

APPLICATION FORM

DO NOT WRITE IN THIS SPACE

Application No.(s): _____ Planning Board Review ☐ Planning Director Review ☐
 Acceptance Date: _____ 70-day limit _____ Limit waived–New limit _____
 Posting Waived ☐ Posting Date: _____ No. of Signs Posted: _____ Agenda Date: _____
 Application Fee: _____ Posting Fee: _____ Case Reviewer: _____
 Subdivision Development Review Committee Date: _____
 Referral Mail-Out Date: _____ Referral Due Date: _____
 Date of Informational Mailing: _____ Date of Acceptance Mailing: _____

APPLICATION TYPE: SE/VE ☐ Revision of Case # _____ Companion Cases: _____
 Payment option: ☒ Check (payable to M-NCPPC) ☐ Credit Card General Plan Growth Policy: Established Communities

PROJECT NAME: Word Power Baptist Tabernacle

Complete address (if applicable) 5715 Marlboro Pike, Forestville, MD 20747 Tax Account #: 0458604

Geographic Location (distance related to or near major intersection) Police District #: VIII

Located on the northeast side of Marlboro Pike, west of Route 458, south of Brooks Drive.

Total Acreage: 0.6470	Aviation Policy Area: N/A	Election District: District 6
Tax Map/Grid: 81-B2	Current Zone(s): R-18	Council District: District 7
WSSC Grid: 203SE05	Existing Lots/Blocks/Parcels: Parcel 114	Dev. Review District: N/A
Planning Area: 75A	In Municipal Boundary: <small>Not within a municipality</small>	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input type="checkbox"/> Y <input checked="" type="checkbox"/> N

(2002) General Plan Tier: ☒ Developed ☐ Developing ☐ Rural Area of proposed LOD: N/A

Proposed Use of Property and Request of Proposal:
 Proposed use is a church; request is for approval of a special exception and a variance regarding the SE requirement for front yard setback of 30 ft.

Please list and provide copies of resolutions of previously approved applications affecting the subject property:

Applicant Name, Address & Phone:

Word Power Baptist Tabernacle
 Pastor David McLaughlin
 5715 Marlboro Pike
 Forestville, MD 20747

Owner Name, Address & Phone:

(if same as applicant indicate same/corporation see Disclosure)

Word Power Baptist Tabernacle Inc.
 5715 Marlboro Pike
 Forestville, MD 20747

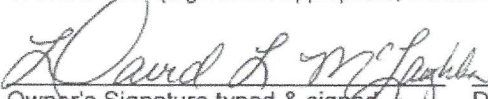
Consultant Name, Address & Phone:

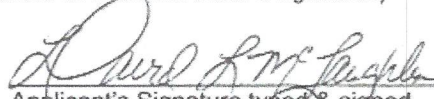
Traci R. Scudder
 Scudder Legal
 137 National Plaza, Suite 300
 National Harbor, MD 20745

Contact Name, Phone & E-mail:

Traci R. Scudder
 240-397-3625
 traciscudder@gmail.com

SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner's signatures)

 9/23/20
 Owner's Signature typed & signed _____ Date _____

 9/23/20
 Applicant's Signature typed & signed _____ Date _____

Contract Purchaser's Signature typed & signed _____ Date _____

Applicant's Signature typed & signed _____ Date _____

SUBDIVISION CASES – PRELIMINARY PLAN/CONSERVATION SKETCH PLAN:

Type of Application (Check all that apply)

Conventional ☐Comprehensive Design ☐Conservation Sketch Plan ☐Pre-Preliminary Plan ☐

Variation, Variance or Alternative Compliance Request(s)

Yes ☒No ☐

Applicable Zoning/Subdivision Regulation Section(s):

Total Number of Proposed:

Lots _____

Outlots _____

Parcels _____

Outparcels _____

Number of Dwelling Units:

Attached _____ Detached _____ Multifamily _____

Gross Floor Area (Nonresidential portion only):

SUBDIVISION CASES – FINAL PLAT:

Water/Sewer:

DER ☐Health Dept. ☐

Number of Plats:

CSP/DSP/SDP No.:

WSSC Authorization No.:

Preliminary Plan No.:

Approval Date of Preliminary Plan:

URBAN DESIGN AND ZONING CASES:

Details of Request:

Request for Special Exception for a church, to include an AC for the bufferyard along the eastern property line and a variance request regard to the front yard set bak

Zoning Ordinance Section(s):

27-4694

Total Number of Proposed:

Lots _____

Outlots _____

Parcels _____

Outparcels _____

Number of Dwelling Units:

Attached _____ Detached _____ Multifamily _____

Gross Floor Area (Nonresidential portion only):

Variance Request

Yes ☒No ☐

Applicable Zoning/Subdivision Regulation Section(s):

Departure Request

Yes ☐No ☐

Application Filed

Yes ☐No ☐

Alternative Compliance Request

Yes ☒No ☐

Application Filed

Yes ☒No ☐

APPLICATION FORM DISCLOSURE

List all persons having at least five percent (5%) interest in the subject property **ONLY** required for Special Exception and Zoning Map Amendment Applications.

Owner(s) Name - printed	Signature and Date	Residence Address
David McLaughlin		
Rebecca McLaughlin		

If the property is owned by a corporation, please fill in below.

Officers	Date Assumed Duties	Residence Address	Business Address
David L. McLaughlin	6/1/1999	5715 Marlboro Pike, District Forestville, MD 20747	5715 Marlboro Pike Forestville MD 20747
Rebecca McLaughlin	6/1/1999	5715 Marlboro Pike Forestville, MD 20747	5715 Marlboro Pike Forestville, MD 20747

Board of Directors	Date Assumed Duties	Date Term Expires	Residence Address	Business Address
David L. McLaughlin	6/1/99	?		5715 Marlboro Pike Forestville, MD 20747
Rebecca McLaughlin	6/1/99	?		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 GOVERNOR ODEN BOWIE DRIVE
UPPER MARLBORO, MD 20772
DEVELOPMENT REVIEW DIVISION
301-952-3530

INFORMATIONAL MAILING LETTER AFFIDAVIT

The purpose of this affidavit is to certify that pursuant to The Process Guidelines for Development Review Applications, Informational Mailing Letters regarding the application for a variance request for Word Power Baptist Tabernacle located at 5715 Marlboro Pike, Forestville, MD 20747, were mailed to all adjoining owners, registered associations, municipalities within a mile, and previous parties of record on October 28, 2020.

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing Affidavit are true and correct.



Traci R. Scudder, Esquire

Scudder Legal

137 National Plaza, Suite 300

National Harbor, MD 20745



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department
Planning Information Services
14741 Governor Oden Bowie Drive, Suite L2
Upper Marlboro, MD 20772

(301) 952-3208
(301)-952-3195
www.mncppc.org

Date: 10/22/20

MAILING LIST - RECEIPT

This receipt is to acknowledge that Traci Scudder of (name
of company, if applicable) Scudder Legal
received the following lists as described by the categories below:

<input checked="" type="checkbox"/> Registered community organization list	Total Record(s):	<u>13</u>
<input checked="" type="checkbox"/> Adjoining property owners list	Total Record(s):	<u>5</u>
<input checked="" type="checkbox"/> Municipalities within one mile list	Total Record(s):	<u>2</u>

This list is valid for 180 days from the date referenced above. Applicants shall obtain an updated mailing list if notifications are not sent within 180 days.

This property is located on WSSC Grid: 203SE05

Hilary Covington

Planning Information Services Staff

NOTE: Copy of this form must be included with Application submittal package.

The Maryland-National Capital Park & Planning Commission Results
Prince George's County Planning Department
Date: 10/22/2020
Time: 8:01:49 AM

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Total Record(s): 5

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Layer_Name	ACCOUNT	HOUSE_NUMBER	STREET_NAME	STREET_TYPE	OWNER_NAME	ICO_NAME	MAIL_STREET	MAIL_CITY	MAIL_STATE	MAIL_ZIP5
Property	445841	0	MARLBORO	PIKE	SUITLAND POST 196 AMER LEGION INC	<null>	5716 MARLBORO PIKE	DISTRICT HEIGHTS	MD	20747
Property	417915	5711	MARLBORO	PIKE	KOPPERS FABRICATORS INC	PO BOX 471059	5711 MARLBORO PIKE	FORESTVILLE	MD	20747
Property	569947	5803	MARLBORO	PIKE	SIGNATURE DUNHILL	SIGNATURE PROP STE 215	1700 REISTERSTOWN RD	BALTIMORE	MD	21208
Property	480541	0	MARLBORO	PIKE	SHILOH ABUNDANT LIFE CENTER INC	BARBARA GATES	7905 CRYDEN WAY	FORESTVILLE	MD	20747
Property	503011	5716	MARLBORO	PIKE	SUITLAND POST 196 AMERICAN LEGN INC	<null>	5716 MARLBORO PIKE	DISTRICT HEIGHTS	MD	20747

