

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1991 _____

Resolution No. _____ CR-89-1991 _____

Proposed by The Chairman (by request - County Executive)

Introduced by Council Members Fletcher and Castaldi

Co-Sponsors _____

Date of Introduction _____ October 1, 1991 _____

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 detached building on property owned by Annbar Corporation 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 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 proposed development thereon; and

WHEREAS, a petition has been received from Canter Contracting, Inc. for approval of the issuance of a building permit for uses permitted in the I-1 Zone on property known as 7801 Annbar Lane, Clinton, being part of Lot 5, Bellefonte Subdivision, shown on page 107, Grid F-4 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 7741, folio 761; said property is zoned I-1 and does not have frontage on a public right-of-way but will have access by means of a private 30 foot wide right-of-way known as Annbar Lane which leaves Poplar Hill Lane approximately 700 feet from its intersection with Old Alexandria Ferry Road and proceeds 370 feet to the subject property.

WHEREAS, the private right-of-way from Poplar Hill Lane has been designated by the Petitioner 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 determined to be in compliance with the Code subject to approval of

a detailed site plan and alternative compliance; and

WHEREAS, the Petitioner has been advised that her property can be developed under the Resolution for uses permitted in the I-1 Zone, that Prince George's County will not be responsible for maintaining the private right-of-way which he has designated, and that she must comply with other provisions of the County Code, including Section 11-276, regarding access for emergency vehicles; and

WHEREAS, the owner of the subject property will record covenants reciting her understanding and obligation to maintain the private right-of-way which she has designated; and

WHEREAS, the County Executive has determined that the private right-of-way designated by the Petitioner will be adequate for the development, 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 uses permitted in the I-1 Zone on the property of Annbar Corporation, Inc., property known as 7801 Annbar Lane, shown on page 107, Grid F-4 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 7741, folio 761; said property is zoned I-1 and will be served by a 30-foot wide private right-of-way known as Annbar Lane providing suitable access to Poplar Hill Lane, 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 uses permitted in the I-1 Zone and that the property owner is responsible for the maintenance of the private right-of-way designated by the Petitioner, as described above, and for accessibility of the property to emergency equipment.

2. Prior to recordation, the Petitioner 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 requirements of the Prince George's County Zoning Ordinance shall be met by the Petitioner as a condition to the issuance of this building permit, including the approval of a detailed site plan and alternative compliance.

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

Adopted this 29th day of October, 1991.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting Clerk of the Council