2022, the Countywide Map Amendment (CMA) classified the subject Property in the RR (Residential, Rural) Zone. The Property is located on Tax Map 87 in Grid D4, and is known as Lots 5 & 26, Block B, within the Barnaby Village Subdivision. The Record Plat for Lot 5, Block B, was recorded in Land Records in June of 1950 as WWW 17@77. The Record Plat for Lot 26, Block B, was recorded in Land Records in September of 1959 as WWW 36@ 28. This application requests approval of a detailed site plan (the “DSP”) for a church (Lot 5) and parsonage (Lot 26). As explained herein, both the church and parsonage are already existing structures which will be validated with this DSP.

The Church (located on Lot 5) was previously certified as a legal nonconforming use per the approval of Permit 36879-2004-U-01. Permits for the church go back as early as 1963. A 2-Alarm Fire occurred on the Property on December 31, 2012, and the existing church was badly damaged. Due to the extensive fire damage, the church had been closed and non-operational for more than 6 months (or a 180 calendar days). As a result of the period of non-operation, the church has lost its prior legal nonconforming status, and the approval of a new detailed site plan is now required in order for the church to obtain an approved building permit for the fire restoration repairs and a new use and occupancy permit. The Applicant proposes to utilize the contiguous single-family home (5106 Boydell Avenue) as a parsonage for the proposed church use. Collectively, the Property totals approximately 1.134 +/- acres.

ELECTION TO UTILIZE PRIOR ZONING PROCEDURES/REGULATIONS
(Section 27-1903(d))

On April 1, 2022, the approved Countywide Sectional Map Amendment (“CMA”) and the updated Prince George’s County Zoning Ordinance (“New Zoning Ordinance”) became effective and rezoned the subject Property to the newly created RR Zone. Notwithstanding, the Applicant elects to process this DSP application utilizing the applicable provisions of the prior zoning ordinance (including the applicable regulations in the prior R-R Zone), as the site was initially developed under the prior zoning ordinance pursuant to Section 27-1903(d).

History & Existing Conditions of Property

Lot 5, Block B is improved with an existing 2,840 square-foot, two-story brick and frame church with 125 seats. Permit records indicate that the church was initially constructed in 1963 on a .7212-acre lot in the R-R Zone. On August 31, 1993, Council Bill, CB-23-1993, was approved and amended the Zoning Ordinance to require the approval of a special exception application for churches, or similar places of worship, located on a lot less than one (1) acre in size. The first Use and Occupancy for the church was issued in 1963 via Permit 5786-U. Churches that were lawfully established prior to the approval of CB-23-1993 were then required to be certified as legal nonconforming uses. The church was then certified as a nonconforming use per the approval of Permit 36879-2004-U-01 and again with Permit 45168-2007-U.

Sadly, a 2-Alarm Fire occurred on the Property on December 31, 2012, and the existing church was badly damaged. The church then submitted Permit 31652-2015-CE to proceed with the fire restoration repairs and improvements which was issued by DPIE on April 11, 2014. The owner of the Property was subsequently notified by County officials that Permit 31652-2015-CE was issued in error, as the certified nonconforming church had been closed and non-operational for more than 6 months (or a 180 calendar days). As a result, the owner of the Property was told that the approval of a special exception application would now be required in order to obtain an approved building permit for the fire restoration repairs to the church structure.

Since that time, the owner of the Property acquired the abutting lot to the south, (Lot 26, Block B), which is improved with an existing 1,196 square-foot single-family dwelling and driveway. This lot has an address of 5106 Boydell Avenue and will be used as the church parsonage. With the addition of this lot, the church Property as a whole is now over one acre in size, (1.134 acres), and no longer requires the approval of a special exception application. However, the approval of a detailed site plan application is now required in order for the Applicant to obtain a new use and occupancy permit and approval of a building permit for the fire restoration repairs to the existing church building. No grading, new development, or additional gross floor area is proposed with this Application, other than the fire restoration repairs needed to reoccupy the existing church building.

The existing 21-space parking compound for the existing church on Lot 5, Block B, was designed in accordance with Section 27-584 of the Zoning Ordinance, (pre-1970, 200 square-foot-

sized parking spaces with a minimum of 18-foot-wide driveway aisles). All of the prior U&O permits approved by the M-NCPPC Permit Review Section specifically reference that the parking on the property was constructed in accordance with the requirements of Section 27-584, and further required that the parking standards shown on the site plan be designed in accordance with pre-1970 design standards.

See the following permit review comments below that were generated by the Permit Review Section for Permit 36879-2004-U-01:

5. ~~Since the building was constructed prior to 1970, all regular parking space are “grand fathered” and must be dimensioned on the site plan at either 10’ x 20’ or 9’ x 22.25”. Any accessible parking space must comply with current standards. A minimum of drive-isle width of 18 feet is required for all two-way drive-aisles. 5/23/06 – Still required. 6/27/2007 – OK per revised plans.~~
6. ~~A parking schedule must be provided on the site plan. Churches built prior to 1970 again are grand fathered and may calculate it’s required parking at a rate of one parking space for every six seats. 5/23/06 – Still required. 6/27/2007 – OK per revised plans.~~

This permit was ultimately approved on July 18, 2007;

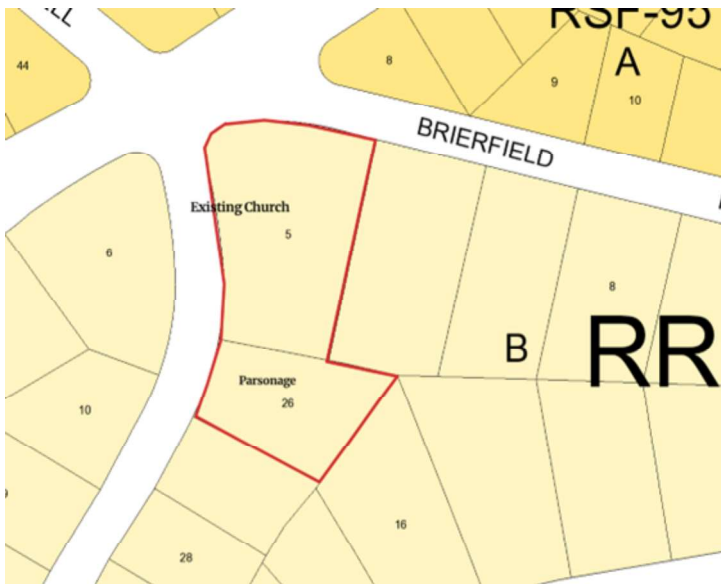
As noted above, the parking requirements in effect when the church was certified as a legal nonconforming use was 1 space for every 6 seats. Twenty-one (21) spaces were required and provided to serve the use. This parking requirement is shown on every prior approved use and occupancy permit for the church since its initial inception. Since the subject DSP application proposes fire restoration repairs to the existing building only and does not include exterior improvements (other than to the building itself), no grading, or increases in gross floor area or seat count, the parking requirement in effect at the time of its construction should remain in full effect. The existing 21-space parking compound has adequately served the church for many decades. It should also be noted that one (1) existing off-street parking space is provided on Lot 26, Block B to serve the existing parsonage.

There are no nearby historic sites or resources listed in the Historic Sites and District Plan on or adjacent to the Property. The Property is located within the limits of the 2000 Approved Master Plan for The Heights and Vicinity (the “2000 Master Plan”), Planning Area 76A, and is further located in Councilmanic District 7 within the Oxon Hill Community. The 2035 General Plan recommends a Residential Low Generalized Future Land Use for the subject Property. The existing land use is recognized as being “Institutional-Church”. The Property is further located within the Established Communities Growth Area, a Priority Funding Area (MDP), Revitalization Tax Credit Area, and a Historically Underutilized Business Zone (SBA).

