

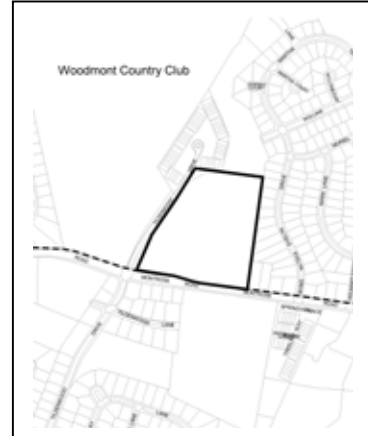
CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

August 3, 2006

SUBJECT:

Zoning Variance Application APP2006-00863

Applicant: Reverend John F. Macfarlane
Saint Elizabeth Parish & School
917 Montrose Road
Rockville, Maryland 20852



Property Location: 917-919 Montrose Road, Rockville, Maryland 20852

Planning Commission Review Date: August 9th 2006
Board of Appeals Public Hearing Date: September 9th 2006

REQUEST:

The request is submitted in accordance with Section 25-311 of the City of Rockville Zoning Ordinance. The applicant seeks the following zoning variances: a) a variance from the 15-foot height limit/restriction applicable to accessory structures located within respective residential zones, and b) a variance from the rear yard placement/location requirement applicable to said accessory structures. The applicant plans to construct a 50 foot 6 inch tall “bell tower” in the east side yard area (adjacent to the church) of the subject property, along with an outdoor garden seating area which is not subject to the requested zoning variances, but inclusive of the project as proposed.

The existing church and its accompanying school are located at 919 and 917 Montrose Road respectively. The property is zoned for R-75 (single family detached, residential) land usage.

PREVIOUS RELATED ACTION:

- Annexation Petition X-11-92, a request to annex 15.5 acres of land located at 917-919 Montrose Road into the City of Rockville from Montgomery County, approved by the Mayor and City Council on April 12, 1993 and placed in the R-75 zone.
- Special Exception Application S-211-93, Rev. John F. Macfarlane, a request to expand an existing private educational institution (install a modular classroom building) in the R-75 zone, approved by the Board of Appeals on September 11, 1993.

- Use Permit Application U-510-93, Rev. John F. Macfarlane, a proposal to erect a freestanding modular classroom building on the existing private school site located at 919 Montrose Road, approved by the Planning Commission on October 13, 1993.
- Use Permit Application USE94-0523, Rev. John F. Macfarlane, a proposal to construct a parish house on the subject church property located at 917 Montrose Road, approved by the Planning Commission on October 26, 1994.
- Use Permit Application USE94-0533, Rev. John F. Macfarlane, a proposal to expand and renovate the existing church and construct a bell tower on the subject property, approved by the Planning Commission on December 14, 1994.
- Variance Application APP97-0655, Rev. John F. Macfarlane, a variance request from the R-75 front yard setback requirements, to construct an attached canopy on the front building entrance of the church, granted by the Board of Appeals on April 4, 1998.
- Special Exception SPX98-0276, Rev. John F. Macfarlane, a request to construct a three-story, 15,900 square foot classroom building addition onto the existing private church school building located on the subject property, approved by the Board of Appeals on March 6, 1999.
- Special Exception SPX99-0281, Rev. John F. Macfarlane, a request to modify previously approved SPX98-0276, to allow the proposed three-story school building addition to be constructed at a larger size, e.g., from 15,900 square feet to 18,660 square feet. Approved by the Board of Appeals on October 2, 1999.
- Use Permit Amendment USA93-0510C, Rev. John F. Macfarlane, a proposal to construct a three-level, 18,660 square foot building addition on the eastside of the existing school building located on the subject property. Approved by the Chief of Planning on December 22, 1999.
- Use Permit Amendment USA94-0533A, Reverend John Macfarlane, a proposal to construct a 75 space surface parking lot with vehicular access provided via a single site entrance onto Tilden wood Drive. Approved by the Planning Commission on April 14, 2004.

RELEVANT ISSUE:

- Sound levels as may be generated by the ringing of the proposed church bells, located in the proposed new tower must fully comply with and not exceed appropriate decibel levels as specified in Noise Ordinance of Montgomery County, Maryland.

STAFF RECOMMENDATION:

Approval is recommended subject to the following conditions:

1. The proposed bell tower must be constructed of materials compatible in make, color, and quality to that of the exterior façade of the existing church, and in accordance with site and building plans as submitted with the variance request as prepared by DeLizzio Architects & Planners.
2. Trees and/or other vegetative materials removed in order to accommodate construction of the bell tower must be replaced and replanted elsewhere on site, in consultation and at the direction of the City Forester.
3. Sound levels as maybe generated by the ringing of the proposed church bells that will be located in the proposed new tower must fully comply with and not exceed appropriate decibel levels as specified in the Noise Ordinance of Montgomery County, Maryland.
4. Submission, for review and approval of a Use Permit Amendment Application.