The Maryland-National Capital Park & Planning Commission Results

Prince George's County Planning Department

Date: 10/22/2020

Time: 8:00:29 AM

Total Record(s): 13

		ARCDDBA.CMS_COMS_DB				ARCDDBA.CMS_COMS_DB	
Layer_Name	ARCDDBA.CMS_COMS_DB.ORGANIZATION_NAME	NUMBER	STREET_NAME	DB.STREET_LINE_2	DB.CITY	MS_DB.STATE	ZIPCODE
Registered Association	GREATER CAPITOL HEIGHTS IMPROVEMENT CORPORATION INC.	415	ZELMA AVENUE	<null>	CAPITOL HEIGHTS	MD	20743
Registered Association	VOICE YOUR OPINION OTV HOA COUNCIL	1955	ADDISON ROAD S.	<null>	OXON HILL	MD	20745
Registered Association	DUPOINT VILLAGE NEIGHBORHOOD WATCH	2218	WYNGATE ROAD	<null>	SUITLAND	MD	20746
Registered Association	RIVERBEND CITIZENS HOMEOWNERS ASSOCIATION	601	RIVER BEND ROAD	<null>	FORT WASHINGTON	MD	20744
Registered Association	MILLWOOD COMMUNITY ASSOCIATION, INC.	306	SHADY GLEN DRIVE	<null>	CAPITOL HEIGHTS	MD	20743
Registered Association	HILLSIDE CIVIC ASSOCIATION	1005	DRUM AVENUE	<null>	CAPITOL HEIGHTS	MD	20743
Registered Association	4TH WARD CIVIC ASSOCIATION (TOWN OF CHEVERLY)	1709	62ND AVENUE	<null>	HYATTSVILLE	MD	20785
Registered Association	HILLCREST-MARLOW HEIGHTS CIVIC ASSOCIATION	2001	GAITHER STREET	<null>	TEMPLE HILLS	MD	20748
Registered Association	ST. MARGARET'S OF SCOTLAND CATHOLIC CHURCH	408	ADDISON ROAD	<null>	CAPITOL HEIGHTS	MD	20743
Registered Association	PRINCE GEORGE'S COUNTY EDUCATOR'S ASSOCIATION (PGCEA)	8008	MARLBORO PIKE	<null>	DISTRICT HEIGHTS	MD	20747
Registered Association	FLEISCHMAN'S VILLAGE CITIZENS ASSOCIATION	3408	WELTHAM STREET	<null>	SUITLAND	MD	20746
Registered Association	BRIGHTON PLACE HOMEOWNERS ASSOCIATION	12200	TECH ROAD	SUITE 325	SILVER SPRING	MD	20904
Registered Association	BARNABY MANOR CITIZENS ASSN. INC.	<null>	P. O. BOX 365	<null>	TEMPLE HILLS	MD	20748

The Maryland-National Capital Park & Planning Commission Results

Prince George's County Planning Department

Date: 10/22/2020

Time: 7:59:04 AM

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Total Record(s): 2

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Layer_Name	OFFICIALS_NAME	TITLE	ADDRESS	CITY	ZIP_CODE	TELEPHONE	EMAIL
Municipal One Mile Buffer	Shawn M. Maldon	Mayor	One Capitol Heights Boulevard	Capitol Heights	20743	301-336-0626	townadministrator@capitolheightsmd.com
Municipal One Mile Buffer	Eddie L. Martin	Mayor	2000 Marbury Drive	District Heights	20747	301-336-1402	crutchfields@districtheights.org

CASE NO: SE-4694
CASE NAME: WORD POWER BAPTIST
TABERNACLE, INC.
PARTY OF RECORD: 2
PB DATE:

DAVID MCLAUGHLIN
WORD POWER BAPTIST TABERNACLE, INC.
2518 PENNSYLVANIA AVENUE
WASHINGTON DC 20020
(CASE NUMBER: SE-4694)

SARAH CAVITT
415 RIVER WOOD DRIVE
FORT WASHINGTON MD 20744
(CASE NUMBER: SE-4694)



December 15, 2020

RE: Word Power Baptist Tabernacle (SE/VE-4694)
5715 Marlboro Pike, Forestville, MD 20747

Dear Neighbor:

This letter is to inform you that The Maryland-National Capital Park and Planning Commission, M-NCPPC is ready to accept the subject application. The address of the subject property is 5715 Marlboro Pike, Forestville, MD 20747, which is located on the northeast side of Marlboro Pike, west of Route 458, south of Brooks Drive. The applicant currently has a Special Exception (SE-4694) pending before the Zoning Hearing Examiner for an existing church in the R-18 zone on a site less than (1) acre in size. The nature of this review is a request for a variance regarding the requirement for a 30-foot setback from the front street line or the ultimate right-of-way as shown on the Master Plan.

Once the application is formally accepted, it will be scheduled for a future Planning Board hearing. If you have not already registered to become a person of record, you are encouraged to do so at this time. As a person of record, you will receive a notice of the Planning Board hearing date and a copy of the Planning Board resolution. You may register online at <http://www.pgplanning.org/1586/Becomea-Person-of-Record> or you may submit your name, address, and the above-referenced application number and name by mailing a written request to:

The Maryland-National Capital Park and Planning Commission
Development Review Division
14741 Governor Oden Bowie Drive
County Administration Building, 4th Floor
Upper Marlboro, MD 20772

If you have already registered to become a person of record from an earlier mailing for this application you do not have to register again. Being a person of record on a separate application on the same property does not make you a person of record for the subject application. You must request to become a person of record for each separate application (separate applications have different application numbers).

If you have any questions about this application, you may contact Traci Scudder, Esq. at 240-273-3294.

Sincerely,



Attorney for Applicant

ACCEPTANCE MAILING LETTER AFFIDAVIT

The purpose of this affidavit is to certify that pursuant to The Process Guidelines for Development Review Applications, Acceptance Mailing Letters regarding the application for a variance request for Word Power Baptist Tabernacle located at 5715 Marlboro Pike, Forestville, MD 20747, were mailed to all adjoining owners, registered associations, municipalities within a mile, and previous parties of record on December 15, 2020.

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing Affidavit are true and correct.



Traci R. Scudder, Esquire
Scudder Legal
137 National Plaza, Suite 300
National Harbor, MD 20745

INFORMATIONAL MAILING LETTER AFFIDAVIT

The purpose of this affidavit is to certify that pursuant to The Process Guidelines for Development Review Applications, Informational Mailing Letters regarding the application for a variance request for Word Power Baptist Tabernacle located at 5715 Marlboro Pike, Forestville, MD 20747, were mailed to all adjoining owners, registered associations, municipalities within a mile, and previous parties of record on October 28, 2020.

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing Affidavit are true and correct.



Traci R. Scudder, Esquire

Scudder Legal

137 National Plaza, Suite 300

National Harbor, MD 20745



October 28, 2020

RE: Word Power Baptist Tabernacle (SE/VE-4694)
5715 Marlboro Pike, Forestville, MD 20747

Dear Neighbor:

A variance request application for the above-referenced project will be submitted for review to the Development Review Division of The Maryland-National Capital Park and Planning Commission ("M-NCPPC").

The address of the subject property is 5715 Marlboro Pike, Forestville, MD 20747, which is located on the northeast side of Marlboro Pike, west of Route 458, south of Brooks Drive. The applicant currently has a Special Exception (SE-4694) pending before the Zoning Hearing Examiner for an existing church in the R-18 zone on a site less than (1) acre in size. The nature of this review is a request for a variance regarding the requirement for a 30-foot setback from the front street line or the ultimate right-of-way as shown on the Master Plan.

If you wish to become a Person of Record to this application, you may submit your request online at www.pgplanning.org or by written request to the Development Review Division of the M-NCPPC, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please reference the Pre-Application Number and the Name of Project in your request. At this time, no government agency has reviewed the application. **After** the application has been filed, you may contact the M-NCPPC at 301-952-3530.

IMPORTANT: This notice is your opportunity to interact with the applicant prior to the acceptance of the subject application. Once an application is accepted, it may be subject to mandatory action time frames that are established by law. Contacting the applicant as soon as possible after receiving this notice will help facilitate your ability to receive information and/or establish a time when the applicant may meet with you or your civic group to provide information and answer questions about the development proposed. Any concerns regarding an applicant's failure to provide information or engage in dialogue about the proposed development should be directed in writing to the same mailing address listed for becoming a party of record. Please be sure to include the application number with any such correspondence.

If you are interested in receiving more information about this application, reviewing a copy of the site plan, or meeting to discuss the project, you may contact Traci Scudder, Esq. at 240-397-3625.

Sincerely,

A handwritten signature in blue ink, consisting of stylized, overlapping loops and strokes, positioned above a horizontal line.

Attorney for Applicant



IN RE:	Application for Variance
APPLICANT:	Word Power Baptist Church
ADDRESS:	5715 Marlboro Pike, Forestville, MD
	Forestville, MD 20747
AGENT:	Scudder Legal
	Traci R. Scudder

**STATEMENT OF JUSTIFICATION FOR
VARIANCE REQUEST
SE-4694**

Word Power Baptist Tabernacle Inc., the Applicant in SE-4694, which is currently pending before the Zoning Hearing Examiner, hereby requests a variance from the Prince George's County Zoning Ordinance with regard to a setback requirement. In general, there is a minimum setback requirement for all buildings to be 25 feet from each lot line. In this case, there is also a special exception requirement for a setback of 25 feet from the front street line. The site meets the 25-foot set back from the lot lines and front street line. On the front side, the church provides a 25.1-foot distance from the front street line. However, under Section 27-341.02 of the Prince George's County Zoning Ordinance, a Church or similar place of worship is permitted within the R-18 zone but is subject to a 30-foot set back requirement from the front street line, or the ultimate right-of-way as shown on a Master Plan. (See, Section 27-462(b)(footnote 1) and Sec. 27-442(d)(footnote 18)). It is from this requirement that the church needs a variance of 11.4 feet, because the set back is measured from the ultimate right-of-way as shown on a Master Plan.

