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April 29, 2025

Zoning Hearing Examiner
Prince George's County
Sent via email to: ZHE@co.pg.md.us

Re: **Supplemental Letter of Opposition
Request for a Continuance
Request for Subpoenas to be Issued
Request to Become a Person of Record
Request to Speak at the Hearing
Our client: Wingate Homeowners Association, Inc.
SE-22002/AC-23008 REMAND – Request for Variance
Applicant: ESC 8215 Springfield Road, L.C.
Hearing Date: April 28, 2025**

Dear Zoning Hearing Examiner:

As you know, this firm represents the Wingate Homeowners Association, Inc. (“Wingate”). I am sending this letter on behalf of Wingate to state our opposition to the Application (SE-22002/AC-23008 REMAND) that was submitted by ESC 8215 Springfield Road, L.C. to request a Special Exception, and a Variance, to permit a Planned Retirement Community use with 57 age restricted single-family attached dwelling units. The property is zoned RR (Rural Residential) and is located approximately 390 feet southwest of the intersection of Lake Glen Drive and Springfield Road, also identified as 8215 Springfield Road, Glenn Dale, Maryland 20769 (the “Subject Property”). We are requesting that this Supplemental Letter of Opposition and the attachments be made part of the record in this matter.

During the hearing on March 12, 2025, Wingate objected to the Applicant’s request for a continuance (so that the Applicant could request a variance) in this case due to the fact that the Subject Property fails to satisfy the requirements of Section 27-395(a)(3)(B) of Prince George’s County’s prior Zoning Ordinance which requires the property to be at least twelve (12) contiguous acres, and that they would not qualify for a variance. Plus, it is too late to request a variance. However, the Applicant’s request for a continuance was granted over Wingate’s objection. In addition, Wingate requested a continuance and requested a subpoena be issued for the representative of the SDAT, Kim Jackson, Supervisor of Assessments, who sent a letter dated February 27, 2025 to the owner of the Subject Property, David M Stewart, Personal Representative. We also objected to the SDAT’s letter being admissible in this case due to hearsay. However, the letter was admitted into evidence over my objection. Wingate would like for Ms.



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Jackson to appear at the hearing so that we can cross examine the statements in the letter. Wingate also requested a subpoena to be issued for email correspondence and other written communication from Steven W. Jones, Professional Land Surveyor, of CPJ Associates, that he sent to and received from everyone concerning his work to examine older surveys and concerning his work on the new survey of the Subject Property, including but not limited to the Applicant and the owner of the Subject Property. We would like an opportunity to examine this communication so that we can know the reasons why the property was surveyed again in January 2025.

Since the March 12th hearing, the Applicant posted the Subject Property with notice of the request for a variance to Section 27-395(a)(3)(B) of Prince George's County's prior Zoning Ordinance. In addition, we received notice of the April 30, 2025 hearing from the ZHE's office to consider the Applicant's request for a variance. However, Wingate did not receive a copy of the Applicant's Supplemental Statement of Justification Requesting Variance until April 27, 2025 from another Person of Record. In addition, we just received Applicant's exhibits late this afternoon, which does not allow enough time for us to examine them and prepare a response. Because we did not receive a copy of the Applicant's Supplemental Statement of Justification Requesting Variance until April 27th, and exhibits until today, Wingate hereby requests a continuance of the April 30th hearing. We also want to ensure that the subpoenas have been served and that we have an opportunity to cross-examine witnesses and obtain critical information and documents.

In the Supplemental Statement, Applicant admits that the prescriptive easement (the "Prescriptive Easement"), which is comprised of 3,542 square-foot (i.e., 0.0813 acres), should be excluded from the contiguous acreage of the Subject Property. Thus, the Subject Property does not contain 12 contiguous acres and does not comply with Section 27-395(a)(3)(B) of Prince George's County's prior Zoning Ordinance.

However, the Applicant has not acknowledged the existence of 5 easements which were granted to the Washington Suburban Sanitary Commission ("WSSC"). Wingate submitted into the record certified copies of each of these easements which further limits the total usable area. The easements were recorded in 1981, 1987, 1990 (0.2163 acres), 2003 (0.4646 acres), and 2004, which have been attached hereto as Exhibit C. The easements to WSSC represent at least an additional 0.6809 acres of land on the Subject Property which are not usable by the Applicant. Therefore, the usable area on **the Subject Property is further limited to just 11.1391 acres.** Again, the 11.1391 acres of land is less than the required 12 contiguous acres required for a Planned Retirement Community under Section 27-395(a)(3)(B) of Prince George's County's prior Zoning Ordinance. Therefore, the Applicant has now requested a variance to the strict provisions



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of the Special Exception requesting a further exception to the specific requirements under Section 27-395(a)(3)(B) of Prince George's County's prior Zoning Ordinance, which requires that the Subject Property contain at least twelve (12) contiguous acres.

A variance can sometimes be granted in conjunction with a special exception, **but only when the specific requirements for the special exception are met.** In this case, the Subject Property does not satisfy even the minimum requirements for a Special Exception under Section 27-295 of the Zoning Ordinance for a Planned Retirement Community, which requires that the property contain at least 12 contiguous acres. Rather, the Subject Property is comprised of only 11.1391 acres of usable area after the easement areas have been subtracted. The Applicant may request a variance to the specific requirements of the general zoning requirements, which in this case the Subject Property is zoned RR. The Applicant may also request approval of a Special Exception, which under Section 27-395 of the prior Zoning Ordinance would be permitted if the Subject Property satisfies specific requirements, including but not limited to the requirement that the property contain at least 12 contiguous acres as provided under Section 27-395(a)(3)(B) of Prince George's County's prior Zoning Ordinance. However, the Applicant may not request a variance to the specific requirements for obtaining a Special Exception. In other words, the Applicant may not request a variance to the specific requirement that the Subject Property contain at least 12 contiguous acres, as required under Section 27-395(a)(3)(B) of Prince George's County's prior Zoning Ordinance. Therefore, Applicant's request for a variance must fail as it is impermissible.

This request for a variance is the latest attempt by the Applicant to try and force the development of a high density development within a low density residential area. However, the Applicant's request for a variance cannot succeed. Specifically, the Subject Property does not satisfy the requirements for a Special Exception because it does not contain 12 contiguous acres. Therefore, the Applicant's request for a variance to the Special Exception requirements is improper and impermissible. The Subject Property is too small for the Special Exception. The Subject Property is also too dense for the surrounding area, which is comprised of low density large residential lots, and the zoning is Rural Residential. The Applicant's proposed Planned Retirement Community will also have a negative impact upon the traffic flow in the area, and a negative impact upon the stormwater facilities, including the pond which is located on Wingate's property for which they have to pay to maintain. Therefore, the Applicant's request for a Special Exception and a Variance to the Special Exception should both be denied. I appreciate you allowing me to make verbal comments during the hearing and for allowing me to submit written comments all on behalf of my client, Wingate Homeowners Association, Inc. If you have any questions or concerns,



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please do not hesitate to contact me via email at sean@naglezaller.com or by phone at (410) 212-4112. Thank you.

Sincerely,

Sean E. Suhar

Cc: Board of Directors
for Wingate Homeowners Association, Inc.