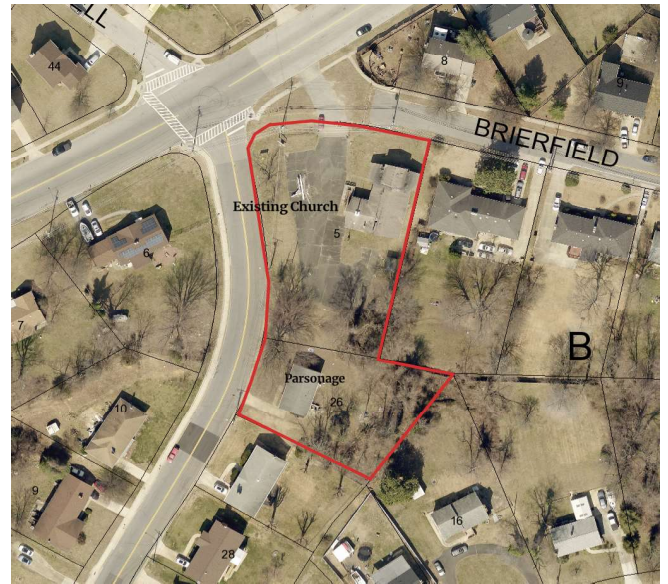
Since no grading, clearing, or other new development is being proposed as part of this DSP application, a Site Development Concept Plan (SDCP) and Exemption Letter 12339-2023-SDC was approved by DPIE on October 5, 2023, and is valid until October 5, 2026. Further, Woodland

Conservation Exemption Letter (WCO-Ex), S-062-2023, and Natural Resources Inventory Equivalency Letter (NRI-EL), NRI-054-2023, were approved by the Environmental Planning Section on April 14, 2023. Copies of the issued exemption letters have been included in the DSP submission package.

Current Zoning Map



Current Aerial Map



The existing church is located at the entrance of the Barnaby Village Subdivision and is surrounded by detached dwelling units in the R-R Zone. The nearby Homeowner's Association has expressed concerns with the current condition of the church building, which is an eyesore for the neighborhood. Due to the need for entitlement applications and architectural renovation permits to be prepared and approved, the church has remained in its' current fire-damaged state for many years now, and the neighborhood would like to see the restoration repairs completed as soon as possible.

The submitted DSP proposes no grading, new development, or additional gross floor area, other than the fire restoration repairs needed to reoccupy the existing church building. No exterior improvements are proposed other than those required to the building to repair the fire damage.



Conformance with Section 27-285(b) - Required findings for Approval of Detailed Site Plan:

(b) Required Findings

- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.***

RESPONSE: The Site Design Guidelines provided in Section 27-283 are as follows:

Section 27-283. - Site design guidelines.

- (a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).***

RESPONSE: The proposal meets all applicable design guidelines set forth in Section 27-274 as set forth below.

Section 27-274. - Design guidelines.

(a) *The Conceptual Site Plan shall be designed in accordance with the following guidelines:*

(1) *General.*

(A) *The Plan should promote the purposes of the Conceptual Site Plan.*

RESPONSE: The subject Property is located in the R-R Zone. As a result, a conceptual site plan is not required for the church and parsonage use.

(B) *The applicant shall provide justification for, and demonstrate to the satisfaction of the Planning Board or District Council, as applicable, the reasons for noncompliance with any of the design guidelines for townhouses and three-family dwellings set forth in paragraph (11), below.*

RESPONSE: The submitted DSP is for the approval of the existing church structure, a parsonage, and related appurtenances. The guidelines for townhouse and three-family dwellings do not apply.

(2) *Parking, loading, and circulation.*

(A) *Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:*

(i) *Parking lots should generally be provided to the rear or sides of structures;*

(ii) *Parking spaces should be located as near as possible to the uses they serve;*

(iii) *Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;*

(iv) *Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual, particularly in parking areas serving townhouses; and*

- (v) *Special areas for van pool, car pool, and visitor parking should be located with convenient pedestrian access to buildings.*

RESPONSE: All parking spaces have been designed in accordance with the requirements of Part 11 of the Zoning Ordinance. Specifically, the existing 21-space parking compound for the existing church on Lot 5, Block B, was designed in accordance with Section 27-584 of the Zoning Ordinance, (pre-1970, 200 square-foot-sized parking spaces with a minimum of 18-foot-wide driveway aisles). All of the prior U&O permits approved by the M-NCPPC Permit Review Section specifically reference that the parking on the Property was constructed in accordance with the requirements of Section 27-584, and further required that the parking standards shown on the site plan be designed in accordance with pre-1970 design standards.

- (B) *Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:*

- (i) *Loading docks should be oriented toward service roads and away from major streets or public view; and*
- (ii) *Loading areas should be clearly marked and should be separated from parking areas to the extent possible.*

RESPONSE: There are no loading spaces required for the proposed institutional use.

- (C) *Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:*

- (i) *The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;*
- (ii) *Entrance drives should provide adequate space for queuing;*
- (iii) *Circulation patterns should be designed so that vehicular traffic may flow freely through the parking lot without encouraging higher speeds than can be safely accommodated;*
- (iv) *Parking areas should be designed to discourage their use as*

through-access drives;

- (v) *Internal signs such as directional arrows, lane markings, and other roadway commands should be used to facilitate safe driving through the parking lot;*
- (vi) *Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access;*
- (vii) *Parcel pick-up areas should be coordinated with other on-site traffic flows;*
- (viii) *Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;*
- (ix) *Pedestrian and vehicular circulation routes should generally be separated and clearly marked;*
- (x) *Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques; and*
- (xi) *Barrier-free pathways to accommodate the handicapped should be provided.*

RESPONSE: The existing parking lot has been designed to provide safe, efficient, and convenient circulation on a site for both pedestrians and drivers. The existing church will be accessed by a single driveway entrance connected to Iverson Street. The existing entrance is a full-movement intersection with Iverson Street. The proposed parsonage will use the existing driveway access on Boydell Avenue. Each of the above entrances will allow for safe and efficient vehicular access.

(3) ***Lighting.***

- (A) *For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character. To fulfill this goal, the following guidelines should be observed:*
 - (i) *If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;*

- (ii) *Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;*
- (iii) *The pattern of light pooling should be directed on-site;*
- (iv) *Light fixtures fulfilling similar functions should provide a consistent quality of light;*
- (v) *Light fixtures should be durable and compatible with the scale, architecture, and use of the site; and*
- (vi) *If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.*

RESPONSE: According to information derived from the Maryland Department of Assessments & Taxation, the existing church building was constructed in 1963. As a result, exterior lighting was not a requirement when the existing parking lot was constructed, and no additions or changes to the existing parking compound are being proposed as part of the submitted DSP. Exterior lighting on the building has adequately served the Property for the last 60 years and will continue to provide parishioners with safe and efficient pedestrian access into the building.

(4) Views.

- (A) *Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.*

RESPONSE: The property in the DSP does not contain any scenic views. To the contrary, the fire-damaged church building has created a somewhat blighted view which negatively impacts surrounding residential properties. For this reason, restoration of the existing building is highly desired by the Applicant, the adjacent property owners, and the surrounding community.

(5) Green area.