The Applicant has filed this variance to address a Zoning Ordinance requirement in the R-18 Zone that requires a 30-foot setback from the front street line, or the ultimate right-of-way as shown on a Master Plan. Review and analysis of Sections 24-462(b), footnote 1; Section 27-442(d), footnote 18 and Section 27-101 revealed a set back requirement of 30 feet on the front side of the church, which the side does not meet.

Approval of the requested variance will validate existing conditions, including a building extension that has been constructed outside of the 30-foot setback. The existing corner of the existing structure is 25.1 from the front lot line which would normally not present a compliance issue; however, a number of years after the church was constructed, the underlying property was rezoned from the C-M (Commercial Miscellaneous) Zone to the R-18 (Multifamily Medium Density Residential) Zone. The C-M Zone only required a 10-foot front yard setback. As indicated above, the R-18 Zone has a Zoning Ordinance requirement that the setback for front yards be 30 feet. The Applicant is therefore requesting an 11.4-foot variance from this requirement.

The subject property is located at 5715 Marlboro Pike, Forestville, Maryland which is further identified as Parcel 114 in the Deed recorded in book 25106 page 105. According to the Maryland Department of Assessments and Taxation, it is in District 6, Tax Account Number 0458604. The property, which fronts on Marlboro Pike (MD 725), is on the southern side of Marlboro Pike, and is approximately 2000 feet east of its intersection with Penn Crossing Drive. The site was originally improved in 1925 with a one and one-half story building that was approximately 1,993 square feet. The owner of the subject property is Word Power Baptist Church (the "Applicant"). The subject property has been utilized for church purposes since 1997. The neighboring properties located on both sides of the subject property, and which also border

Marlboro Pike, are currently zoned R-18. The subject property consists of one long rectangular lot that contains a structure. The parcel consists of approximately 0.646 acre or 28,139.76 square feet and is located in Planning Area 75 and Council District 7.

By way of background, the Applicant purchased the subject property from the Stanly H. Goldsmith (Trustee) in April 2006. The Applicant requested Special Exception 4694 for the parcel for Church use and to validate all of the existing uses on site. The Church is on a site that is less than an acre which totals approximately 0.6646 acres. Additions totaling 1,942 square feet were constructed without a building permit. The Applicant must now validate the additions through the County building permit process.

The Applicant intended to extend the structure when purchasing the property to allow for additional space within the Church for parishioners. The requested variance of 11.4 feet is the minimum that is necessary to afford relief to the Applicant.

The Applicant is requesting approval of this variance in order to complete the building permit process. Without an approval of the requested variance, the structure on this property would be unable to meet the zoning requirements.

Section 27-230 of the County Zoning Ordinance states that a variance may only be granted when the Board of Zoning Appeals finds that:

- 1. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situation or conditions;**

The church building on this parcel of land presents an extraordinary situation that can be addressed through approval of a variance. After the church was legally established upon the property, the underlying zoning of the property changed to the R-18 Zone, which is, more or less,

a zone for apartments. This zone comes with a special exception requirement that is specific to this zone. Typically, buildings only have to be set back 25 feet from property lines. In this instance, however, the R-18 Zone requires that the building be set back 30 feet from the front property line. This creates an extraordinary situation for the church, as the church, is not an apartment complex for which this regulation was intended. Therefore, the Applicant is requesting a variance of 11.4 feet from the 30-foot front yard requirement. An approved special exception will allow the church to continue to be operate as a church in the R-18 zone.

The structure on the property has additions which were constructed years ago. The Applicant was issued a Zoning Violation and will need to a building permit to validate the construction. Without approval of the 11.4 foot variance, the church would have to tear down a portion of the church which is currently serving the congregation and is not posing any problems to the community or surrounding neighborhood. This presents an extraordinary situation for the Church, which has operated at this location for nearly 25 years, should they have to close their doors due to a set back requirement that did not exist at the time the church was originally constructed.

The strict application of this Subtitle 27-230 will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Strict application of Subtitle 27-230 would result in the Applicant experiencing a peculiar and unusual practical difficulty should the variance not be granted. The requested variance would not deviate from the existing character or development of varying lots within the neighborhood but failure to grant the requested relief would result in the Applicant experiencing unusual practical difficulties and exceptional hardship. On the other hand, approval of the requested variance will

allow the Church that has been operating on the property since 1997, to continue to serve the community and provide charitable goods and services, especially during a time when this is needed more than ever. The newly constructed additions on the original structure add to the aesthetic appeal and are consistent with the existing character of the community. Tearing down the front side of the church building just so that the building will not intrude by 11.4 feet into the required front yard setback - which again - is a requirement that did not exist at the time the church was built. Moreover, it strikes me that the R-18 Zone is a zone for apartments and a church is not an apartment building, and thus, it would follow that a church may not meet certain requirements which were intended to address the construction of apartments.

As noted above, the church will have to apply for a building permit to validate the existing building. While this process will be expensive for the church, they should be able to complete it. Without approval of this variance, the church would be required to tear down a portion of the church which will wreak havoc on the financial condition of this church and jeopardize its ability to serve its congregation and the community.

2. The variance will not substantially impair the intent, purpose and integrity of the General Plan or Master Plan.

The requested variance will not substantially impair the intent, purpose and integrity of the Prince George's Plan 2035 or the Marlboro Pike Sector Plan and Sectional Map Amendment because residential land uses and uses compatible with them are recommended and permissible at the subject location. Since the property has been used for church purposes since 1997, and has operated in the community without issue, the continued use of the property for the same purpose would not likely result in any negative impacts to the surrounding community as has been the case for decades. Thus, as stated above, granting the proposed use would not impair the integrity of any

approved Prince George's County Master Plan or General Plan. Conversely, denying the request would result in a peculiar and unusual practical difficulties for the Church

For all of the above stated reasons, the Applicant hereby respectfully requests approval of the variance.

Respectfully Submitted,

Scudder Legal

Traci R. Scudder

Traci R. Scudder
Attorney for the Applicant

February 17, 2021

Maurene Epps-McNeil
Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772

**RE: SE-4694 WORD POWER BAPTIST
TABERNACLE**

Dear Ms. Epps-McNeil:

On February 11, 2021, after review of the technical staff report, the Prince George's County Planning Board approved the transmittal of the recommendation. Therefore, the application is hereby transmitted directly to the District Council/Zoning Hearing Examiner, and the technical staff's recommendation constitutes the Planning Board's recommendation.

Very truly yours,



James R. Hunt, Division Chief
Development Review



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

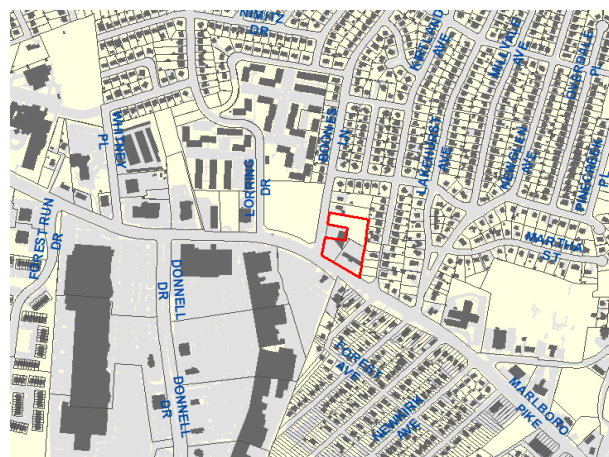
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Special Exception Alternative Compliance Word Power Baptist Tabernacle

SE-4694
AC-20017

REQUEST	STAFF RECOMMENDATION
SE-4694: Special exception for approval of a church located on residentially zoned property less than one acre in size and to validate existing on-site development. Variance to the 30-foot front yard setback requirement. AC-20017: Alternative Compliance from Section 4.7c of the Landscape Manual.	APPROVAL with conditions APPROVAL APPROVAL

Location: On the south side of MD 725 (Marlboro Pike), approximately 2,000 feet east of its intersection with Penn Crossing Drive.	
Gross Acreage:	0.646
Zone:	R-18
Dwelling Units:	N/A
Gross Floor Area:	4,568.5 sq. ft.
Parcels:	1
Outparcels:	0
Planning Area:	75A
Council District:	07
Election District:	06
Municipality:	N/A
200-Scale Base Map:	203SE05
Applicant/Address: Word Power Baptist Tabernacle, Inc. c/o Pastor David McLaughlin 2518 Pennsylvania Avenue Washington, DC 20020	
Staff Reviewer: DeAndrae Spradley Phone Number: 301-952-4976 Email: Deandrae.Spradley@ppd.mncppc.org	



Planning Board Date:	03/03/2016 02/11/2021
Planning Board Action Limit:	N/A
Staff Report Date:	02/11/2016 01/27/2021
Date Accepted:	07/15/2013
Informational Mailing:	08/23/2010 10/28/2020
Acceptance Mailing:	07/12/2013 12/15/2020
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

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

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section
Development Review Division

FROM: DeAndrae Spradley, Planner Coordinator, Subdivision and Zoning Section,
Development Review Division

SUBJECT: Special Exception SE-4832
Alternative Compliance AC-20017
Word Power Baptist Tabernacle, Inc.

REQUEST: Special exception for approval of a church located on residentially zoned property
less than one acre in size and to validate existing on-site developments.

Variance to the 30-foot front yard setback requirement.

