



May 8, 2025

MEMORANDUM

TO: Donna J. Brown
Clerk of the Council

FROM: Sherri Conner, Acting Division Chief *SC*
Development Review Division

SUBJECT: Notification of Recommendation for Certification of Nonconforming Use

Permit Application Number: **00558-2024-U**

Specific Use(s): **Auto Towing Establishment**

Location of Property: **6313 Rhode Island Ave.
Riverdale**

Current Zone(s): **M-U-TC**

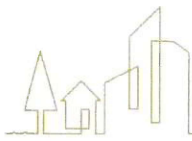
Sign Posting Date: **April 4, 2025**

Reason for Certification: **Certification of existing auto towing station
is required pursuant to 2004 Riverdale Park
Mixed-Use Town Center Zone Development
Plan which rezoned the property from I-1
to M-UTC**

This is to advise that the above-captioned permit application relating to certification of a nonconforming use was accepted on October 15, 2024, is currently pending, and is reviewed pursuant to the prior Zoning Ordinance pursuant to Section 27-1703(a) of the current Zoning Ordinance. It has been found to fulfill the requirements of the prior Zoning Ordinance for administrative certification of the use in question and no request for the Planning Board to conduct a public hearing was received within the time period specified on the public notice sign. Therefore, we are recommending that the use be certified as nonconforming.



Pursuant to Section 27-244(e) of the prior Zoning Ordinance (as amended by CB-78-1991), the District Council has the option of reviewing this recommendation, provided it votes to do so within 30 days of receipt of the recommendation. If you advise us that the Council has not elected to review this recommendation after expiration of the 30-day period, we will certify this use as nonconforming and transmit that action to the Department of Environmental Resources, so that the permit may be issued.

**APPLICATION FORM**

APPLICATION TYPE: <u>Certification of Nonconforming Use</u> <input type="checkbox"/> Revision of Case # _____		
Companion Cases: _____		
Payment option: <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Check (payable to M-NCPPC) <i>Do not submit payment until requested by staff</i>		
PROJECT NAME: Greg's Towing		
Complete address (if applicable) <u>6313 and 6321 Rhode Island Avenue, Riverdale, MD, 20737</u>		
Geographic Location (distance related to or near major intersection) <u>On the west side of Rhode Island Avenue, and on the east side of the Rhode Island Avenue Trolley Trail, directly north of the East West Highway (MD 410) overpass</u>		
Total Acreage: 0.72	Aviation Policy Area: N/A	Election District: 19
Tax Map/Grid: 42, D2 and D3	Current Zone(s): LMUTC	Council District: 3
WSSC Grid: 207NE04	Existing Lots/Blocks/Parcels: Lots 7-16, Block 69	Dev. Review District: N/A
Planning Area: 68	In Municipal Boundary: Riverdale Park	Is development exempt from grading permit pursuant to 32-127(a)(6)(A)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Tax Account #: 2160687, 2160703, 2160695	Police District #: I- Hyattsville	General Plan Growth Policy: Local Center
Proposed Use of Property and Request of Proposal: Request for certification of existing nonconforming auto towing establishment		Please list previously approved applications affecting the subject property: CNU-51074-2020
Applicant Name, Address & Phone: Greg's Towing, Inc. 6313 Rhode Island Avenue, Riverdale, MD, 20737 301-927-8848 Owner Name, Address & Phone: (if same as applicant indicate same/corporation see Disclosure) Gregory S. Pendarb Living Trust 6313 Rhode Island Avenue, Riverdale, Md 20737 301-927-8848		Consultant Name, Address & Phone: Hijazi & Carroll 3231 Superior Lane, Suite A-26 301-464-4646 Contact Name, Phone & E-mail: Abdullah Hijazi 301-464-4646 ahijazi@hijazilaw.com

SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner's signatures):

Gregory S. Pendarb March 4, 2025
Owner's Signature (signed) Date
Gregory S. Pendarb

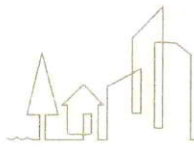
Mamoun Ashkar March 4, 2025
Applicant's Signature (signed) Date
Mamoun Ashkar

Contract Purchaser's Signature (signed) Date

Applicant's Signature (signed) Date

FOR STAFF USE ONLY

Application No.(s): _____

**SUBDIVISION CASES: Preliminary Plan of Subdivision/Conservation Sketch Plan**

Type of Application (Check all that apply): ☐ Conventional Subdivision ☐ Conservation Subdivision
☐ Conservation Sketch Plan ☐ Subdivision Ordinance Interpretation ☐ Vacation Petition