- (A) *On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill*

its intended use. To fulfill this goal, the following guidelines should be observed:

- (i) Green area should be easily accessible in order to maximize its utility and to simplify its maintenance;*
- (ii) Green area should link major site destinations such as buildings and parking areas;*
- (iii) Green area should be well-defined and appropriately scaled to meet its intended use;*
- (iv) Green area designed for the use and enjoyment of pedestrians should be visible and accessible, and the location of seating should be protected from excessive sun, shade, wind, and noise;*
- (v) Green area should be designed to define space, provide screening and privacy, and serve as a focal point;*
- (vi) Green area should incorporate significant on-site natural features and woodland conservation requirements that enhance the physical and visual character of the site; and*
- (vii) Green area should generally be accented by elements such as landscaping, pools, fountains, street furniture, and decorative paving.*

RESPONSE: On-site green areas that are appropriate in size, shape and location have been provided throughout the site. This DSP does not propose any new buildings or structures, but rather seeks to restore the fire damaged church to its previous condition so it can once again be occupied.

- (B) The application shall demonstrate 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).*

RESPONSE: The DSP package includes a Woodland Conservation Exemption Letter (WCO-Ex), S-062-2023, and Natural Resources Inventory Equivalency Letter (NRI-EL), NRI-054-2023, that were approved by the Environmental Planning Section on April 14, 2023. Copies of the issued exemption letters have been included in the DSP submission package.

- (6) Site and streetscape amenities.*

- (A) *Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:*
- (i) *The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site;*
 - (ii) *The design of amenities should take into consideration the color, pattern, texture, and scale of structures on the site, and when known, structures on adjacent sites, and pedestrian areas;*
 - (iii) *Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;*
 - (iv) *Amenities should be functional and should be constructed of durable, low maintenance materials;*
 - (v) *Amenities should be protected from vehicular intrusion with design elements that are integrated into the overall streetscape design, such as landscaping, curbs, and bollards;*
 - (vi) *Amenities such as kiosks, planters, fountains, and public art should be used as focal points on a site; and*
 - (vii) *Amenities should be included which accommodate the handicapped and should be appropriately scaled for user comfort.*

RESPONSE: The submitted DSP proposes no grading, new development, or additional gross floor area, other than the fire restoration repairs needed to reoccupy the existing church building. No exterior improvements are proposed other than those required for the building to repair the fire damage.

(7) **Grading.**

- (A) *Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:*
- (i) *Slopes and berms visible from streets and other public areas should*

appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;

- (ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;*
- (iii) Grading and other methods should be considered to buffer incompatible land uses from each other;*
- (iv) Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and*
- (v) Drainage devices should be located and designed so as to minimize the view from public areas.*

RESPONSE: The submitted DSP proposes no grading or new development.

(8) Service areas.

- (A) Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:*
 - (i) Service areas should be located away from primary roads, when possible;*
 - (ii) Service areas should be located conveniently to all buildings served;*
 - (iii) Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and*
 - (iv) Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.*

RESPONSE: The DSP does not propose any service areas.

(9) Public spaces.

- (A) A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development. To fulfill this goal, the following guidelines should be observed:**
- (i) Buildings should be organized and designed to create public spaces such as plazas, squares, courtyards, pedestrian malls, or other defined spaces;**
 - (ii) The scale, size, shape, and circulation patterns of the public spaces should be designed to accommodate various activities;**
 - (iii) Public spaces should generally incorporate sitting areas, landscaping, access to the sun, and protection from the wind;**
 - (iv) Public spaces should be readily accessible to potential users; and**
 - (v) Pedestrian pathways should be provided to connect major uses and public spaces within the development and should be scaled for anticipated circulation.**

RESPONSE: This DSP does not propose a mixed-use, commercial, or multifamily development. Thus, the above criteria are not applicable.

(10) Architecture.

- (A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.**
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) These guidelines may be modified in accordance with Section 27-277.**

RESPONSE: The submitted DSP proposes no new development, or additional gross floor area, other than the fire restoration repairs needed to reoccupy the existing church building. No exterior improvements are proposed other than those required for the building to repair the fire damage.

(11) Townhouses and three-family dwellings.

- (A) *Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.***
- (B) *Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.***
- (C) *Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.***
- (D) *To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.***
- (E) *To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of***

townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.

(F) *Attention should be given to the aesthetic appearance of the offsets of buildings.*

RESPONSE: The submitted DSP is for the approval of the existing church structure, a parsonage, and related appurtenances. The guidelines for townhouses and three-family dwellings do not apply.

(b) *The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.*

RESPONSE: The Applicant agrees that the above guidelines should only apply to the extent that they support the purpose of restoring the fire damage to the existing church structure. Both the church and parsonage uses will be consistent with the R-R Zone (which allows both uses by right subject to DSP approval).

(c) *These guidelines may be modified in accordance with Section 27-286.*

RESPONSE: No modifications are being proposed to the guidelines.

(2) *The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).*

RESPONSE: A Conceptual Site Plan is not required for this use. In accordance with Section 27-441(b) of the Zoning Ordinance, a church or similar place of worship located on a lot between 1 and 2 acres in size is permitted by right in the R-R Zone, subject to the approval of a detailed site plan application.

(3) *The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.*

RESPONSE: The subject DSP is not proposing any infrastructure. No grading, new development, or additional gross floor area, other than the fire restoration repairs needed to reoccupy the existing church building are being proposed. No exterior improvements are proposed other than those required to the building to repair the fire damage. Further, no new construction or exterior improvements are being proposed to the church parsonage located at 5106 Boydell Avenue. This lot will continue to be used for residential purposes.

- (4) *The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).*

RESPONSE: The Property contains no regulated environmental features. No clearing or grading is proposed with the subject DSP application. The only construction being proposed on the site is confined to the interior and exterior improvements needed to the main church building to complete the fire restoration repairs. Since no grading or clearing is being proposed on the Property, the Environmental Planning Section issued both Natural Resources Inventory Equivalency Letter, NRI-054-2023, and Woodland Conservation Letter of Exemption, S-062-2023, on April 14, 2023. Copies of the issued NRI-EL and WCO-Ex letters were included in the submission package for DSP-23014.

Conformance with Section 27-441(b) – Footnote 52

In accordance with Section 27-441(b) of the Zoning Ordinance, a church or similar place of worship located on a lot between 1 and 2 acres in size is permitted by right in the R-R Zone, subject to the approval of a detailed site plan application. The use is also subject to the requirements of Footnote 52, as stated below;

Section 27-441. - Uses permitted.

(b) Table of Uses

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
(3) Institutional/Educational: (CB-12-2016)									
Adult day care center	X	SE	SE	SE	SE	SE	SE	SE	SE
Assisted living facility (CB-110-2004)	X	X	X	X	SE ⁷⁷	X	X	X	X
Chancery, on a lot having a net area of at least 15 acres	X	X	X	X	X	X	P	X	X
Church or similar place of worship:									
(A) Located on a lot less than 1 acre in size	X	X	X	X	SE	SE	SE	SE	SE
(B) Located in a building that was originally constructed as a dwelling, on a lot less than 1 acre in size	X	X	X	X	SE	SE	SE	SE	SE
(C) Located on a lot between 1 and 2 acres in size ⁵²	X	X	X	P	P	P	P	P	P
(D) Located in a building that was originally constructed as a dwelling, on a lot between 1 and 2 acres in size ⁵²	X	X	X	P	P	P	P	P	P
(E) All others	SE	P ⁵³	P	P	P	P	P	P	P

- 52 **A church or similar place of worship that is located on a lot between one (1) and two (2) acres in size shall require a Detailed Site Plan in accordance with Part 3, Division 9, of this Subtitle. In addition to the requirements of Section 27-285(b), the following requirements shall be met:**
- (A) **The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;**

(B) **When possible, there should be no parking or loading spaces located in the front yard; and**

(C) **The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased.**

RESPONSE: The subject application’s compliance with the requirements of Section 27-285(b) is provided above. The existing church building that was damaged by fire is only 2,840 square feet in size. As such, no loading spaces are required to serve this institutional use in accordance with the requirements of Part 11 of the Zoning Ordinance. Up until the time the 2-Alarm fire occurred on the Property, the church had been in continuous operation on the property since its initial construction and issuance of its first Use and Occupancy Permit in 1963, (Permit 5786-U). The approval of the subject DSP application is required in order for the Applicant to obtain approval of a building permit for the fire restoration repairs. A variance is required the 25 foot setback for the existing church as discussed below.