Alternative Compliance from Section 4.7 of the Landscape Manual.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of February 11, 2021.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

1. **Location and Site Description:** The 0.646-acre property is located on the southern side of MD 725 (Marlboro Pike), approximately 2,000 feet east of its intersection with Penn Crossing Drive. The Multifamily Medium Density Residential (R-18) zoned property is located at 5715 Marlboro Pike, in District Heights, Maryland. The site is developed with a 1,866.25-square-foot building used as a 128-seat church with a 32-space parking lot. Direct pedestrian and vehicular access is provided via MD 725. The subject property is in Planning Area 75A and Council District 7.
2. **History and Previous Approvals:** The property is known as Parcel 114 and located on Tax Map 81 in Grid B-2, in the R-18 Zone, and is 0.65 acre. Parcel 114 is an acreage parcel and has never been the subject of a record plat and is a legal parcel. The site was originally improved in 1925 with a 1.5-story, approximately 1,056.25-square-foot building, according to the footprint indicated on the submitted site plan. However, the applicant provides that the 1925 building is approximately 1,993 square feet of gross floor area, which should be clarified on the plans.

In 1986, the property was rezoned from the Local Commercial, Existing Zone to the Mixed Use Transportation-Oriented (M-X-T) Zone via the 1986 *Suitland-District Heights and Vicinity Sectional Map Amendment*. In 1988, Zoning Map Amendment A-9726 was approved by the Prince George's County District Council, rezoning the property from the M-X-T Zone to the Commercial Shopping Center (C-S-C) Zone. The existing church has been in operation since 1997, according to the applicant. Between 2000 and 2005, two building additions were added to the existing structure without the appropriate building permits. The first building addition was an 805-square-foot brick addition to the entrance of the building. The second building addition was a 679.25-square-foot frame addition to the southern portion of the building. With both additions, the existing church has a footprint of approximately 2,540.5 square feet, which is indicated in the general notes on the site plan.

The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA) rezoned the subject property from the C-S-C Zone to the R-18 Zone.

3. **Neighborhood and Surrounding Uses:** The neighborhood boundaries in this case are MD 725 to the north, Silver Hill Road to the east, Penn Crossing Drive to the west, and MD 4 (Pennsylvania Avenue) to the south. The uses immediately surrounding the proposed special exception are as follows:

North— MD 725 and property zoned R-55, developed with American Legion Post Suitland 196 beyond.

East— Property zoned R-18, developed with the Dunhill Village Apartments.

South— Undeveloped property zoned R-18.

West— Property zoned R-18, developed with Koppers Fabricators, Inc.

4. **Request:** The purpose of this application is to obtain approval for the church use and expansion of the existing building. The applicant is requesting the following:

- A special exception to validate the existing church use located on a residentially zoned property less than one acre in size in the R-18 Zone;
- To validate several building additions that were added to the existing church over time without approved building permits from the Prince George's Department of Permitting, Inspections and Enforcement (DPIE). The site plan also indicates a future addition of 2,028 square feet (with a footprint of 1,452 square feet based on the measurements provided on the site plan) to the western portion of the existing church. It is unclear if the applicant intends to seek approval of the future addition at this time, as no elevations have been provided and the square footage has not been included in lot coverage calculations. If the future expansion is proposed and approved with this application, it will increase the total development to 4,568.5 square feet of gross floor area, based on adding 2,028 square feet, which should be verified by the applicant.
- A variance to the 30-foot front yard setback requirements of the R-18 Zone, per Section 27-442(d) of the Prince George's County Zoning Ordinance; and
- Alternative compliance from the provisions of Section 4.7(c)(4) of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requiring a Type 'B' Bufferyard, consisting of a 30-foot building setback and a 20-foot landscaped yard, to buffer a Medium Impact use (Church) from multifamily residential development, along the eastern property line.

It is noted that this application was previously evaluated, and a recommendation was provided by the Prince George's County Planning Department on March 3, 2016 based on a Site and Landscape Plan dated May 20, 2013, which was submitted at that time for staff review. That recommendation noted deficiencies in the submitted site plan, specifically regarding compliance with the Landscape Manual and setback requirements. The applicant has now filed companion alternative compliance and variance requests. The analysis contained herein evaluates the revised plan dated June 21, 2016, including the alternative compliance and variance requests. New informational and acceptance mailings were completed by the applicant for the variance request, as noted on the coversheet of this report.

5. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	R-18	R-18
Use(s)	Church	Church
Acreage	0.646	0.646
Parcels	1	1
Outparcels	0	0
Gross Floor Area	2,540.50 sq. ft.	4,568.50 sq. ft. (including future expansion)

6. **Required Findings:** A special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Zoning Ordinance. Part 4, Division 3, of the Zoning Ordinance also includes additional required findings for specific

uses. A church is subject to the additional findings of Section 27-341.02 of the Zoning Ordinance. The analysis of all the required findings for approval is provided below.

General Special Exception Findings—Section 27-317(a) provides the following:

(a) A Special Exception may be approved if:

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

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

Specific to the R-18 Zone, as set forth in Section 27-436(a)(1) of the Zoning Ordinance, the purpose for the R-18 Zone is as follows:

- (A) To make available suitable sites for multifamily developments of low and moderate density and building bulk;**
- (B) To provide for this type of development at locations recommended in a Master Plan, or at other locations which are found suitable by the District Council;**
- (C) To provide for this type of development at locations in the immediate vicinity of the moderate-sized commercial centers of the County; and**
- (D) To permit the development of moderately tall multifamily buildings, provided they are surrounded by sufficient open space in order to prevent detrimental effects on the use or development of other properties in the general vicinity.**

The subject property was originally used for single-family residential purposes before converting to a religious use. Staff finds that the use and the site plan, as proposed, will be in harmony with the purposes of this Subtitle, given the analysis and recommended conditions contained herein.

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

As outlined within this technical staff report, this application has demonstrated conformance with the requirements and regulations of the Zoning Ordinance. Conformance to the requirements and regulations, specifically, the setback requirements, the Landscape Manual, parking conversions, and signage, are evaluated further in this technical staff report and addressed with recommended conditions of approval, as appropriate.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.

The subject site is located within the area of the Marlboro Pike Sector Plan and SMA, which recommends a residential land use for the property. Although the church use is not considered a residential use, it is a permissible use when a special exception is granted. Since 1997, the church has operated at the subject location.

The purpose of this application is to obtain a use and occupancy permit for the existing church. Staff finds that the proposed use would serve as a transition between the metal fabricator use west of the property and the multifamily residential use (Dunhill Apartments) to the east.

Staff finds that the proposed use as a church does not substantially impair the integrity of the Marlboro Pike Sector Plan and SMA.

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

There are no adverse impacts associated with this proposal. Since 1997, the church has operated on the subject site. The proposal, with the recommendations, will meet all regulations of the Zoning Ordinance and will not have a negative impact on the health, safety, or welfare of nearby residents or workers in the area. The proposed addition would have a negligible impact on the adjacent transportation network and no safety issues are anticipated with the church.

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

The validation of the existing use, development, and future expansion of the church will not be detrimental to the use or development of adjacent properties or the general neighborhood. There is no vehicular access from internal streets or adjacent properties and the parking is contained on-site.

The surrounding properties have existing residential, commercial, and industrial development. The industrial and multifamily uses and the church use are designated as incompatible uses per the Landscape Manual. The two primary ways that compatibility between uses can be achieved is through the buffering provisions of the Landscape Manual and, in this case, the required setbacks prescribed therein. The requirements of the Landscape Manual are evaluated further in this technical staff report.

The changes to the building (church) have not impeded development that has come to the area within or proximate to the neighborhood. Staff finds that the proposed use as a church will not detrimentally impact the use or development of adjacent properties.

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

Since the subject site is less than 40,000 square feet in area and has no previously approved tree conservation plan, the site is exempt from the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and a Standard Letter of Exemption (EL-179-15) was issued by the Environmental Planning Section; however, this Letter of Exemption expired on October 15, 2017 and Staff is recommending for the applicant to apply for an updated standard letter of exemption. On October 15, 2015, the Environmental Planning Section approved Natural Resources Inventory (NRI) Equivalency Letter NRI-198-2015 for the site, which expired on October 15, 2020 and Staff is recommending the applicant to apply for an updated NRI equivalency letter.

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

This special exception site plan does not contain any regulated environmental features and, therefore, conforms to this requirement.

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

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

The subject site is not located within the Chesapeake Bay Critical Area Overlay Zone. Therefore, the required findings outlined in Subsection (b) above do not apply.

Specific Special Exception Requirements—In addition to the requirements of Section 27-317(a), Part 4, Division 3, of the Zoning Ordinance provides the following requirements for the specific use proposed:

Section 27-341.02. – Church or similar place of worship.

(a) A church or similar place of worship may be permitted, subject to the following:

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

The minimum setback requirement of 25 feet is met from all lot lines. However, it is noted that the R-18 Zone prescribes greater minimum front

and rear yard setbacks of 30 feet. Compliance with the zone standards is evaluated further in this technical staff report. In addition, the Landscape Manual prescribes required landscape bufferyards and setback requirements where abutting incompatible uses are proposed. The requirements of the Landscape Manual are evaluated further in this technical staff report.

- (2) When possible, ingress and egress should be located so as to direct traffic away from streets that are internal to a residential subdivision;**

Ingress and egress to the property is via MD 725, which is appropriate.

- (3) The applicant shall satisfactorily demonstrate that parking and traffic will not adversely affect adjacent residential neighborhoods;**

All parking is internal to the subject site and will not adversely affect the adjacent residential neighborhoods.

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

The majority of the on-site parking is located at the side and rear of the subject property. There is one existing parking space in the front yard of the subject site; however, it will not negatively impact the aesthetic along MD 725, since majority of the parking spaces are located in the side and rear yards.

