

Case No.: ERR-238
Applicant: Alvin E. Courtney, Jr.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 2 - 2016

AN ORDINANCE to approve a request for validation of Prince George's County Multi-Family Rental Housing License No. M-1066, issued in error on July 6, 2013 (Exhibit 7), for three (3) multifamily dwelling units located on approximately 10,000 square feet of land in the R-55 (One-Family Detached Residential) and D-D-O (Development District Overlay) Zones, with a street address identified as 3505 Varnum Street, Town of Brentwood, Councilmanic District 2.

WHEREAS, in accordance with the prescriptions of Section 27-258, Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code ("County Zoning Ordinance"), a duly advertised public hearing was conducted on the subject application before the Zoning Hearing Examiner on August 27, 2014; and

WHEREAS, after the close of the public hearing record on April 1, 2015, the Zoning Hearing Examiner issued a disposition recommendation of approval with conditions filed with the Clerk of the District Council on April 8, 2015; and

WHEREAS, as prescribed by Section 27-258(f) of the County Zoning Ordinance, the District Council considered the subject request on June 22, 2015, including the Applicant's May 5, 2015, exceptions to the decision of the Zoning Hearing Examiner; and

WHEREAS, on July 6, 2015, the District Council adopted an Order of Remand to the Zoning Hearing Examiner to conduct further evidentiary proceedings to receive and evaluate additional testimony and evidence into the administrative record; and

WHEREAS, pursuant to the District Council's July 6, 2015, Order of Remand, the Zoning Hearing Examiner conducted further evidentiary proceedings on October 27, 2015, and, upon receipt of certain evidence to the administrative record for the subject application, issued a disposition recommendation of approval with conditions on December 11, 2015, with the Clerk of the District Council; and

WHEREAS, upon review of the administrative record, the District Council finds that Case No. ERR-238, seeking validation of Prince George's County's Multi-Family Rental Housing License No. M-1066, issued in error on July 6, 2013 (Exhibit 7), as to the improvements described as three (3) multifamily dwelling units located on approximately 10,000 square feet of land in the R-55 (One-Family Detached Residential) and D-D-O (Development District Overlay) Zones, with a street address identified as 3505 Varnum Street, Town of Brentwood, Councilmanic District 2, should be approved; and

WHEREAS, as the basis for this final action, the District Council hereby adopts and incorporates the findings and conclusions set forth within the December 11, 2015, disposition recommendation of the Zoning Hearing Examiner as the District Council's findings of fact and conclusions of law in this case.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Multi-Family Rental Housing License No. M-1066, issued in error, is hereby approved, subject to the conditions stated herein.

SECTION 2. All kitchen facilities, including the microwave, toaster, toaster oven, refrigerator, coffee maker, stove, and all other cooking/eating facilities/furniture be removed from the unit designated as the Rental Office on Exhibit R-14(a), including but not limited to

those items depicted in Exhibits R-22(e)–(j). The Rental Office shall not be used for cooking/eating.

SECTION 3. The Rental Office shall not be used for homework or child care. All items related to homework or child care shall be removed including, but not limited to, those items shown in Exhibits R-22(a) and (b).

SECTION 4. All files not directly relating to the rental of the three (3) apartment units on the subject property, including filing cabinets as depicted within Exhibits R-22(d), (e), (k)–(n), shall be removed. Files or documents relating to other properties or tax returns shall not be used or located in the Rental Office.

SECTION 5. The Rental Office shall not be used for any storage of tenant belongings, whether owned by current tenants or are belongings left behind by previous tenants.

SECTION 6. The Rental Office shall not be used for storage of any construction or maintenance materials.

SECTION 7. The Rental Office shall not be used for any purpose other than the rental of the three (3) apartment units located on the subject property; any documents/items/furniture/files shall pertain exclusively to the rental of the three (3) apartments located on the subject property.

SECTION 8. The Rental Office shall be inspected on a bi-annual basis by the Prince George's County Department of Permitting, Inspections, and Enforcement to ensure compliance with these conditions and the cost of these inspections shall be paid by the property owner.

SECTION 9. The three (3) apartment units located on the subject property shall be declared to be a Certified Non-Conforming Use in accordance with the Site and Unit Location Plans contained in Exhibits 8 and 13(a)–(c).

SECTION 10. Any violation of these Conditions shall result in the automatic revocation of any Apartment Licenses and the Certification of Nonconforming status of the subject property.

SECTION 11. This Ordinance shall take effect on the date of its enactment.

Enacted this 8th day of February, 2016, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Patterson, Taveras, Toles and Turner.

Opposed:

Abstained:

Absent: Council Members Harrison and Lehman.

Vote: 7-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Derrick L. Davis, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council