Section 27-442 – Regulations

(c) Table II-Lot Coverage

	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
Lot Coverage (Maximum % of Net Lot Area):									
Churches or similar places of worship on lots between one (1) and two (2) acres in size (CB-76-1993)	-	50	50	50	50	50	50	50	50

RESPONSE: As noted above, Section 27-442(c) of the Zoning Ordinance states that the maximum lot coverage permitted for churches or similar places of worship on lots between one (1) and two (2) acres in size in the R-R Zone is 50% of the net lot area. As provided in General Note 7 on the submitted plan, the total lot coverage for the site is 17,214 square feet or 34.67% of the net lot area. No new development is proposed on the site other than the fire restoration repairs needed to the existing church building. As a result, no additional lot coverage is being proposed with the subject

DSP.

In regards to the setback requirement listed above in Footnote 52(A), the rear of the existing church building has a small “bump-out” that is located only 9.9 feet away from the rear property line. As a result, a variance of 15.1 feet is requested from Section 27-441(b) - Footnote 52(A) which requires that all churches or similar places of worship on a lot between 1 and 2 acres in size be setback twenty-five (25) feet from each lot line. Justification for the requested variance is as follows:

Section 27-230. - Criteria for granting appeals involving variances.

- (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 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);*

RESPONSE: The Property has the following unique and/or extraordinary conditions:

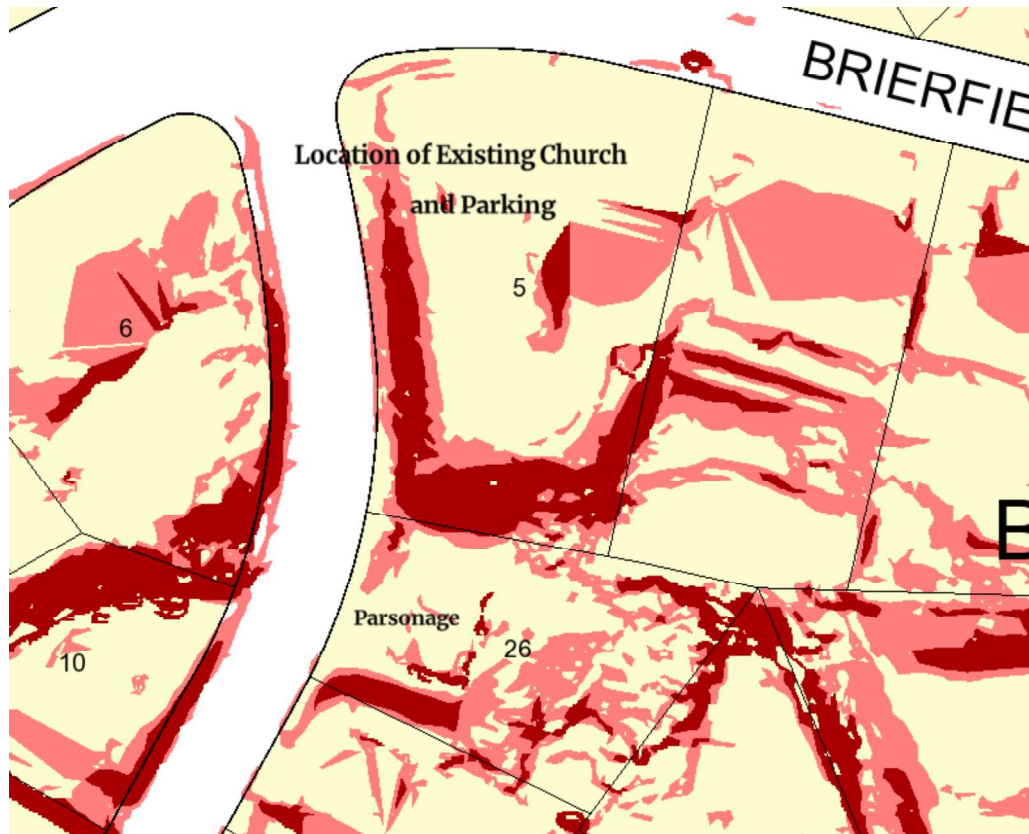
Shape

The subject Property has a unique and unusual “L” shape which is the result of its curvilinear boundaries abutting publically dedicated rights-of-way with curved alignments. For example, Lot 5 (where the existing church building is located) is approximately 175 feet in width at its widest point and approximately 115 at its narrowest point (a difference of approximately 60 linear feet). This variable width, coupled with the curvilinear shape of Lot 5 along its frontages of both Boydell Avenue and Iverson Street, makes the site unique and limits the developable area for the church building and its related parking. The shape of the lots that constitute the Property (i.e. Lots 5 and 26) are not the result of actions of the Applicant.

Topography

The subject Property contains steep slopes along its frontage with Boydell Avenue and between Lots 5 and 26. The presence of these steep slopes particularly impacts the location of developable area on Lot 5 (the lot containing the existing church), thus necessitating that the existing church building and parking lot be located in the northeast quadrant of the site. Lot 5 has an elevation of 252 feet at its highest point, and approximately 230 feet at its lowest point (a difference of 22 vertical feet). The topography of the Property is not the result of actions of the Applicant.

(PgAtlas Elevations - *Dark red indicates presence of steep slopes)



Vehicular Access (extraordinary condition)

The Property has limited vehicular access due to an existing guard rail located along the dead-end of Brierfield Road (preventing access), steep slopes along Boydell Avenue, and an existing access drive across the county right-of-way leading to Iverson Street. As a result of this limited access, it is most appropriate that the needed driveway and related parking lot be located to the west of the existing church building on Lot 5. The parking lot in this location is farther away from the abutting residential dwellings and avoids impacts to steep slopes on the Property. The extraordinary access conditions impacting the Property are beyond the control of the Applicant.

Existing Church Building - (Street View from corner of Iverson Street & Boydell Avenue)



Existing Structure Built in Accordance with Prior Development Regulations (extraordinary condition)