ANALYSIS:

Site Description

The subject property is located at the northeast corner of Montrose Road and Tildenwood Drive. The property is approximately 15.3 acres in size and is home to Saint Elizabeth Catholic Church and School. The existing church building and accompanying small wood frame office building, along with the rectory are located in the (front) southwestern area of the site, while the existing school building is located to the rear of the church in the center of the subject property. Much of the site's existing front area (less the church) is improved with on-site surface parking facilities. The property has vehicular access on both Montrose Road and Tildenwood Drive.

Also, there are recently constructed onsite surface parking facilities located in the rear (former play field area) of the church's campus, along the site's western boundary, accessed via a single site entrance onto Tildenwood Drive (Ref. USA94-0533A). According to available records, with the completion of that parking facility of 75 additional parking spaces, the site would have a total of 248 onsite parking spaces to accommodate the church and its accompanying school use.

Based on available information, the following building facilities are now located on the property and collectively make up the subject religious institutional use: a) 15,094 square foot church building, b) the existing 40,210 square foot school building and accompanying 9,293 square foot school gymnasium, c) two freestanding modular classroom buildings totaling 1,253 square feet, and d) a 3,276 square foot rectory building. Both the church and school buildings are of masonry, glass, and metal construction. As noted, site surface parking is located in front of the existing school building and on the southwest side of the church fronting Tildenwood Drive as well as the rear west side area fronting Tildenwood Drive. The extreme northern and eastern

areas of the property are primarily wooded, with much of the eastern site area comprised of floodplain and stream valley. The site area located on the rear (north side) of the school gymnasium is open space area that serves primarily as an athletic field, which also contains some school playground equipment.

The church's property is bound to the north by parkland, to the west by the Woodmont Country Club and single-family attached dwellings, and to the east and south by single-family detached dwellings. While the site's topography is relatively flat with some sloping along the site's Montrose Road street frontage, surface sloping is extremely pronounced in and along the stream valley area located on the east and northeast areas of the site. Mature trees and other vegetation are found throughout the property, all differing in species and size.

Saint Elizabeth School is a Catholic elementary school for boys and girls. The school provides educational instruction to students in grades kindergarten (K) through eight (8). The school's kindergarten students however attend Saint Raphael's Catholic Church School, located on Dunster Lane. The school operates on a weekday schedule, starting at 8:25 a.m. and ending at 3:00 p.m. Scheduled church mass times are as follows: a) Saturday - 9:00 a.m. and 5:00 p.m., b) Sunday - 7:30 a.m., 9:00 a.m., 10:30 a.m., 12:15 p.m., and 6:00 p.m., c) Monday/Wednesday/Friday - 7:00 a.m. (September thru May only), and d) Monday thru Friday - 11:30 a.m.