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

The maximum allowable lot coverage for a church in the R-18 Zone is 60 percent. The proposed lot coverage is 48.8 percent (13,720 square feet); however, the expressed lot coverage does not include the proposed building addition with a footprint of 1,452 square feet. With the proposed future addition, the updated proposed lot coverage would be 54 percent (15,172 square feet), which complies with maximum lot coverage requirements for the subject site.

The site plan requires revisions to show a 60 percent maximum allowable lot coverage for the site. The plans currently reflect a maximum requirement of 50 percent lot coverage; however, that requirement is applicable to churches on lots between 1 and 2 acres. The site plan should also be revised to show a proposed lot coverage calculation, which includes the future building addition, if proposed and approved with this application.

- 7. Parking Regulations:** The proposed development is required to provide parking, in conformance with Part 11, Off Street Parking and Loading, of the Zoning Ordinance. One parking space per four seats in the main auditorium is required for a church. There are 128 seats proposed for the church, requiring 32 parking spaces, per the Zoning Ordinance. The site plan correctly illustrates the 32 required parking spaces.

8. **2010 Prince George's County Landscape Manual Requirements:** The proposed project is subject to the requirements of the Landscape Manual, as follows:

Section 4.2, Requirements for Landscaped Strips along Streets—The proposal is not subject to Section 4.2 because MD 725 is a designated historic road. Therefore, the property's road frontage is subject to requirements of Section 4.6 instead, which is evaluated further below.

Section 4.3-1, Parking Lot Perimeter Landscape Requirements—Per Section 4.3(c)(1)(A), when the adjacent property is an incompatible use, as defined in Section 4.7, Buffering Incompatible Uses, parking lots shall be set back and buffered from adjacent property lines, in accordance with those requirements of Section 4.7. The property to the south of the subject property is a vacant, residentially zoned land (R-18), which is presumed for multifamily development, in accordance with the Landscape Manual, and considered an incompatible use requiring a Type 'B' Landscape Bufferyard to comply with Section 4.7. The applicant provided Schedule 4.3-1 for the southern property line on the site plan. The applicant will need to remove Schedule 4.3-1 from the site plan and provide Schedule 4.7-1 with the corresponding landscaping for the southern property line.

Section 4.3-2, Interior Parking Lot Landscape Requirements—The Section 4.3-2 landscape schedule indicates the interior parking lot planting area proposed is 979 square feet, which would require a total of four shade trees be provided (one per 300 square feet or fraction thereof the total area). The schedule indicates three shade trees are required and three are provided. The landscape plan and schedule require revision to meet the minimum requirement.

Section 4.4, Screening Requirements—The submitted site plan does not indicate any exterior trash facilities, mechanical equipment, or loading spaces that would require screening by this section.

Section 4.5, Stormwater Management Facilities—Since the special exception does not indicate any proposed stormwater management facilities, this section is not applicable to the subject project.

Section 4.6, Buffering [Residential] Development from Streets—The property is subject to this section along its MD 725 frontage, which is a designated historic road. In the Developed Tier, a minimum 10-foot-wide buffer with one shade tree and 10 shrubs per 35 linear feet of frontage is required for buffering. The applicant has provided a 10-foot-wide landscape buffer along the MD 725 right-of-way in the front yard and complies with this section.

Section 4.7, Buffering Incompatible Uses—The special exception is subject to the requirements of Section 4.7 because it involves an increase of more than 10 percent of the gross floor area of the building. It should be noted that the unpermitted expansions of the building are treated as new development when evaluating for conformance with Subtitle 27, including the Landscape Manual. Section 4.7 bufferyards are required along the following property lines:

East: A Type 'B' Landscape Bufferyard, including a 20-foot-wide landscape yard with 80 plants per 100 linear feet of property line and a minimum building setback of 30 feet, is required. Schedule 4.7-1 on the site plan indicates that there is 185 linear feet along the eastern property line, which would require a total of 148 plant units. The applicant proposes a 0- to 20-foot-wide landscape yard (with an average width of 6.8 feet over the full width of the landscape yard), along the eastern property line and has requested alternative compliance to the requirements of the Landscape Manual. The applicant also proposes 89 plant units within this landscaped yard area.

The Landscape Manual allows for the bufferyard requirements to be reduced by up to 50 percent for properties located in the Developed Tier, if a 6-foot-high, opaque fence or wall is located within the bufferyard, provided the adjoining use is not existing residential. In this case, the adjoining use is a residential multifamily building, so this reduction does not apply by right; however, the applicant provided a 6-foot-high opaque fence that was considered with the Alternative Compliance (AC-20017) toward a reduction in the required plant units. The proposed opaque fence will significantly minimize the site's negative impacts on the adjoining multifamily residential use. The Alternative Compliance Committee found that the applicant's proposal is equally effective as full compliance with Section 4.7 of the Landscape Manual, given the existing conditions of the eastern side of the site that predate the Landscape Manual. The provision of the proposed plant units, in combination with the installation of a 6-foot-high opaque fence, and overall planting layout provides for equally effective buffering of the adjacent incompatible uses and approval of the alternative compliance application is recommended. The alternative compliance report and recommendation dated December 9, 2020 is incorporated by reference herein and provided in the backup to this technical staff report.

West: A Type 'B' Landscape Bufferyard, including a 20-foot-wide landscape yard with 80 plants per 100 linear feet of property line and a minimum building setback of 30 feet, is required. As previously noted, the Landscape Manual allows for the setback and landscape yard to be reduced by up to 50 percent for properties located in the Developed Tier, if a 6-foot-high opaque fence or wall is located within the bufferyard, provided the adjoining use is not existing residential. The adjoining use to the west of the subject property is industrial and the applicant has provided the required fencing to reduce the bufferyard requirements by 50 percent, as shown in Schedule 4.7-1. As such, the applicant meets the requirements of Section 4.7 by providing a 10-foot-wide landscaped yard along the western property line and 25-foot building setback (minimum 15-foot setback required). Schedule 4.7-1 on the site plan indicates 190 linear feet of property line on the western property line, which would require a total of 152 plants in the landscaped yard area. The applicant proposes 76 plants within this landscaped yard area, which complies with Section 4.7, given the 50 percent reduction allowed.

South: The southern abutting property is vacant, but zoned R-18. A Type 'B' Landscape Bufferyard, including a 20-foot-wide landscape yard with 80 plants per 100 linear feet of property line and a minimum building setback of 30 feet, is required. A 20-foot-wide landscaped yard area is available along the southern property line; however, the applicant needs to provide a Schedule 4.7-1 on the site plan, to demonstrate compliance with Section 4.7. As previously mentioned, the

applicant will need to remove Schedule 4.3-1 from the site plan and provide a new Schedule 4.7-1 with the corresponding required landscaping for the southern property line. It is noted that bufferyard requirements may be reduced up to 50 percent if a 6-foot-high, opaque fence is provided, given the abutting residential zoned land is vacant (pages 90–91, Landscape Manual).

Section 4.9, Sustainable Landscaping Requirements - The minimum percentage of each plant type that are required to be native species and/or native species cultivars for the subject site is specified below:

Shade trees: 50 percent;
Ornamental trees: 50 percent;
Evergreen trees 30: percent; and
Shrubs: 30 percent.

Per Schedule 4.9-1 on the site plan, the site requires 7 native shade trees, 3 native ornamental trees, 6 native evergreen trees, and 35 native shrubs. The applicant provided 13 native shade trees, 3 native ornamental trees, 10 native evergreen trees, and 71 native shrubs. As such, the special exception meets the requirements of Section 4.9 for all proposed plantings. The applicant should update the site plan to clearly identify and list the name of each tree that is proposed as shade, ornamental, and evergreen on the landscape schedule. The applicant should also update the landscape schedule to denote the native species proposed on the site plan. The landscape schedule and the Section 4.9 schedule will need to be updated regarding the plant quantities, as the landscaping is revised to address the above deficiencies.

9. **Tree Canopy Coverage:** This application is subject to the requirements of the Tree Canopy Coverage Ordinance. The subject site is located within the R-18 Zone and required to provide 15 percent of the site area in tree canopy coverage (TCC). The subject site is 0.65 acre, therefore 4,226 square feet of TCC is required. The TCC schedule provided on the site plan indicates that 4,335 square feet of coverage is to be provided, which satisfies the TCC requirements.
10. **Signage:** Per Section 27-617(a) of the Zoning Ordinance, the following sign design standards are required for the subject site:
 1. **Maximum area for each sign - 48 square feet.**
 2. **Maximum height - 8 feet above finished grade at base of sign.**
 3. **Minimum setback - 15 feet from adjoining land in any Residential Zone.**
 4. **Type allowed - freestanding or attached to a building.**
 5. **Maximum number – 1 per street the property fronts on (must face street frontage).**

The site plan indicates one 3-foot-high, 24-square-foot, wood, painted freestanding sign is proposed to remain on the site. The sign is located about 42 feet from the eastern property line and about 91 feet from the western property line. The applicant's signage for the subject site complies with the regulations set forth in Section 27-617(a).

- 11. Zone Requirements and Variance Request:** Regulations for development of a church in the R-18 Zone are set forth in Section 27-442, and analysis of those regulations are as follows:

	Required	Provided
Minimum Lot Size	16,000 sq. ft.	28,170.25 sq. ft
Minimum lot width at the building line	85 ft.	141.32 ft.
Minimum lot width at the street line	85 ft.	141.32 ft.
Minimum Setbacks:		
Front Yard	30 ft.	25 ft.**
Side Yard	30 total/ 10 ft. minimum*	25 ft. and 45.5 ft.
Rear Yard	30 ft.	130.64 ft.
Maximum Lot Coverage	60%	48.8%***
Maximum Building Height	40 ft.	18 ft.