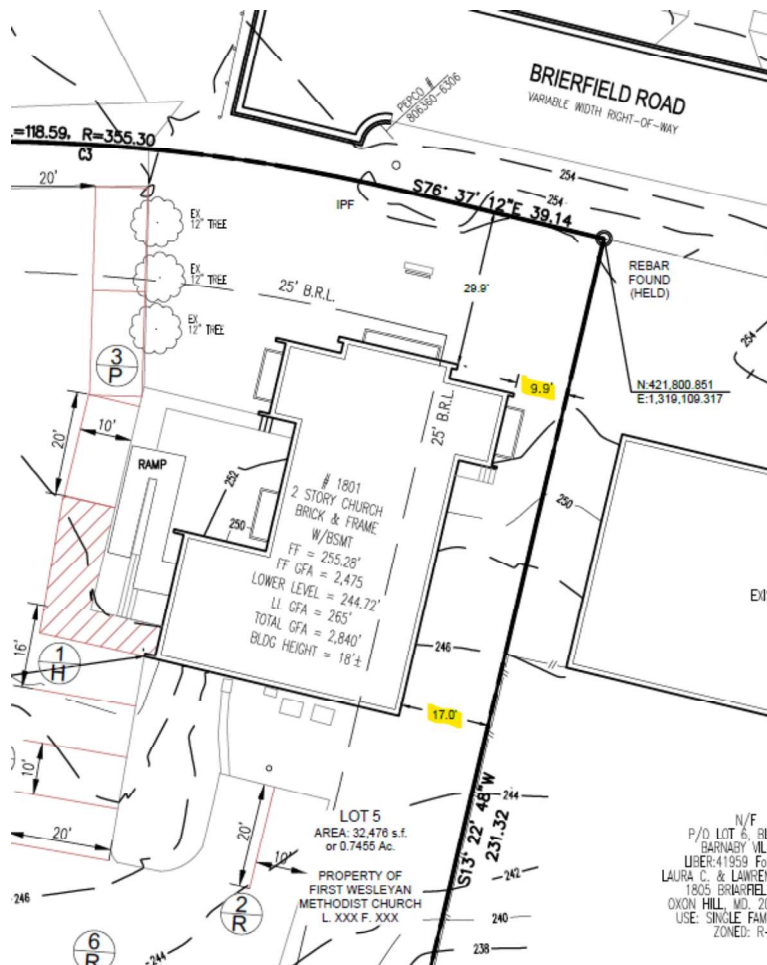
Lot 5 is improved with an existing 2,840 square-foot, two-story brick and frame church with 125 seats. Permit records indicate that the church was initially constructed in 1963 on a .7212-acre lot in the R-R Zone. The existing church was constructed in conformance with the setback requirements existing in 1963. In 1993, the District Council enacted CB-76-1993 which, among other things, created a 25-foot side yard setback for churches. The enactment of this regulation was beyond the control of the Applicant. The fact that the existing building was constructed in 1963 (in conformance with the setback regulations in effect at the time of construction) represents an extraordinary condition that is unique and peculiar to the Property and generally does not apply to the surrounding properties.

- (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;*

RESPONSE: The subject Property has unique characteristics and/or conditions such as shape,

topography, limited access, and existing buildings (that were built in accordance with the zoning regulations in effect at the time of construction) as outlined above. As a result of these unique characteristics and/or conditions, the strict application of the current 25-foot setback requirement to a building that was constructed approximately 60 years ago would result in peculiar and unusual practical difficulties for the Applicant to utilize the Property for its intended use as it cannot move the existing building to comply with the now-required setback. A denial of the requested variance would further prevent the building from being restored from its current fire-damaged and unsafe condition to a safe and aesthetically pleasing building that can once again be integrated into the surrounding community.

Exhibit Showing where Variance is Needed along Rear Property Line



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

RESPONSE: The existing church building is setback 9.9 feet away from the rear property line at its closest point. As a result, a variance of 15.1 feet is requested from Section 27-441(b) - Footnote 52(A). The existing church building was constructed in 1963, and the submitted DSP proposes no expansion of the existing footprint of the building, increase in gross floor area, or increase in seat count. The sole purpose of the submitted DSP is to obtain the necessary permits needed to complete the fire restoration repairs so the existing church building can be reoccupied. As a result, the variance is the minimum reasonably necessary to overcome the exceptional physical 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***

RESPONSE: The Property is located within the limits of the 2000 Approved Master Plan for The Heights and Vicinity, Planning Area 76A, and is further located in Councilmanic District 7 within the Oxon Hill Community. The 2035 General Plan recommends a Residential Low Generalized Future Land Use for the subject Property. There is no sector plan or transit district development plan that affects the subject Property. A church has existed on the Property since 1963, and the existing land use is recognized as being “Institutional-Church”. As such, the 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

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

RESPONSE: The existing church is located at the entrance of the Barnaby Village Subdivision, and is surrounded by existing detached dwelling units in the R-R Zone. The nearby Homeowner’s Association has expressed concerns with the current condition of the church building, which is an eyesore for the neighborhood. Due to the need for entitlement applications and architectural renovation permits to be prepared and approved, the church has remained in its’ current fire-damaged state for many years now, and the neighborhood would like to see the restoration repairs completed as soon as possible. The sole purpose of the submitted DSP is to obtain the necessary permits needed to complete the fire restoration repairs so the existing church building can be safely reoccupied. As a result, approval of the variance will not substantially impair the use and enjoyment of adjacent properties.

- (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.***

RESPONSE: The location of the existing building on the Property has been in place for over 60 years. The 25-foot setback requirement that is now in place did not exist until the District Council’s approval of Council Bill, CB-76-1993, which took effect on December 31, 1993. As a result, the practical difficulty was not self-inflicted by the owner of the property.

Section 25-127 - Exemption from Tree Canopy Coverage Ordinance

Division 3 - Tree Canopy Coverage Ordinance

Section 25-127. - Applicability.

(a) General

- (1) Building and grading permits that propose 5,000 square feet or greater of gross floor area or disturbance shall be in compliance with this Division, except as provided in Section 25-127(b).***

RESPONSE: This DSP is being submitted for the sole purpose of obtaining a permit to repair fire damage to the existing church building which was initially constructed prior to 1963. The building, signage, parking compound and lighting have existing on the site for decades, and no new construction is being proposed with this DSP other than the fire restoration repairs needed to restore the existing church building. These repairs do not include any grading or an increase in GFA. As a result, the submitted DSP is exempt from Division 3 in accordance with Section 25-127(a)(1) as stated above.

(b) Exemptions

- (1) The following are exempt from this Division:(A)Public buildings and uses as set forth in the Zoning Ordinance.***
- (B) Any permit pertaining to an existing single-family detached home.***
- (C) Any permit pertaining to an existing townhouse, one family semi-detached, two-family or three-family dwelling or other similar unit type, except multifamily.***
- (D) Properties located in the R-O-S, AG, and AR Zones.***
- (E) Properties located in the Chesapeake Bay Critical Area Overlay Zones unless a permit is submitted in conformance with Section 5B-116(a)(2).(F)The environmental setting of a Historic Site.***
- (G) Temporary uses listed in the Zoning Ordinance.***
- (H) Permits for minor improvements of a limited scope and nature such as, but not limited to, facade restoration, signage, canopies, mechanical equipment, and construction for general maintenance, or similar alterations as described in the Zoning Ordinance, or as determined by the Planning Director.***
- (I) Properties in a nonresidential or Transit-Oriented/Activity Center zone subject to a Detailed Site Plan or Specific Design Plan approved before September 1, 2010 or that have maintained an active grading permit since September 1, 2010.***

RESPONSE: The application is further exempt from the tree canopy coverage requirements as the proposed development is for minor improvements of a limited scope and nature limited to, facade restoration and re-construction of an existing structure damaged by fire.

Exemption from Prince George's County Landscape Manual

Section 1 – General Information and Procedures

1.1 Applicability

(d) Building permits for interior or exterior rehabilitation (including, but not limited to, façade restoration, canopies, and mechanical equipment) of an existing building that do not involve a change of use from a lower- to a higher-intensity use category or from a residential use to a nonresidential use (as defined in Table 4.7-1, Use Impact Categories), do not involve an increase in impervious surface, and do not involve an increase in the gross floor area (GFA) of the building are exempt from the requirements of Sections 4.1, 4.2, 4.3, 4.6, 4.7, 4.8, 4.9, and 4.10.

RESPONSE: The subject DSP application proposes fire restoration repairs to the existing building only, and does not propose grading, or increases in gross floor area or seat count for the church. A church has existed on the Property for decades and has been issued Use & Occupancy permits for this use numerous times. The proposed fire restoration repairs do not include an increase in GFA, or a change to a higher intense use. As such, the application is exempt from the requirements of the Prince George's County *Landscape Manual* in accordance with Section 1.1(d) of the Landscape Manual.

Section 27-584 - Exclusion of previously existing uses. (Grandfathering of Parking & Loading)

Section 27-584. Exclusion of previously existing uses.