Aerial Overview of 917 & 919 Montrose Road



Project Proposal

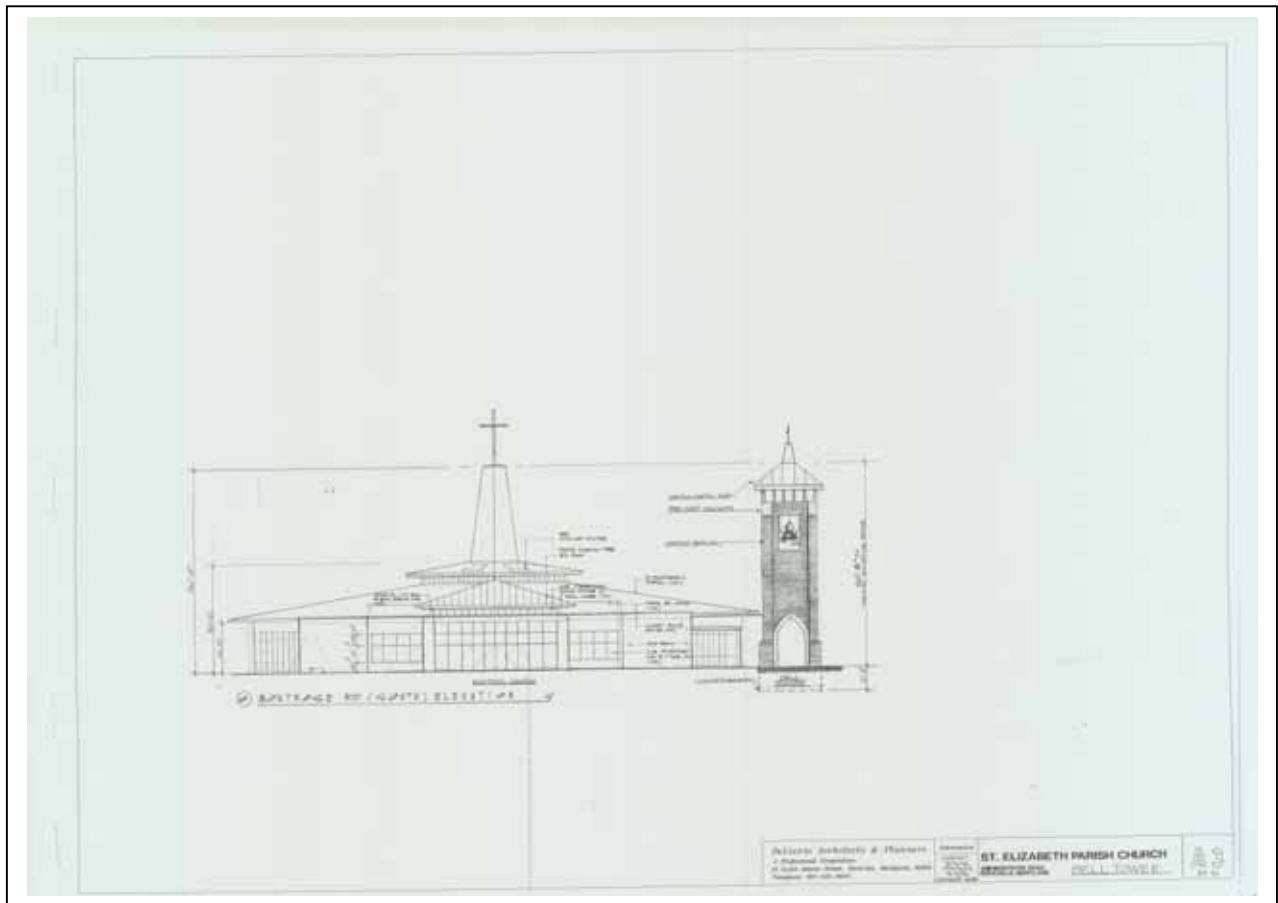
The applicant seeks approval to construct a new freestanding (16' x 16') bell tower, 50 feet 6 inches in height, of masonry and metal construction, and located in the (east) side yard, adjacent to the church building (See Exhibits 3 & 4). The applicant wishes to construct the new bell tower in the noted location due to its close proximity to the existing front entrance of church. While not subject to the zoning variances being requested, the applicant also plans to construct an outdoor, seated garden that will be located at the northwest corner of the proposed bell tower.

Since the proposed freestanding bell tower is not being physically constructed to attach or as an addition to the church building proper, it is deemed to be an accessory structure, which in accordance with Section 25-296 of the Zoning Ordinance, must be located in the rear yard area of the site and may not exceed 15 feet in height. In order to construct the bell tower in its proposed side yard adjacent to the church and at approximately 35 feet taller than an accessory structure is permitted in the R-75 Zone, requires the applicant request approval of the zoning variances as requested.

As per the information provided, the applicant affirms that locating the bell tower within close proximity to the front of the church, is customary and in keeping with church practice associated with religious worship. Hence, it is the applicant's view that locating the bell tower in the rear area of the church property would be in opposition to church practice. Also, because there are multiple building facilities which make up the church campus, were the bell tower to be located in strict accordance with the requirements of the Ordinance, the free standing bell tower would have to be located in the rear of the existing school building and not exceed 15 feet in height.

Aerial Perspective From Rear Site Area





Proposed Elevation Drawing of Bell Tower
(Also See Exhibit 4)

Applicable Sections of the Zoning Ordinance & Staff Analysis

Section 25-1 of the Ordinance defines a variance as “a modification only of the density, bulk, or area requirements, where owing to conditions unique to the property and not a result of any action taken by the applicant a literal enforcement of the Ordinance would result in practical difficulty.”

After review and analysis of the application request and accompanying proposal, staff offers the following assessment:

1. The variances as requested would not be contrary to the public interest.

Saint Elizabeth's Catholic Church has been an established institutional land use within the community in which it is located since the late 1960s. Both the church and school have been in existence for well over thirty (30) years. While the community in which the church is located is comprised of primarily residential land uses, Woodmont Country Club is located to the

northwest of the site. The applicant seeks approval to construct a 50 foot 6 inch tall, freestanding “bell tower” in the side yard area adjacent to the church. While the bell tower will be visible from Montrose Road, it will not be located within immediate proximity of the neighboring residential dwellings located south, southwest, west, or northwest of the church. The proposed location of the bell tower will be interior to the site, flanked by site surface parking to the east, the school building to the north, and church to the west.