Notes: *Where the Landscape Manual provides for a greater required setback, the Landscape Manual has been applied.

**Variance requested to the minimum requirement.

***The provided lot coverage value is based on the submitted site plan, which does include the future building expansion.

Section 27-442 establishes setback requirements for the minimum front yard for development. The minimum front yard requirement for the R-18 Zone is 30 feet. The existing building on the subject property was constructed in 1925. In 2009, the subject property was rezoned to the R-18 Zone. The corner of the existing structure is 25 feet from the front lot line. Between 2000 and 2005, the existing structure, along the front lot line, was constructed as an addition without a building permit, and should now be evaluated as a proposed addition. The applicant is requesting a variance to the front yard requirement and has provided a statement of justification (SOJ) addressing the required findings for approval of a variance, which is evaluated below. It is noted that the structure is 25 feet from the lot line, but the ultimate right-of-way line encroaches into the site, and the applicant's SOJ indicates that the structure is approximately 18.6 feet from the ultimate right-of-way line. These measurements should be clearly distinguished on the site plan. As such, the applicant is requesting a 11.4-foot variance to the 30-foot front yard requirement.

Section 27-230(a) of the Zoning Ordinance provides the following findings for approval of a variance:

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

The applicant states that the C-M Zone only required a 10-foot front yard setback, which would have been applicable when the additions were constructed. At the time the additions were constructed, staff finds that the prior zone was C-S-C. Staff is not of the opinion that a variance is justified based on constructing an unpermitted addition in the time frame of the prior zoning. However, the applicant provides further justification indicating that the current owner did not construct the additions, but nonetheless, is attempting to validate the conditions as they had purchased the property (2006) intending to use and expand the building further based on the existing footprint.

The applicant further justifies that the R-18 Zone setback requirement is generally applicable to multifamily development and not specific to a church use. The use table requires the 30-foot setback for “all other uses,” in accordance with the multifamily requirements. The applicant provides that the existing development and use do not pose any problems to the surrounding neighborhood, and that denial of the variance would require demolition of the building and cease of use of the church, which has been operating for many years. The area sector plan, as discussed further below, also recommends buildings be constructed to the street frontage with limited setbacks. In consideration of all of these factors, an extraordinary situation exists for this property.

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

The applicant provides that the existing building construction adds to the aesthetic and is in keeping with the character of the neighborhood, and that the church provides charitable needs and goods for the community. The applicant provides that demolition of the building would be an unusual and practical difficulty and exceptional hardship, as it would jeopardize the existing aesthetic and ability of the church to serve the community to its full potential. Given the recommendations of the sector plan regarding building setback and the justification given by the applicant, staff finds the above criteria is met.

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

The variance will not substantially impair the intent, purpose, or integrity of the Approved Marlboro Pike Sector Plan and SMA. Per the Marlboro Pike Sector Plan, the Marlboro Pike Corridor is envisioned as a safe, attractive, walkable, and vibrant community where people live, work, shop, dine, and recreate. The Marlboro Pike Sector Plan recommends the following guidelines for development:

- Encourage new buildings to be built up to the sidewalk without setbacks, with entrances and windows along the street frontage;
- Building height should range from two to four stories;
- Building façades should provide pedestrian-scale architectural features; and

- New buildings should be built with an orientation facing MD 725 and with limited setback.

The front of the existing church building, including the proposed addition, is set back 25 feet from the front property line (approximately 18.6 feet from the ultimate right-of-way) with a building height of 18 feet and faces MD 725. This is consistent with the general recommendations of the Marlboro Pike Sector Plan.

A church has been operating on the site since 1997 and the applicant's SOJ indicated that the church intends on sustaining its strong presence to the neighboring community for many more years. Since the use as a church is permitted by special exception in the R-18 Zone, and since the applicant's proposal to retain an addition to the existing building has a minimal impact on the surrounding uses, the granting of the requested variance will not impair the integrity of the 2014 *Plan Prince George's 2035 Approved General Plan* or Master Plan.

- 12. Referral Comments:** The following referrals were received and incorporated into the record when this application was initially reviewed. Some of the comments provided with the original review have been addressed and the comments that remain outstanding are discussed herein.
- a. **Subdivision Section** dated September 17, 2013 (Nguyen to Thompson)—Pursuant to Section 24-107(c)(7)(B) of the Subdivision Regulations, the site is exempt from the requirement of filing a preliminary plan of subdivision (PPS) because the total proposed development constructed after 1991 does not exceed 5,000 square feet. The site plan should note the date the original building was constructed on-site and then the cumulative total gross floor area of development approved after 1991. In the future, if the total gross floor area of development on-site is more than 5,000 square feet after 1991, a PPS will be required. The general notes on the site plan should indicate that the subject property is identified as Parcel 114. There are no other subdivision issues at this time.
 - b. **Urban Design Section** dated August 9, 2013 (Kosack to Thompson)—Staff recommends the applicant provide colored, detailed architectural elevations for all sides of the proposed building addition, including identification of construction materials and how it relates to the existing building, for review and approval. Otherwise, the proposed addition should be removed from the site plan and a revision to this special exception site plan filed at the time the building addition is proposed.
 - c. **Community Planning Section** dated August 8, 2013 (White to Thompson).
 - d. **Transportation Planning Section** dated August 13, 2013 (Jenkins to Thompson)—The existing church has direct access to MD 725 via a commercial entrance. This commercial entrance should meet current Prince George's County Department of Public Works and Transportation road standards, which will be evaluated further when the applicant applies for an access permit from DPIE.

MD 725 is listed in the Marlboro Pike Sector Plan and SMA as a collector roadway with 80 to 100 feet of right-of-way and two to four lanes. This plan recommends a main street streetscape (typical section) with bike lanes from Penn Crossing Drive to Viceroy Avenue. The site plan shows an existing variable right-of-way width and the ultimate right-of-way for MD 725. Dedication of 40 feet from the master plan centerline of MD 725 may be required at the time of permitting.

- e. **Environmental Planning Section** dated December 9, 2015 (Schneider to Thompson).
- f. **Special Projects Section** dated July 26, 2013 (Mangalvedhe to Thompson).
- g. **Permit Review Section** dated December 5, 2015 (Hampton to Thompson).

RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the Multifamily Medium Density Residential (R-18) Zone, as long as specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this particular location, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the R-18 Zone.

Based on the applicant's statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in the Prince George's County Zoning Ordinance. These findings include those in Section 27-317 (in general) and Section 27-341.02, of the Zoning Ordinance, for a church. Therefore, Staff recommends **APPROVAL** of Special Exception SE-4694, Variance to the front yard setback, and Alternative Compliance AC-20017 for Word Power Baptist Tabernacle, Inc., subject to the following conditions:

1. Prior to certification of the special exception, the following revisions shall be made to the site and landscape plan:
 - a. Provide a Schedule 4.7-1 on the site plan showing a Type 'B' Landscape Bufferyard, in accordance with Section 4.7 of the 2010 *Prince George's County Landscape Manual*, along the southern property line (vacant residential site).
 - b. Update the site plan to show a 60 percent maximum allowable lot coverage for the site.
 - c. Label the number of stories of the building and clarify the gross floor area, for the 1925 building and each addition.
 - d. Regarding the future building addition shown on the plans, clarify if the addition is proposed at this time or remove the addition from the plans. If the addition is proposed at this time, provide the following:

- (1) Provide colored, detailed architectural elevations of all sides of the proposed building addition, including identification of construction materials and how it relates to the existing building.
 - (2) Clarify the proposed square footage and number of stories.
 - (3) Building-mounted lighting shall be shown on architectural elevations.
 - (4) Revise the proposed lot coverage calculation to account for the building expansion and update the total proposed square footage in the general notes.
- e. Update the landscape schedule to clearly identify each species as native or nonnative.
- f. Revise the proposed landscaping and landscape schedule for compliance with Section 4.3-2 of the 2010 *Prince George's County Landscape Manual*, demonstrating a minimum of one shade tree for each 300 square feet of interior planting area and fraction thereof is required and provided.
- g. Clearly dimension the front building setback from the ultimate right-of-way line.
- h. Identify the subject property's existing Parcel designation in the general notes.
- 2. Prior to certification of the special exception, the following items shall be submitted:
 - a. A photometric plan shall be provided demonstrating conformance to Section 27-562 of the Prince George's County Zoning Ordinance.
 - b. Provide a valid approved standard letter of exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
 - c. Provide a valid approved Natural Resources Inventory (NRI) Equivalency Letter.



IN RE:	Application for Variance
APPLICANT:	Word Power Baptist Church
ADDRESS:	5715 Marlboro Pike, Forestville, MD
	Forestville, MD 20747
AGENT:	Scudder Legal
	Traci R. Scudder

**STATEMENT OF JUSTIFICATION FOR
VARIANCE REQUEST
SE-4694**

Word Power Baptist Tabernacle Inc., the Applicant in SE-4694, which is currently pending before the Zoning Hearing Examiner, hereby requests a variance from the Prince George's County Zoning Ordinance with regard to a setback requirement. In general, there is a minimum setback requirement for all buildings to be 25 feet from each lot line. In this case, there is also a special exception requirement for a setback of 25 feet from the front street line. The site meets the 25-foot set back from the lot lines and front street line. On the front side, the church provides a 25.1-foot distance from the front street line. However, under Section 27-341.02 of the Prince George's County Zoning Ordinance, a Church or similar place of worship is permitted within the R-18 zone but is subject to a 30-foot set back requirement from the front street line, or the ultimate right-of-way as shown on a Master Plan. (See, Section 27-462(b)(footnote 1) and Sec. 27-442(d)(footnote 18)). It is from this requirement that the church needs a variance of 11.4 feet, because the set back is measured from the ultimate right-of-way as shown on a Master Plan.

