

Case No.: ERR-247

Applicant: Melvin F. Fox Living Trust

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

ZONING ORDINANCE NO. 14- 2015

AN ORDINANCE to approve the validation of Multifamily Rental License No. M-0168, issued in error.

WHEREAS, Multifamily Rental License No. M-0168 was issued in error on October 30, 2014, for an existing multifamily building with six (6) dwelling units located at 5221 Marlboro Pike, Capitol Heights, Maryland; and

WHEREAS, the subject property is described as approximately 11,650 square feet of land area in the R-18 (Multifamily Medium Density Residential) Zone, improved with a 5,610 square-foot, two-story brick masonry apartment building with basement, constructed in 1951, including six (6) dwelling units; and

WHEREAS, Applicant, Melvin F. Fox Living Trust, appealed to the District Council for an Ordinance to approve the Multifamily Rental License issued in error; and

WHEREAS, in accordance with all requirements of law, the application for validation was given public notice and a public hearing was held before the Zoning Hearing Examiner; and

WHEREAS, the disposition recommendation of the Zoning Hearing Examiner was duly filed and considered by the District Council; and

WHEREAS, upon review of the evidence within the administrative record, the District Council determined that the application to validate Multifamily Rental License No. M-0168 should be approved; and

WHEREAS, as the basis for this final decision and, as expressly permitted by the Zoning Ordinance of Prince George’s County, as well as the Regional District Act within Title 22 and Title 25 of the Land Use Article, the District Council hereby adopts and incorporates, as if restated fully herein, the findings and conclusions within the 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 License No. M-0168 be and the same is hereby approved.

SECTION 2. By operation of law, upon validation of the permit issued in error, the six (6) apartment units, consisting of two (2) two-bedroom units in the Basement / First Floor, one (1) three-bedroom unit and one (1) one-bedroom unit on the Second Floor, and two (2) two-Bedroom units on the Third Floor, on the subject property shall be deemed a Certified Non-Conforming Use, in accordance with the Site Plan and Floor Plan.

SECTION 3. This Ordinance shall take effect on the date of its enactment.

Enacted this 6<sup>th</sup> day of July, 2015, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Glaros

Vote: 8-0

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: \_\_\_\_\_  
Mel Franklin, Chairman

ATTEST:

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Redis C. Floyd  
Clerk of the Council