(a) The following shall not be required to comply with the provisions of this Part:

- (1) Any legally existing use that complies with the previous requirements for parking and loading areas (in effect at the time the use began). If the use is a certified nonconforming use, the parking lot or loading area used with it shall not be reduced, except in accordance with this Part;***

RESPONSE: The above finding applies to all legally existing uses that comply with the previous parking and loading requirements that were in effect at the time the use commenced on the property. The church on the subject Property was certified as a nonconforming use per the approval of Permit

36879-2004-U-01 and again with Permit 45168-2007-U. No parking reductions were requested with those approvals, as the subject Property was in full compliance with the parking and loading requirements in effect at the time the church was constructed on the Property.

The Property has always been used as a church until the existing building was badly damaged by fire, and every church that has occupied the subject Property has had a legally issued use and occupancy permit. The submitted DSP proposes no grading, new development, or increases in gross floor area or seat count, other than the fire restoration repairs needed to reoccupy the existing church building. No exterior improvements are proposed other than those required to the building to repair the fire damage.

- (2) *Any legally existing use for which any of the parking or loading requirements had previously been waived or reduced by the District Council or the Board of Zoning Appeals, not including departures granted under Section 27-588; and*

RESPONSE: No parking or loading spaces were previously waived or reduced by the District Council, Board of Zoning Appeals, or the Planning Board. No waivers were needed as the subject Property was, and continues to be, in full compliance with the parking and loading requirements that were in effect at the time the use commenced on the Property.

- (3) *Any future use occupying the same premises as either of the above, provided there is no expansion or change of use that would require a greater number of parking or loading spaces (per Sections 27-568 and 27-582) than the number of spaces legally existing under the prior regulations. If the use began prior to the establishment of parking or loading regulations for that use, the phrase "number of spaces legally existing under the prior regulations" shall mean the current regulations of this Part (for the prior legally existing use). In both cases, where additional spaces are created, only the area occupied by the additional spaces shall be required to conform to the Design Standards.*

RESPONSE: As previously stated, the submitted DSP proposes no grading, new development, increases in seat count, or additional gross floor area, other than the fire restoration repairs needed to reoccupy the existing church building. No exterior improvements are proposed other than those required to the building to repair the fire damage.

According to information derived from the Maryland Department of Assessments & Taxation, the existing church building was constructed in 1963. The first Use and Occupancy for the church was issued in 1963 via Permit 5786-U. The existing 21-space parking compound for the existing church on Lot 5, Block B, was designed in accordance with Section 27-584 of the Zoning Ordinance, (pre-1970, 200 square-foot-sized parking spaces with a minimum of 18-foot-wide driveway aisles). All of the prior U&O permits approved by the M-NCPPC Permit Review Section specifically state that the parking on the Property was constructed in accordance with the requirements of Section 27-584, and the Permit Review Section further required that the parking standards be shown in accordance with those standards.

The following permit review comments below that were generated by the Permit Review Section for Permit 36879-2004-U-01:

5. ~~Since the building was constructed prior to 1970, all regular parking space are "grand fathered" and must be dimensioned on the site plan at either 10' x 20' or 9' x 22.25". Any accessible parking space must comply with current standards. A minimum of drive-isle width of 18 feet is required for all two-way drive isles. 5/23/06 – Still required. 6/27/2007 – OK per revised plans.~~
6. ~~A parking schedule must be provided on the site plan. Churches built prior to 1970 again are grand fathered and may calculate it's required parking at a rate of one parking space for every six seats. 5/23/06 – Still required. 6/27/2007 – OK per revised plans.~~

This permit was ultimately approved by Park & Planning and was further issued by DPIE. As noted above, the parking requirements in effect when the church was certified as a legal nonconforming use was 1 space for every 6 seats. Twenty-one (21) spaces were required and provided to serve the use. This parking requirement is shown on every prior approved use and occupancy permit for the church since its initial inception.

Since the subject DSP application proposes fire restoration repairs to the existing building only and does not include exterior improvements (other than to the building itself), no grading, or increases in gross floor area or seat count, the parking requirement in effect at the time of its construction should remain in full effect. The existing 21-space parking compound has adequately served the church for many decades, and since no expansion or change of use that would require a greater number of parking or loading spaces than the number of spaces legally existing under the prior regulations is proposed, the Applicant is legally entitled to be reviewed in accordance with the parking and loading requirements in effect at the time the use commenced on the Property.

- (4) *Any legally existing use in the Town of Upper Marlboro constructed before April 24, 1961; except that any proposal to increase the GFA (Gross Floor Area) or increase the interior floor area used for human occupancy must provide parking for the new floor area in accordance with current parking ratios pursuant to Part 11. Any existing on-site parking may not be used to fulfill the parking requirement for newly created GFA or additional interior space.*

RESPONSE: The subject Property is not located in the Town of Upper Marlboro. As a result, the above finding is not applicable to the review of the subject DSP application

Conclusion

Based on the above, the Applicant respectfully requests approval of this DSP-23014 as it meets all the applicable requirements set forth in the prior Zoning Ordinance. Moreover, the Applicant cannot proceed with the badly needed fire restoration repairs to the existing church until the subject DSP application is approved. These improvements will greatly improve the overall aesthetics of the neighborhood and help prevent the numerous break-ins that have occurred since the building has been unsecured and unoccupied.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert J. Antonetti, Jr.", with a stylized flourish at the end.

Robert J. Antonetti, Jr.

RJA/jjf

cc: Laura Tallerico, Esq.
Ms. Hyojung Garland
Mr. Edward H. Lockett
Mr. Gary Plummer
Mr. Ahmed Ibrahim



Division of Environmental Health/Disease Control

Date: April 16, 2024

To: Todd Price, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: DSP-23014 - (1801 Iverson Street) - Trinity Temple Church

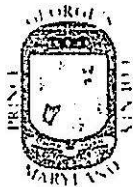
The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the detailed site plan submission for the Trinity Temple Church located at 1801 Iverson Street and 5106 Boydell avenue and has the following comments / recommendations:

1. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
2. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.



Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Fire/EMS Department Headquarters

Office of the Fire Marshal

March 25, 2024

Todd Price
The Maryland-National Capital Park and Planning Commission
Development Review Division
1616 McCormick Drive
Largo, Maryland 20774

Dear Mr. Price:

The Office of the Fire Marshal of the Prince George's County Fire/EMS Department has reviewed the referral for DSP-23014 (1801 Iverson Street) Trinity Temple Church. We have no comments.

Sincerely,

A handwritten signature in black ink, appearing to read "JVR", is written over the word "Sincerely,".

James V. Reilly
Project Coordinator III

JVR/jvr



May 3, 2024

MEMORANDUM

TO: Todd Price, Subdivision Section, Development Review Division

FROM: Evan Shaw, Planner II, Countywide Planning Division *ES*

VIA: *N&* Noelle Smith, AICP Transportation Planning Section, Countywide Planning Division

SUBJECT: DSP-23014, Trinity Temple Church

Proposal

The subject Detailed Site Plan (DSP) proposes to redevelop the church property on 1801 Iverson Street that has closed because of a two-alarm fire on the site. This application includes both the church and the property on 5106 Boydell Avenue, which is identified as the parsonage. The Transportation Planning Section's (TPS) review of the referenced detailed site plan application was evaluated using standards of Section 27 of the prior Zoning Ordinance.

Prior Conditions of Approval

There are no prior approvals applicable to the subject site.

Master Plan Compliance

Master Plan Right of Way

The site is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and 2000 *Approved Master Plan and Sectional Map Amendment for The Heights and Vicinity (Planning Area 76)*. The subject property frontage is on the corner of Iverson Street and Boydell Avenue, with Brierfield Road along the north side of the church building. Iverson Street is a collector roadway with a variable right-of-way. Staff is not requesting additional right of way as a part of this application.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends a planned dedicated bicycle lane and planned shared use roadway along Iverson Street. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

The 2000 Approved Master Plan and Sectional Map Amendment for The Heights and Vicinity (Planning Area 76):

Guideline 1.: A system of trails and walks for pedestrians, bicyclists, and equestrians should be developed to connect neighborhoods, recreation areas, commercial areas, employment areas, and transit facilities.