The Applicant has filed this variance to address a Zoning Ordinance requirement in the R-18 Zone that requires a 30-foot setback from the front street line, or the ultimate right-of-way as shown on a Master Plan. Review and analysis of Sections 24-462(b), footnote 1; Section 27-442(d), footnote 18 and Section 27-101 revealed a set back requirement of 30 feet on the front side of the church, which the side does not meet.

Approval of the requested variance will validate existing conditions, including a building extension that has been constructed outside of the 30-foot setback. The existing corner of the existing structure is 25.1 from the front lot line which would normally not present a compliance issue; however, a number of years after the church was constructed, the underlying property was rezoned from the C-M (Commercial Miscellaneous) Zone to the R-18 (Multifamily Medium Density Residential) Zone. The C-M Zone only required a 10-foot front yard setback. As indicated above, the R-18 Zone has a Zoning Ordinance requirement that the setback for front yards be 30 feet. The Applicant is therefore requesting an 11.4-foot variance from this requirement.

The subject property is located at 5715 Marlboro Pike, Forestville, Maryland which is further identified as Parcel 114 in the Deed recorded in book 25106 page 105. According to the Maryland Department of Assessments and Taxation, it is in District 6, Tax Account Number 0458604. The property, which fronts on Marlboro Pike (MD 725), is on the southern side of Marlboro Pike, and is approximately 2000 feet east of its intersection with Penn Crossing Drive. The site was originally improved in 1925 with a one and one-half story building that was approximately 1,993 square feet. The owner of the subject property is Word Power Baptist Church (the "Applicant"). The subject property has been utilized for church purposes since 1997. The neighboring properties located on both sides of the subject property, and which also border

Marlboro Pike, are currently zoned R-18. The subject property consists of one long rectangular lot that contains a structure. The parcel consists of approximately 0.646 acre or 28,139.76 square feet and is located in Planning Area 75 and Council District 7.

By way of background, the Applicant purchased the subject property from the Stanly H. Goldsmith (Trustee) in April 2006. The Applicant requested Special Exception 4694 for the parcel for Church use and to validate all of the existing uses on site. The Church is on a site that is less than an acre which totals approximately 0.6646 acres. Additions totaling 1,942 square feet were constructed without a building permit. The Applicant must now validate the additions through the County building permit process.

The Applicant intended to extend the structure when purchasing the property to allow for additional space within the Church for parishioners. The requested variance of 11.4 feet is the minimum that is necessary to afford relief to the Applicant.

The Applicant is requesting approval of this variance in order to complete the building permit process. Without an approval of the requested variance, the structure on this property would be unable to meet the zoning requirements.

Section 27-230 of the County Zoning Ordinance states that a variance may only be granted when the Board of Zoning Appeals finds that:

- 1. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situation or conditions;**

The church building on this parcel of land presents an extraordinary situation that can be addressed through approval of a variance. After the church was legally established upon the property, the underlying zoning of the property changed to the R-18 Zone, which is, more or less,

a zone for apartments. This zone comes with a special exception requirement that is specific to this zone. Typically, buildings only have to be set back 25 feet from property lines. In this instance, however, the R-18 Zone requires that the building be set back 30 feet from the front property line. This creates an extraordinary situation for the church, as the church, is not an apartment complex for which this regulation was intended. Therefore, the Applicant is requesting a variance of 11.4 feet from the 30-foot front yard requirement. An approved special exception will allow the church to continue to be operate as a church in the R-18 zone.

The structure on the property has additions which were constructed years ago. The Applicant was issued a Zoning Violation and will need to a building permit to validate the construction. Without approval of the 11.4 foot variance, the church would have to tear down a portion of the church which is currently serving the congregation and is not posing any problems to the community or surrounding neighborhood. This presents an extraordinary situation for the Church, which has operated at this location for nearly 25 years, should they have to close their doors due to a set back requirement that did not exist at the time the church was originally constructed.

The strict application of this Subtitle 27-230 will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Strict application of Subtitle 27-230 would result in the Applicant experiencing a peculiar and unusual practical difficulty should the variance not be granted. The requested variance would not deviate from the existing character or development of varying lots within the neighborhood but failure to grant the requested relief would result in the Applicant experiencing unusual practical difficulties and exceptional hardship. On the other hand, approval of the requested variance will

allow the Church that has been operating on the property since 1997, to continue to serve the community and provide charitable goods and services, especially during a time when this is needed more than ever. The newly constructed additions on the original structure add to the aesthetic appeal and are consistent with the existing character of the community. Tearing down the front side of the church building just so that the building will not intrude by 11.4 feet into the required front yard setback - which again - is a requirement that did not exist at the time the church was built. Moreover, it strikes me that the R-18 Zone is a zone for apartments and a church is not an apartment building, and thus, it would follow that a church may not meet certain requirements which were intended to address the construction of apartments.

As noted above, the church will have to apply for a building permit to validate the existing building. While this process will be expensive for the church, they should be able to complete it. Without approval of this variance, the church would be required to tear down a portion of the church which will wreak havoc on the financial condition of this church and jeopardize its ability to serve its congregation and the community.

2. The variance will not substantially impair the intent, purpose and integrity of the General Plan or Master Plan.

The requested variance will not substantially impair the intent, purpose and integrity of the Prince George's Plan 2035 or the Marlboro Pike Sector Plan and Sectional Map Amendment because residential land uses and uses compatible with them are recommended and permissible at the subject location. Since the property has been used for church purposes since 1997, and has operated in the community without issue, the continued use of the property for the same purpose would not likely result in any negative impacts to the surrounding community as has been the case for decades. Thus, as stated above, granting the proposed use would not impair the integrity of any

approved Prince George's County Master Plan or General Plan. Conversely, denying the request would result in a peculiar and unusual practical difficulties for the Church

For all of the above stated reasons, the Applicant hereby respectfully requests approval of the variance.

Respectfully Submitted,

Scudder Legal

Traci R. Scudder

Traci R. Scudder
Attorney for the Applicant

**STATEMENT OF JUSTIFICATION
ALTERNATIVE COMPLIANCE REQUEST**

**Word Power Baptist Tabernacle, Inc.
In Association With SE-4692
5715 Marlboro Pike
Capitol Heights, Maryland 20747**

Request:

Alternative Compliance is requested from the provisions of Section 4.7c(4) requiring a B Bufferyard consisting of a 30' building setback and a 20' landscaped yard to separate a Medium Impact use (Church) from multi-family residential development.

Location and Description of the Subject Property:

The subject property is located on the south side of Marlboro Pike, approximately 1,000 feet west of its intersection with Silver Hill Road (Maryland Route 458). The site is comprised of one record parcel (Tax Map 81, Parcel 114), which is currently occupied by the existing church.

The subject property and all of the abutting properties are zoned R-18. Adjacent to the west of Parcel 114 is a metal fabrication business, and adjacent to the east are the Dunhill Village garden apartments. The land adjacent to the rear is owned by the Shiloh Abundant Life Center, Inc. An NRI is approved and a pre-preliminary plan was submitted for the Shiloh property, but it remains undeveloped and wooded.

The subject property is a building and an associated parking area, which were constructed without permits; the church does not have a valid Use and Occupancy Permit. While the building permit violations have been cured, the approval of the Special Exception associated with the instant application remains before a Use and Occupancy permit can be issued.

The subject property is generally level, but the grade of Marlboro Pike falls away to the west, such that there is a grade separation of approximately six feet between the street and the western part of the property. Several mature trees exist along the property's Marlboro Pike frontage, which are proposed to be retained.

An existing six-foot, sight-tight fence separates the subject property from the Dunhill Village apartments to the east.

Description of Proposed Use

The proposed use of the property is for the validation of the existing improvements on the site, though some of the existing parking area will need to be removed to accommodate the proposed landscaping.

Thirty-two parking spaces are required to serve the capacity of the church. These spaces will be provided in the existing paved area on the east side of the church and in an expansion of that paving

directly behind the church. Certain portions of the existing paved area will be removed along the southern and eastern property lines to provide landscaping, including in the area for which Alternative Compliance is requested.

Request – Alternative Compliance for B Bufferyard

In order to provide sufficient parking for the church, it is proposed to provide parking areas along the eastern edge of the subject property. The width of this area is constrained by the location of the existing structure (constructed c. 1925) in which the church is located, and by the grade separation between the site area and Marlboro Pike on the other side of the existing structure; as such, the proposed parking will extend closer to the property lines than the required B Bufferyard would typically allow.

The existing building setback of 46', however, substantially exceeds the required building setback requirement of 30'.

Accordingly, it is proposed to provide a variable, reduced depth of bufferyard to allow sufficient space to provide the minimum number of parking spaces required. The depth of buffer will vary from as small as zero near the front of the property to the full 20-foot depth at the rear of the property; it is proposed to average 6.8' in depth.

After subtracting for the ultimate right-of-way width of Marlboro Pike and the depth of the 10' landscaped buffer along Historic Roads, 186' of bufferyard length remains; this corresponds to a requirement for 149 plant units. One shade tree, 16 evergreen trees and 9 shrubs of planting are proposed for a total of 99 plant units.

Required Findings:

Section 1.3a of the Landscape Manual provides that, *"Requests for alternative compliance may be approved for any application to which the requirements of this manual apply, when one or more of the following conditions are present:*

"(1) Topography, soil, vegetation, or other site conditions are such that full compliance with the requirements of this manual is impossible or impractical; or improved environmental quality would result from the alternative compliance.

