

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2002 Legislative Session

Resolution No. CR-66-2002

Proposed by The Chairman (by request – County Executive)

Introduced by Council Member Scott

Co-Sponsors _____

Date of Introduction October 7, 2002

RESOLUTION

1 A RESOLUTION concerning

2 Authorization of the Issuance of a Building Permit

3 For the purpose of determining the adequacy of the private right-of-way or easement serving the
4 lot and single-family dwelling on property owned by Carl and Elania Williams, and authorizing
5 the issuance of a building permit subject to stated conditions.

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

9 WHEREAS, Section 24-128(d) of the Prince George's County Code, authorizes the County
10 Council, on recommendation of the County Executive, to approve by resolution the issuance of a
11 building permit for a detached single-family dwelling and structures accessory thereto, including
12 a detached garage, but excluding any other buildings on a lot having its sole frontage on or its
13 only direct vehicular access to a private right-of-way or easement, upon a finding that the private
14 right-of-way is adequate to serve the lot and proposed development thereon; and

15 WHEREAS, a petition has been received from Carl and Elania Williams (“Petitioners”), for
16 approval of the issuance of a building permit for a single-family dwelling to be constructed on
17 property consisting of approximately five (5) acres located in the median of Route 301, north of
18 the Wawa Convenience Store and Gas Station, identified as Parcel 57, Grid D-3, on Map 70; said
19 property is zoned R-R and does not have direct access to a public right-of-way but will have
20 access by means of a private ten (10) foot wide right-of-way and ten (10) foot wide travel way;
21 and
22

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

5 WHEREAS, a site plan has been submitted to the staff of the Maryland-National Capital
6 Park and Planning Commission and has been reviewed for conformity with Subtitles 24 and 27
7 of the Prince George's County Code, and the plan has been determined to be in compliance with
8 the Code; and

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

14 WHEREAS, the owners of the subject property will record covenants reciting the owner's
15 understanding and obligation to maintain the private right-of-way which Petitioners have
16 designated; and

17 WHEREAS, the County Executive has determined that the private right-of-way designated
18 by the Petitioners will be adequate for the single-family dwelling, if all the conditions stated
19 herein are satisfied, and the County Council concurs in this finding.

20 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
21 County, Maryland, that the Department of Environmental Resources is hereby authorized to
22 issue a building permit for a single-family dwelling on the property of Carl and Elania Williams,
23 property consisting of approximately five (5) acres located in the median of Route 301, north of
24 the Wawa Convenience Store and Gas Station, identified as Parcel 57, Grid D-3, on Map 70; said
25 property is zoned R-R and does not have direct access to a public right-of-way but will have
26 access by means of a private ten (10) foot wide right-of-way and ten (10) foot wide travel way,
27 provided that the following conditions are met:

28 1. Covenants shall be recorded among the Land Records of Prince George's County,
29 Maryland, stating that the subject property is to be developed for a single-family dwelling and
30 that the property owner is responsible for the maintenance of the private right-of-way designated
31 by the Petitioner, as described above, and for accessibility of the property to emergency

1 equipment.

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

5 3. The requirements of Subtitle 11 of the Prince George's County Code shall be met by
6 having the Fire Chief or his designee approve the right-of-way.

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

9 5. The private right-of-way improvement plan to the subject property shall be approved by
10 the Department of Public Works and Transportation.

11 6. Upon completion of the private right-of-way to the subject property, the Department of
12 Public Works and Transportation shall approve the right-of-way prior to the issuance of any
13 permit by the Department of Environmental Resources.

14 7. The Petitioner shall submit a site plan to be reviewed and approved by the Department
15 of Public Works and Transportation for adequacy.

16 8. A performance bond shall be posted by the owner in an amount determined by the
17 Department of Public Works and Transportation, and the Department of Public Works and
18 Transportation shall have the right to inspect all work for conformance with the approved plans.

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

Adopted this 7th day of October, 2002.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council