Guideline 7.: When and where feasible, all trails and sidewalks are to be handicap accessible.

Comment: Staff does not recommend the installation of a bicycle lane at this time.

Transportation Planning Review **Zoning Ordinance Compliance**

Section 27-274 of the Prince George's County Zoning Ordinance (Ordinance) provides guidance for Detailed Site Plans. The section references the following design guidelines described in Section 27274(2):

Parking, loading, and circulation.

- A. Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:**
- B. Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:**
- C. Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed.**

Comment: The church site has an existing vehicular access point from Iverson Street, while the parsonage has existing access from Boydell Street Avenue with no vehicular connection between the properties. The property also has an existing sidewalk along the frontage of Iverson Street. A direct pathway from the building entrance to the parking area is included on the plan sheet. The submitted site plan includes 22 parking spaces, including one ADA accessible space to meet the required amount of parking. The existing 22-space parking compound for the existing church on Lot 5, Block B, was designed in accordance with Section 27-584 of the Zoning Ordinance. Staff find the on-site pedestrian circulation design to be safe and sufficient for the specified application use. Staff finds the onsite circulation, facilities, and amenities are also acceptable.

Conclusion

Based on the findings presented above, staff concludes that the vehicular, pedestrian, and bicycle access and circulation for this plan is acceptable, consistent with the site design guidelines pursuant to Section 27 and meets the findings for pedestrian and bicycle transportation purposes.



April 23, 2024

MEMORANDUM

TO: Todd Price, Planner II, Zoning Section, Development Review Division

VIA: David A. Green, MBA, Planner IV, Long-Range Planning Section, Community Planning Division *DG*

VIA: Frederick Stachura, Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division *JS*

FROM: Maha Tariq, Planner II, Neighborhood Revitalization Section, Community Planning Division *MT*

SUBJECT: **DSP- 23014 Trinity Temple Church**

FINDINGS

Pursuant to Part 3, Division 9, Subdivision 3 of the Prior Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Detailed Site Plan

Planning Area: 76A

Community: The Heights

Location: 1801 Iverson Street and 5106 Boydell Avenue, Oxon Hill MD 20745

Size: 1.134 acres

Existing Uses: Institutional - Church

Future Land Use: Residential

Proposal: The applicant is requesting the Planning Board's approval of a detailed site plan to validate the restoration of existing church building and variance from Section 27-441(b) – Footnote 52(A) which requires all churches on a lot between 1 and 2 acres in size to be setback twenty-five (25) feet from each lot line. The restoration of the church and parsonage properties

is to repair damages from fire and reoccupy the building while no new development, grading, or additional gross area is proposed.

Existing Zoning: RR (Residential, Rural)

Prior Zoning: R-R (Rural Residential)

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: Plan Prince George's 2035 designates the area in the Establish Communities Growth Policy area. "Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met" (page. 20).

Master Plan: The 2000 *Heights and Vicinity Approved Master Plan and Sectional Map Amendment* recommends residential land use on the subject property. However, the proposal is to continue the existing institutional use. Therefore, there are no issues with the conformance of the recommended land use.

In addition, the Master Plan places the subject property on the South of the Focus Area 4. The Master Plan does not recommend any goals, policies, and strategies to help advance the intent and purpose of the plan for the subject property.

Analysis: *The applicant's proposal is to continue the existing institutional land use. Therefore, there are no issues with the conformance of the recommended land use.*

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: On November 29, 2021, the District Council approved CR-136-2021, the Countywide Map Amendment (CMA) which reclassified the subject property from R-R (Rural Residential) to RR (Residential, Rural) Zone effective April 1, 2022.



April 11, 2024

MEMORANDUM

TO: Todd Price, Urban Design Section

FROM: Michelle Hughes, Supervisor, Permit Review Section *MH*

SUBJECT: **DSP-23014; Trinity Temple Church**

1. The dimensions for all buildings shall be demonstrated on the site plan.
2. Provide a note on the site plan indicating a variance is requested for the 25' setback to the west property line.
3. The parsonage is part of the church and is subject to Section 4.7 of the Prince George's County Landscape Manual for Lot 16 Block B to the southeast of the subject property and Lot 27 Block B to the south of the subject property.
4. The review of this referral does not include signage.

1 - WSSC Plan Review Comments

Status as of Tuesday, April 09, 2024 13:03:15

Type: Department Review

State: DSD - Project Manager

Page: 1

Created by :Irene Andreadis

On :Tuesday, April 09, 2024 13:03:15

Type :Department Review

State :DSD - Project Manager

DSP-23014

1801 IVERSON ST OXON HILL, MD 20745

----- 0 Replies -----

2 - WSSC Standard Comments For All Plans

Status as of Tuesday, April 09, 2024 13:03:26

Type: Department Review

State: DSD - Project Manager

Page: 1

Created by :Irene Andreadis

On :Tuesday, April 09, 2024 13:03:26

Type :Department Review

State :DSD - Project Manager

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. Coordination with other buried utilities:
 - a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
 - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
 - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
 - d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSCs pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
 - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
 - f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
 - g. Upon completion of the site construction, utilities that are found to be located within WSSCs rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicants expense.
3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
4. Unless otherwise noted: ALL extensions of WSSCs system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSC's Permit Services Section at (301-206-8650) or visit our website at <https://www.wsscwater.com/business--construction/developmentconstruction-services.html> for

requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services Section at (301) 206-4003.

----- 0 Replies -----

3 - Water and sewer.

Status as of Wednesday, April 10, 2024 15:45:29

Type: Department Review

State: DSD - Project Manager

Page: 1

Created by :Garrett Watkins

On :Wednesday, April 10, 2024 15:45:29

Type :Department Review

State :DSD - Project Manager

Existing water and sewer mains and existing or proposed service connections are not shown on the plan. Water and sewer mains as well as proposed connections need to be included on the plan in order for WSSC to be able to comment.

Site Utility System reviews are required for projects with proposed water connections greater than 2" or sewer connections greater than 4". Contact the WSSC Permit Services Section at (301) 206-8650 for submittal requirements or view our website.

----- 0 Replies -----



Countywide Planning Division
Environmental Planning Section

301-952-3650

April 4, 2024

MEMORANDUM

TO: Todd Price, Planner II, Zoning Section, DRD

VIA: Tom Burke, Planning Supervisor, Environmental Planning Section, CWPD *TB*

FROM: Chuck Schneider, Planner III, Environmental Planning Section, CWPD *CS*

SUBJECT: **Trinity Religious Temple Church; DSP-23014**

The Environmental Planning Section (EPS) has reviewed the referral information accepted on March 25, 2024. The proposal is for the revision of the site plan for repairs and renovations to an existing 125-seat church damaged by fire.

ENVIRONMENTAL REVIEW

The site was issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance (S-062-2023) because the site is less than 40,000 square feet in size and has no previous tree conservation plan approval. A natural resource inventory equivalence letter (NRI-054-2023) was issued for the property because there are no regulated environmental features on-site.

A stormwater management plan and approval letter (Application Number 12339-2023-SDC/Approval Number P27976-2023-SDC) were submitted with the application for this site. The Department of Permitting, Inspections, and Enforcement (DPIE) issued the approval on October 25, 2023. The project is exempt from stormwater management requirements because the proposed limits of disturbance are less than 5,000 square feet. The project will be subject to further review at the time of permit and DPIE reserves the right to impose restrictions, if necessary, prior to permit.