As shown on the plans accompanying the requested zoning variances, the bell tower will be of masonry and metal construction, and designed and built with materials compatible to that of the existing church building. In an effort to insure that the bell tower is consistent with the architectural design of the church, the proposed tower and church steeple will be of near equal height, i.e., 50 feet and 56 feet respectively (See Exhibit 4). Staff notes that removal of trees and/or other vegetative materials to accommodate construction of the tower will require the applicant replace such plantings, in consultation and at the direction of the City Forester. Also, staff recommends that the bells which will be installed in the proposed tower be designed, with ring tones, that when rung, do not generate noise levels that exceed appropriate decibel levels as allowed under the Noise Ordinance of Montgomery County, Maryland.

According to the information provided, staff has found no evidence that the planned site improvements the church now proposes will be detrimental to the public safety of persons working or living in the site area. Under the variance requests as submitted, the applicant does not propose changes in the religious operation of the church or other associated site uses and/or activities.

Due to the substantial size of the overall church property, it is unlikely that neighboring land uses will be adversely impacted by the proposed site improvements. The heavily wooded stream valley that makes up much of the eastern portion of the site serves as a natural buffer between the subject site improvements and neighboring homes to the east. Lastly, there is no evidence or information available that indicates the planned construction of the new freestanding bell tower and other associated site improvements, would be detrimental to the continued use or future development of properties in the neighborhood, provided that the noise level of the bells comply with the County’s Noise Ordinance.

2. The variance is requested owing to conditions peculiar to the property and not the result of any actions taken by the applicant.

The church campus is comprised of several building structures, site surface parking facilities, outdoor play fields primarily designed and used for students attending the church school, as well as forest conservation site area consisting of woodlands and stream valley. As shown on the site plans, the church building is located in the front southwest corner of the overall site. Based on available information, the church and other building structures were constructed and in most cases, have been either expanded and/or altered at varying times over the course of the past thirty (30) years. Thus, the layout of the existing church campus and site improvements as they exist today are a reflection of years of physical growth and change based on the efforts of the church body and its leadership.

Thus, in the subject case, staff believes that the current site layout and location of the church building specifically, are physical conditions unique/peculiar to the overall property, and as such, does not allow the proposed accessory structure, i.e., the bell tower, to be constructed in the rear yard area of the church campus property in accordance with applicable development requirements of the Ordinance.

The applicant states in the request as submitted that “a bell tower is integral with the front entry of the church as both symbol of the church entry and used for liturgical purposes next to the entry.” With the church building being located in the front (southwest) area of the overall property, the proposal to place the bell tower on the east side of the church, adjacent to the building’s front entrance, would then appear to be an appropriate location for this symbolic building structure. Based on such reasoning, staff would note that the need for the requested site location and height variances, are not due to any action which has been taken specifically by the applicant (the Reverend John F. Macfarlane) but attributable to the site’s built and natural features.

3. A literal enforcement of the Zoning Ordinance would result in practical difficulty for the applicant.

If the requested location and height variances are not granted, the proposed fifty (50) foot tall bell tower could not be constructed and sited as proposed. As per the Ordinance, the proposed tower/accessory structure cannot exceed fifteen (15) feet in height and would have to be located in the rear site area, i.e., the area north of the church’s school building facility. While the applicant could attach the bell tower to the church building as an addition, so that the requested location variance is not needed, based on the physical layout of the existing church building, such a building attachment/addition would likely be architecturally incompatible with the church. If the tower was attached to the church, it is possible that project costs would increase due to redesign of the tower and physical modifications/renovations that would be needed to the church, in order to incorporate the tower as a building addition. Lastly, if the tower were physically attached to the church and deemed a bona fide building addition, the bell tower would still have to comply with the overall R-75 building height restriction of 35 feet, thus reducing the tower 15 feet ± shorter in height, than the tower now proposed.

Based on all of the noted factors, staff finds suitable justification to recommend Variance Application APP2006-00863 be approved, subject to the conditions as referenced on page three of this staff report.

COMMUNITY NOTIFICATION PROCESS

Notification cards were sent to abutting property owners informing them of the application request and upcoming Planning Commission review and Board of Appeals public hearing, at which time the subject land use request will be publicly heard and considered. Notices were sent to 370 property owners located within the subject site area. A list of the addresses where notices were sent is contained in the project's application file for public review and inspection.

Attachments

Exhibit "1" – USA94-0533A Site Development Plan

Exhibit "2" – Site Frontage - Proposed Montrose Parkway Plan

Exhibit "3" – Site Location Plan

Exhibit "4" – Elevation Drawings