

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1997 Legislative Session

Resolution No. CR-50-1997

Proposed by The Chairman (by request - County Executive)

Introduced by Council Member Bailey

Co-Sponsors

Date of Introduction July 22, 1997

RESOLUTION

A RESOLUTION concerning

Authorization of the Issuance of a Use and Occupancy Permit

For the purpose of determining the adequacy of the private right-of-way or easement serving the property and improvements owned by Merle C. Snodgrass and Bundie K. Snodgrass and authorizing the issuance of a use and occupancy permit subject to a stated condition.

WHEREAS, Section 8-118 of Article 28 of the Annotated Code of Maryland prohibits the issuance of a use and occupancy 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(d) of the Prince George's County Code authorizes the County Council, on recommendation of the County Executive, to approve by resolution the issuance of a use and occupancy permit for certain improvements on a lot having its sole frontage on or its only direct vehicular access to a private right-of-way or easement, upon a finding that the private right-of-way is adequate to serve the lot and development thereon; and

WHEREAS, a petition has been received from Merle C. Snodgrass and Bundie K. Snodgrass for approval of the use of a private right-of-way on property known as the Southeast Part of Lot 5, which equals 28,810 square feet located in the Belle-Fonte Subdivision, shown on Tax Map Number 107, Grid F4 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 06160 at Folio 826; said property is zoned I-1 and does not have frontage on a public right-of-way but has access by means of a private 19 foot wide roadway within a 30 foot

wide right-of-way known as Annbar Lane, which provides access to the subject property; and

WHEREAS, the subject property is currently improved with a commercial automobile towing storage yard; and

WHEREAS, the petitioners understand that the approval of the use of this right-of-way by the County pursuant to Section 24-128 of the Prince George's County Code does not in any way impact the legal rights of the petitioners or their successors or any other party; and

WHEREAS, the private right-of-way 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 indicated that the right-of-way is an adequate access to 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, and the plan has been determined to be in compliance with the Code; and

WHEREAS, the Petitioners have been advised that Prince George's County will not be responsible for maintaining the private right-of-way designated, and that they must comply with other provisions of the County Code, including Section 11-276, regarding access for emergency vehicles; and

WHEREAS, a covenant has been recorded reciting the understanding and obligation of the owners of the subject property to maintain the private right-of-way designated; and

WHEREAS, the County Executive has determined that the private right-of-way designated by the Petitioners will be adequate for the improvements on the property, if all the conditions stated here 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 use of a private right-of-way is hereby authorized on the property of Merle C. Snodgrass and Bundie K. Snodgrass for approval of the use of a private right-of-way on property known as the Southeast Part of Lot 5, which equals 28,810 square feet located in the Belle-Fonte Subdivision, shown on Tax Map Number 107, Grid F4 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince

George's County, Maryland, in Liber 06160 at Folio 826; said property is zoned I-1 and does not have frontage on a public right-of-way but has access by means of a private 19 foot wide roadway within a 30 foot wide right-of-way known as Annbar Lane, which provides access to the subject property, provided that the following condition is met:

1. The requirements of Section 11-276(d) of the Prince George's County Code shall be met by having the Fire Chief or his designee approve the right-of-way.

BE IT FURTHER RESOLVED that the improvements on the subject property shall comply with all other applicable requirements of the Prince George's County Code.

Adopted this 22nd day of July, 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council