

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Resolution No. CR-58-2015

Proposed by Council Member Franklin

Introduced by Council Members Franklin, Davis, Glaros and Harrison

Co-Sponsors _____

Date of Introduction September 29, 2015

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 Pyles Corporation, and authorizing the
5 issuance of a building permit subject to stated conditions.

6 WHEREAS, Section 20-504 of the Land Use Article of the Annotated Code of Maryland
7 prohibits the issuance of a building permit in Prince George's County for any lot not located on a
8 public road 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, upon recommendation of the County Executive, to approve by resolution the issuance
11 of a building permit for a detached single-family dwelling and structures accessory thereto,
12 including a detached garage, but excluding any other buildings on a lot having its sole frontage
13 on or its only direct vehicular access to a private right-of-way or easement, upon a finding that
14 the private right-of-way is adequate to serve the lot and proposed development thereon; and

15 WHEREAS, a petition has been received from Pyles Corporation ("Petitioners"), for
16 approval of the issuance of a building permit for a single-family dwelling to be constructed on
17 Part of Parcel 26, Grid A4, on Map 148, Election District 04, Tax Account Number 0260349;
18 said property is zoned O-S and does not have direct access to a public right-of-way but will have
19 access by means of a private right-of-way; and

20 WHEREAS, the private right-of-way has been designated by the Petitioners as the access
21 for the subject property and has been reviewed for adequacy by the County's Department of
22 Permitting, Inspections and Enforcement , which has recommended conditional approval of a

1 building permit for the subject property; and

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

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

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

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

17 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
18 County, Maryland, that the Department of Permitting, Inspections, and Enforcement is hereby
19 authorized to issue a building permit for a single-family dwelling on the property of Pyles
20 Corporation, identified as Part of Parcel 26, Grid A4, on Map 148, Election District 04, Tax
21 Account Number 0260349; said property is zoned O-S and does not have direct access to a
22 public right-of-way but will have access by means of a private right-of-way, provided that the
23 following conditions are met:

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

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

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

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

5 5. The private right-of-way improvement plan to the subject property shall be approved by
6 the Department of Permitting, Inspections and Enforcement.

7 6. Upon completion of the private right-of-way to the subject property, and prior to the
8 issuance of any permit by the Department of Permitting, Inspections and Enforcement, the
9 Department shall approve the right-of-way.

10 7. The Petitioner shall submit a site plan to be reviewed and approved by the Department
11 of Permitting, Inspections and Enforcement for adequacy.

12 8. A performance bond shall be posted by the owner in an amount determined by the
13 Department of Permitting, Inspections and Enforcement, and the Department shall have the right
14 to inspect all work for conformance with the approved plans.

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

Adopted this 27th day of October, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council