The Environmental Planning Section finds this application to be in conformance with the requirements of Subtitle 25 and the prior Subtitle 27. The Environmental Planning Section recommends approval of DSP-23014.



May 1, 2024

MEMORANDUM

TO: Todd Price, Planner II, Zoning Review Section

VIA: Mridula Gupta, Planner IV, Subdivision Section *MG*

FROM: Jason Bartlett, Planner II, Subdivision Section *JB*

SUBJECT: DSP-23014; Trinity Temple Church

The property subject to this detailed site plan (DSP) consists of 1.134 acres and is located on Tax Map 87 in Grid D4. It is further identified as Lot 5, Block B and Lot 26, Block B, of the Barnaby Village Subdivision. Lot 5, Block B was recorded in the Land Records in June 1950 in Plat Book WWW 17 Page no. 77 and Lot 26, Block B was recorded in Land Records in September 1959 in Plat Book WWW 36 Page no. 28. This application was accepted for review on March 23, 2024, and comments were provided at the SDRC meeting on April 12, 2024. This referral is based on revised plans received on April 24, 2024.

The subject property lies in the Rural Residential (RR) Zone in both the current and prior zoning maps. However, this application is being reviewed pursuant to the prior Zoning Ordinance and Subdivision Regulations. The property is currently developed with a certified nonconforming use (church) on Lot 5, constructed in or around 1963. Lot 26 is improved with a single-family detached dwelling, constructed in 1980, that is planned to be used as a parsonage for the church.

This DSP proposes a church and accessory uses across two platted lots whose combined area totals 1.134 acres. Lots 5 and 26 are a 'lot' (defined as one or more lots used for a building site) for the purpose of the proposed development. No additional development or increase in the gross floor area (GFA) is proposed on Lot 5 for the existing church. However, the proposed use of the structure on Lot 26 is proposed to change from an existing single-family detached dwelling to an accessory use (a parsonage), therefore and even though the GFA of the structure is not changing, the GFA of this structure is considered new development. The GFA listed in General Note 11 provides that the GFA of the existing church on Lot 5 is 2,840 square feet and that the GFA of the existing dwelling on Lot 26 is 1,196 square feet. Aerial pictometry and street views reveal that the existing structure on Lot 26 is two stories. The applicant should include the GFA of all floors, and the basement floors (if applicable), excluding those portions of a basement used exclusively for storage or other areas used exclusively for the mechanical elements of a building.

This property is not the subject of a prior preliminary plan of subdivision (PPS). There are no notes on the record plats for Lots 5 and 26, related to development of these lots.

The existing development, currently noted on the DSP as a 2,840 square-foot church with no proposed increase in gross floor area (GFA), and a single-family detached dwelling with no proposed increase in GFA, but a use change to a church parsonage, which is exempt from filing a PPS and final plat per Section 24-111(c)(3) of the prior Subdivision Regulations, as detailed below:

- Section 24-111(c)(3) states that states that a final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless the development proposed is in addition to a development in existence prior to January 1, 1990, and does not exceed 5,000 square feet of GFA. The existing development of a church (on Lot 5) was in place prior to January 1, 1990. The square footage of the parsonage on Lot 26, however, is not clearly listed on the DSP. It appears that only the GFA on the first floor of the structure is listed. Even if the first floor GFA of the structure on Lot 26 is doubled to approximate the maximum GFA of the two-story structure, the total GFA on Lot 26 will be 2,392 square feet. The proposed change of use to a parsonage (on Lot 26) will, therefore, result in development that is less than 5,000 square feet of GFA in addition to development in existence prior to January 1, 1990, and is exempt from filing a PPS and final plat per this section.
- Per Section 27-107.01.(a)(129) of the prior Zoning Ordinance, a "Lot" is defined, in part, as one or more entire "Record Lots". Applied to this DSP application, Lot 5 and Lot 26 combine to create the building lot and the combined GFA of each lot is considered the GFA of the development, which represents less than 5,000 square feet of proposed GFA in addition to development in existence prior to January 1, 1990 and is therefore exempt from the requirement of a PPS and final plat.

Additional Comments:

1. This property is not required to have an approved certificate of adequacy (ADQ) in accordance with Section 24-4503 of the Subdivision Regulations because the proposed development is exempt from filing a new PPS and final plat in accordance with the prior Subdivision Regulations. A new PPS as well as an associated ADQ may be required at such a time any new development is proposed which does not meet any of the exemptions from filing a PPS and final plat.

Recommended Conditions:

1. Prior to certification of the detailed site plan, list the gross floor area (GFA) for each floor level of the parsonage separately on the site plan, and revise General Note 11 for Lot 26 accordingly, if the GFA changes.

The referral is provided for the purpose of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat and legal descriptions, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



Countywide Planning Division
Historic Preservation Section

301-952-3680

April 16, 2024

MEMORANDUM

TO: Todd Price, Urban Design Section, Development Review Division

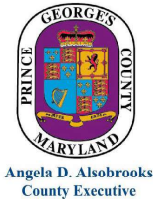
VIA: Thomas Gross, Planning Supervisor, Historic Preservation Section, Countywide Planning Division **TWG**

FROM: Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **Age**
Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**

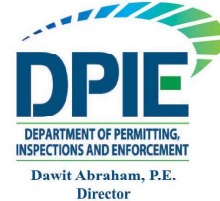
SUBJECT: DSP-23014 Trinity Temple Church

The subject property comprises 1.13 acres and is located in the southeast quadrant of the intersection of Boydell Avenue and Iverson Street in Oxon Hill, Maryland. The subject property was zoned Rural Residential (R-R), per the prior Zoning Ordinance, and is located within the 2000 *Approved Master Plan for The Heights and Vicinity* area. The subject application proposes the repair and renovation of an existing 125-seat church, damaged by fire.

The 2000 *Approved Master Plan for The Heights and Vicinity* includes goals and policies related to Historic Preservation (pages 34-35). However, these are not specific to the subject site or applicable to the proposed development. 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. The subject property does not contain and is not adjacent to, any designated Prince George's County Historic Sites or resources. Historic Preservation staff recommend approval of DSP-23014, Trinity Temple Church, with no conditions.



THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

April 23, 2024

TO: Todd Price, Urban Design Section
Development Review Division, M-NCPPC

FROM: Rey de Guzman, P.E., Acting Associate Director
Site/Road Plan Review Division, DPIE *Rey de Guzman*

Re: Trinity Religious Temple Church
DSP-23014

CR: Iverson Avenue
CR: Boydell Avenue
CR: Brierfield Road

This memorandum is in response to the DSP -23014 Trinity Religious Temple Church. The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is at 1801 Iverson Street, Oxon Hill abutted by Iverson Street, Boydell Avenue, and Brierfield Road.
- The property is abutted by Iverson Avenue, Boydell Avenue, and Brierfield Road and the main entrance of the church is through Iverson Street, and the zone is RR.
- The applicant is requesting to restore and repair the existing fire-damaged church.
- The restoration work is less than 5000 square feet of disturbance. There is an approved site development concept number 12339-2023-0 which has no stormwater management required.
- Any right-of-way improvements shall be applied during the building permit application.
- DPIE has no objection to repairing and restoring the fire-damaged building to bring it to the original building condition within the same base foundation.

If you have any questions or require additional information, please contact Mr. Nanji Formukong, District Engineer for the area, at 301.883.5710.

cc: Rene' Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE
Mariwan Abdullah, Acting Chief Engineer, P.E SPRD, DPIE
Nanji Formukong, District engineer South, S/RPRD, DPIE
Nfor Adamu, Acting District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
MJ Labban, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
Trinity Religious Temple Church 2525 Bladensburg Road Zip Code 20018.