

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1991 _____

Resolution No. _____ CR-94-1991 _____

Proposed by The Chairman (by request - County Executive)

Introduced by Council Members Wineland and Casula

Co-Sponsors _____

Date of Introduction _____ October 8, 1991 _____

RESOLUTION

A RESOLUTION concerning

Authorization of the Issuance of a Building Permit
FOR the purpose of determining the adequacy of the private right-of-way or easement serving the lot and one-family dwelling on property owned by Raymond W. Matheny and Marie Matheny, his wife, and authorizing the issuance of a building permit subject to stated conditions.

WHEREAS, Section 8-118 of Article 28 of the Annotated Code of Maryland prohibits the issuance of a building permit in Prince George's County for any lot not located on a public road or a private right-of-way approved as adequate by the County's governing body; and

WHEREAS, Section 24-128(c) of the Prince George's County Code (1987 Edition), authorizes the County Council, on recommendation of the County Executive, to approve by resolution the issuance of a building permit for a detached one-family dwelling on a lot having

its sole frontage on or its only direct vehicular access to a private right-of-way easement, upon a finding that the private right-of-way is adequate to serve the lot and proposed development thereon; and

WHEREAS, a petition has been received from Raymond W. Matheny and Marie Matheny, his wife, for approval of the issuance of a building permit for a one-family dwelling to be constructed on property known as Parcel 8, consisting of 10.00 acres, shown on page 169, Grid A-1 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 7515 at folio 543; said property is zoned O-S and does not have frontage on a public right-of-way but will have access by means of a private 15 foot wide access lying within a 30 ± foot wide right-of-way known as Farm Road, which leaves White Landing Road approximately 2,000 feet from its intersection with Maryland Route 382 and proceeds 2300 feet to the subject property; and

WHEREAS, the private right-of-way from White Landing Road has been designated by the Petitioners as the access for the subject property and has been reviewed for adequacy by the County's Department of Public Works and Transportation, which has recommended conditional approval of a building permit for the subject property; and

WHEREAS, a site plan has been submitted to the staff of the Maryland-National Capital Park and Planning Commission and has been reviewed for conformity with Subtitles 24 and 27 of the Prince George's County Code (1987 Edition), and the plan has been

determined to be in compliance with the Code, subject to the obtaining of a variance from the Board of Appeals; and

WHEREAS, the Petitioners have been advised that this property can be developed under this Resolution for a one-family dwelling, that Prince George's County will not be responsible for maintaining the private right-of-way which they have designated, and that they must comply with other provisions of the County Code, including Section 11-276, regarding access for emergency vehicles; and

WHEREAS, the owners of the subject property will record covenants reciting their understanding and obligation to maintain the private right-of-way which they have designated; and

WHEREAS, the County Executive has determined that the private right-of-way designated by the Petitioners will be adequate for the one family dwelling, if all the conditions stated herein are satisfied, and the County Council concurs in this finding; now, therefore,

BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the Department of Environmental Resources is hereby authorized to issue a building permit for a one family dwelling on the property of Raymond W. Matheny and Marie Matheny, his wife, property known as Parcel 8, consisting of 10.00 acres, on page 169, Grid A-1 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 7515 at folio 543; said property is zoned O-S and will be served by a 15-foot wide unnamed private access within a 30 ± foot right-of-way known as Farm Road providing suitable access to White Landing Road, a public road, provided that the following conditions

are met:

1. Covenants shall be recorded among the Land Records of Prince George's County, Maryland, stating that the subject property is to be developed for a one-family dwelling and that the property owners are responsible for the maintenance of the private right-of-way designated by the Petitioners, as described above, and for accessibility of the property to emergency equipment.

2. Prior to recordation, the Petitioners shall submit a copy of said covenants to the Office of Law for the County Attorney's review and approval of the conformity of said covenants with the requirements of this Resolution.

3. The requirements of the Prince George's County Zoning Ordinance shall be met by the Petitioner as a condition to the issuance of this building permit.

BE IT FURTHER RESOLVED that the one family dwelling to be constructed on the subject property shall comply with all other applicable requirements of the Prince George's County Code.

Adopted this 22nd day of October, 1991.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting Clerk of the Council

