

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1990 _____

Resolution No. _____ CR-2-1990 _____

Proposed by The Chairman (by request - County Executive)

Introduced by Council Members Casula, Wineland, and Bell

Co-Sponsors _____

Date of Introduction _____ January 23, 1990 _____

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 a one-family dwelling proposed on property owned by Lawrence J. Miles and Joyce A. Miles 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 or easement, "upon a finding that the private right-of-way or easement is adequate to serve the lot and proposed development thereon"; and

WHEREAS, a petition has been received from Lawrence J. Miles and Joyce A. Miles for approval of the issuance of a building permit for a one-family dwelling proposed on property known as Parcel 199, on Page 167 at Grid F-3 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 5392, Folio 682; said property is zoned O-S and does not have frontage on a public right-of-way but has access to Baden-Westwood Road, a public road, within a 60-foot wide right-of-way known as Summers Lane which leaves Baden-Westwood Road approximately 2,000 feet from its intersection with Baden-Naylor Road and proceeds 2,800 feet to the subject property. This private access is approximately 20 feet wide and serves as adequate access in that it is well graveled and graded; and

WHEREAS, the private right-of-way from Baden-Westwood 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

preliminarily determined to be in compliance with the Code; and

WHEREAS, the Petitioners have been advised that their 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 proposed 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 Lawrence J. Miles and Joyce A. Miles, property known as Parcel 199, on page 167 at Grid F-3 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 5392, Folio 682; said property is zoned O-S and is served by a private right-of-way providing suitable access to Baden-Westwood 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 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.

4. The private right-of-way to the subject property shall be constructed and shall be approved by the Department of Environmental Resources prior to the issuance of a use and occupancy permit.

5. The Petitioners shall submit a site plan to be reviewed and approved to the Department of Public Works and Transportation depicting the access road improvements in the plan.

6. The requirements of the Prince George's County Zoning Ordinance shall be met by the Petitioners 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 13th day of February, 1990.

COUNTY COUNCIL OF PRINCE

GEORGE'S COUNTY, MARYLAND

BY: _____
Jo Ann T. Bell
Chairman

ATTEST:

Jean M. Schmuhl, CMC
Clerk of the Council