"(2) Space limitations, unusually shaped lots, prevailing practices in the surrounding neighborhood, in-fill sites, and for improvements and redevelopment in older communities.

"(3) Change of use on an existing site increases the buffer required by Section 4.7, Buffering Incompatible Uses, of this manual, more than it is feasible to provide.

"(4) Safety considerations make alternative compliance necessary.

"(5) An alternative compliance proposal is equal or better than normal compliance in its ability to fulfill the design criteria in Section 3, Landscape Elements and Design Criteria, of this manual."

Section 1.3b further provides that, *"A proposed alternative compliance measure must be equally effective than normal compliance in terms of quality, durability, hardiness, and ability to fulfill the design criteria in Section 3."*

Request and Conformance to Required Findings for the Request:

Request – Alternative Compliance for B Bufferyard:

Landscaped Yard reduction:

Request is made for a reduction in the minimum landscaped yard from 20' to a varying depth, ranging from the full 20' as little as 0' (with an average width of 6.8' over the full width of the bufferyard). Against a requirement for 149 plant units, one shade tree, 16 evergreen trees and 9 shrubs of planting are proposed for a total of 99 plant units.

This request is made pursuant to conditions (1), (2) and (5) in Section 1.3a. The topography of the lot adjacent to Marlboro Pike required the entrance and the parking area to be located on the east side of the existing structure, adjacent to the apartments, rather than on the west side (which is a non-residential use). The proximity of the existing structure which the church occupies is a constraint which limits the depth of land available for the bufferyard; even if a Departure from Parking and Loading Standards were to be requested and approved and the ten parking spaces which occupy the bufferyard area were to be eliminated, there would not even be enough space to construct the driveway alone and still provide the full depth of planted yard.

Finally, the area of the subject property is an older community in which most of the surrounding development preceded the adoption of the Landscape Manual: the existing building on the subject property was constructed c. 1925, the adjoining apartments were constructed in 1965, and the abutting metal fabricator was built c. 1955. Most of the eclectic development on the north side of Marlboro Pike in the vicinity of the subject property is visible in the 1965 aerial photos. Modern landscaped buffers are rare in the surrounding vicinity.

The proposed condition will provide (at least) equal effectiveness to normal compliance because of the following factor:

Section 4.7(c)(4)(F) of the Landscape Manual provides that a 50% reduction in landscape yard and number of plant units is permissible in the Developed Tier with the provision of a six-foot high opaque fence within the bufferyard, except adjoining existing residentially developed lots. This provision does not distinguish between single-family detached development, where there would be a higher expectation of buffering from more intense uses, attached dwellings, and multi-family dwellings where there is less of an expectation.

Notwithstanding this provision's applicability, it provides a reasonable standard against which effectiveness can be judged. The 99 plant units which are proposed are 33% more than what is required when a fence is provided; the 6.8' depth of bufferyard is only 32% less than what is required when a fence is required. The increased number of plant units corresponds to the reduction in bufferyard depth.

Furthermore, the proposed condition will involve the removal of existing paved areas, beginning at the northern end of the three proposed parallel spaces, and extending back to the rear of the subject property. This will be an improvement over the existing situation.

Conclusion:

Because the proposed conditions for which Alternative Compliance is requested will provide at least equal effectiveness to normal compliance, the applicant respectfully requests that the subject application be approved.

Respectfully submitted,

A handwritten signature in blue ink, reading "Mark G. L. Ferguson", is positioned above a horizontal line.

Mark G. L. Ferguson, R.A.
Senior Land Planner
RDA/Site Design, Inc.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

DATE: December 9, 2020

TO: Andree Green Checkley, ESQ., Planning Director

VIA: Henry Zhang, Co-Chair, Alternative Compliance Committee
Jill Kosack, Co-Chair, Alternative Compliance Committee

FROM: Thomas Burke, Alternative Compliance Committee Member

PROJECT NAME: Word Power Baptist Tabernacle

PROJECT NUMBER: Alternative Compliance AC-20017

COMPANION CASE: Special Exception SE-4694

ALTERNATIVE COMPLIANCE

Recommendation: X Approval Denial

Justification: SEE ATTACHED

Thomas Burke

Thomas Burke

Reviewer's Signature

PLANNING DIRECTOR'S REVIEW

 Final Decision Approval Denial

 X Recommendation Approval Denial

 To Planning Board

 X To Zoning Hearing Examiner

Planning Director's Signature _____ Date

APPEAL OF PLANNING DIRECTOR'S DECISION

Appeal Filed:

Planning Board Hearing Date:

Planning Board
Decision: ☐ **Approval** ☐ **Denial**

Resolution Number:

Alternative Compliance: AC-20017
Name of Project: Word Power Baptist Tabernacle
Companion Case: Special Exception SE-4694
Date: December 9, 2020

This alternative compliance application is a companion case to Special Exception SE-4694, which proposes an approximately 2,230-square-foot addition to an existing church in the Multifamily Medium Density Residential Zone. Alternative compliance is requested from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) for Section 4.7, Buffering Incompatible Uses, specifically for the site's eastern boundary where the subject site is adjacent to an existing multifamily residential use.

Location

This 0.65-acre site is on the south side of MD 725 (Marlboro Pike Road), in Planning Area 75A and Council District 7. The site is also within the geography previously designated as the Developed Tier, and reflected on Attachment H(5) of the 2014 *Plan Prince George's 2035 Approved General Plan*, as found in Prince George's County Planning Board Resolution No. 14-10 (see District Council Resolution CR-26-2014, Revision No. 31).

Background

The applicant has requested to provide an alternative design to conform with the requirements of Section 4.7 of the Landscape Manual, for buffering incompatible uses along the site's eastern boundary line. The proposed addition to the existing church will be on the west side of the building, where the property adjoins a metal fabrication business, and the applicant is able to meet all the other applicable Landscape Manual requirements.

Section 4.7, Buffering Incompatible Uses

The Landscape Manual regards churches as a medium-impact use. The adjoining property to the east is a multifamily residential use. In accordance with Section 4.7, a Type B bufferyard between the two uses is required. The Type B bufferyard includes a 30-foot building setback and a minimum 20-foot-wide landscape yard to be planted with 80 plant units per 100 linear feet of property line. The landscape plan shows a Section 4.7 bufferyard provided as follows:

REQUIRED: Section 4.7-1 Buffering Incompatible Uses (eastern property line)

Minimum building setback	30 feet
Minimum width of landscape yard	20 feet
Linear feet of buffer	185 feet
Plant units required	148

PROVIDED: Section 4.7-1 Buffering Incompatible Uses (eastern property line)

Average building setback	46 feet
Width of landscape yard	Variable 0 feet to 20 feet
Linear feet of buffer	185 feet
Fence or Wall	Yes
Plant units provided	89

Justification of Recommendation

In the statement of justification provided with this application, the applicant has provided circumstances unique to the proposed church's addition on this site that warrant consideration for alternative compliance. The proposed addition will be located on the west side of the existing church, and no site improvement is proposed on the east side of the site; however, the proposed addition requires that the entire site conforms to the Landscape Manual. The alternative compliance requested is for the eastern bufferyard only, where the site layout will remain unchanged.

The Landscape Manual allows for the setback and landscape yard to be reduced by up to 50 percent for properties located in the Developed Tier, if a six-foot-high, opaque fence or wall is located within the bufferyard, provided the adjoining use is not existing residential. In this case, the adjoining use is a residential multifamily building, so this reduction does not apply; however, the applicant is providing a six-foot-high opaque fence to be considered with this alternative compliance toward a reduction in the required plant units.

The bufferyard provided by the applicant along the eastern boundary varies in width from 0 feet to 20 feet, and the building setback of an average of 46 feet exceeds the required 30 feet. In addition to providing an opaque six-foot-high fence along the eastern property line, the applicant is proposing 89 planting units within the bufferyard. The proposed opaque fence will significantly minimize the site's negative impacts on the adjoining multifamily residential use.

The Alternative Compliance Committee finds that the applicant's proposal is equally effective as full compliance with Section 4.7 of the Landscape Manual, given the existing conditions of the eastern side of the site that predates the Landscape Manual. The provision of the proposed plant units in combination with the installation of a six-foot-high opaque fence, and overall planting layout provides for equally effective buffering of the adjacent incompatible uses.

Recommendation

The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance AC-20017 for Word Power Baptist Tabernacle from the requirements of Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual*, for the site's eastern property line.



October 31, 2020

BY E-MAIL (Cheryl.Summerlin@ppd.mnccppc.org)

Ms. Cheryl Summerlin
Applications Supervisor | Development Review Division
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

RE: **Work Power Tabernacle Baptist Church**
Special Exception/Variance (SE-4694)

Dear Ms. Summerlin:

On behalf of my client and the Applicant, Word Power Tabernacle Baptist Church, regarding the above-referenced Special Exception case, I am submitting a signed application form for the additional variance request that is to be added to the special exception application, along with a Statement of Justification for the variance, a copy of the site plan and the informational mailing documents.

You may also recall that an Alternative Compliance application was recently submitted by Mr. Mark Ferguson and I assume that application is moving forward at this time.

Should you need anything further regarding the variance, please contact me as soon as possible.

Very truly yours,

Traci Scudder

Traci R. Scudder

Enclosures

cc: Mr. Kenneth Staon
M-NCPPC

Ms. Sherri Conner
M-NCPPC

May 20, 2013
June 21, 2016.