Variation, Variance or Alternative Compliance Request(s):
☐ Yes ☐ No

Applicable Zoning/Subdivision Regulation Section(s):

Total Number of Proposed:

Lots _____ Outlots _____ Parcels _____ Outparcels _____

Number of Dwelling Units:
Attached _____ Detached _____ Multifamily _____

Gross Floor Area (Nonresidential portion only):

SUBDIVISION CASES: Final Plat

Water/Sewer: ☐ DPIE ☐ Health Department

Number of Plats: _____

Detailed Site Plan No.: _____

WSSC Authorization No.: _____

Approval Date of Preliminary Plan: _____

Check box if a hearing is requested: ☐

URBAN DESIGN AND ZONING CASES

Type of Application (Check all that apply): ☒ Certification of Nonconforming Use ☐ Conservation Plan
☐ Detailed Site Plan ☐ Planned Development ☐ Secondary Amendment ☐ Special Exception
☐ Zoning Map Amendment ☐ Zoning Ordinance Interpretation

Details of Request:
Request for certification of existing nonconforming
auto towing establishment

Applicable Zoning Ordinance Section(s):
27-3618, 27-7103

Total Number of Proposed:

Lots 10 Outlots 0 Parcels 0 Outparcels 0

Number of Dwelling Units:
Attached 0 Detached 0 Multifamily 0

Gross Floor Area (Nonresidential portion only):
2,650 SF +/-

Variance Request:
☐ Yes ☒ No

Applicable Zoning/Subdivision Regulation Section(s):

Departure Request:
☐ Yes ☒ No

Application Filed:
☐ Yes ☐ No

Alternative Compliance Request:
☐ Yes ☒ No

Application Filed:
☐ Yes ☐ No



APPLICATION FORM DISCLOSURE

List all persons having at least five percent (5%) interest in the subject property ONLY required for Special Exception and Zoning Map Amendment Applications.

Owner(s) Name (printed)	Signature and Date	Residence Address
Gregory S. Pendable	<i>Gregory S. Pendable</i> March 4, 2025	740 Rock Creek Ford Road, Gettysburg, PA, 17325

If the property is owned by a corporation, please fill in below.

Officers	Date Assumed Duties	Residence Address	Business Address

Officers	Date Assumed Duties	Date Term Expires	Residence Address	Business Address



Sign Posting Affidavit

I, Mamoun Ashkar, hereby certify that the subject property was posted with
(print or type name)

2 sign(s) on April 4, 2025
(specify number) (date)

I further certify that the signs were inspected on April 11, 2025 (7 to 15 days
after site was posted) and were maintained in a reasonable manner.

Signature: [Signature]

DO NOT SUBMIT THIS AFFIDAVIT UNTIL THE SITE HAS BEEN INSPECTED

Application Number: CNU-00558-2024 Application Name: Greg's Towing

Contact Person & Telephone: Mamoun Ashkar 301-658-8131

Company Name & Address: Greg's Towing Inc. 6313 Rhode Island Ave Riverdale MD 20737

Capacity in which you are acting: applicant
(owner, applicant, agent)

Note: Attach legible, close-up photograph(s) showing sign(s) in place and at least one additional photograph from a distance sufficient to show physical improvements or natural characteristics to identify the subject property.

Return this affidavit and photographs saved as one PDF and emailed to PGCReferrals@ppd.mnccppc.org Subject: CaseNo-CaseName and "Posting Affidavit" not later than 14 days prior to the Planning Board hearing date.

ADMINISTRATIVE REVIEWS

Proposed Development

Property Description:

Application to certify the auto towing station as a nonconforming use for permit UO-00558-2024. Comments and/or supporting evidence relating to the commencing date and continuity of the use will be accepted by M-NCPPC until 4/25/2025.

Zone:
LMUTC

Acres:
0.72

Application No:
CNU-00558-2024

Applicant Contact

Name: Abdullah Hijazi

Phone: (301) 464-4646

Email: ahijazi@hijazilaw.com

To Request a Hearing:
Email HearingRequests@ppd.mncppc.org or call 240-545-8976.

For more information:
Case Information: <https://www.mncppc.org/planning/default.cfm>
Planning Department: www.ppplanning.org
County Council/District Council: www.pgccouncil.us

**For more information about this project
or to share comments:**

240-545-8976

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REVIEWS
Proposed Development
Application No. CNU-00558-2024
240-545-8978



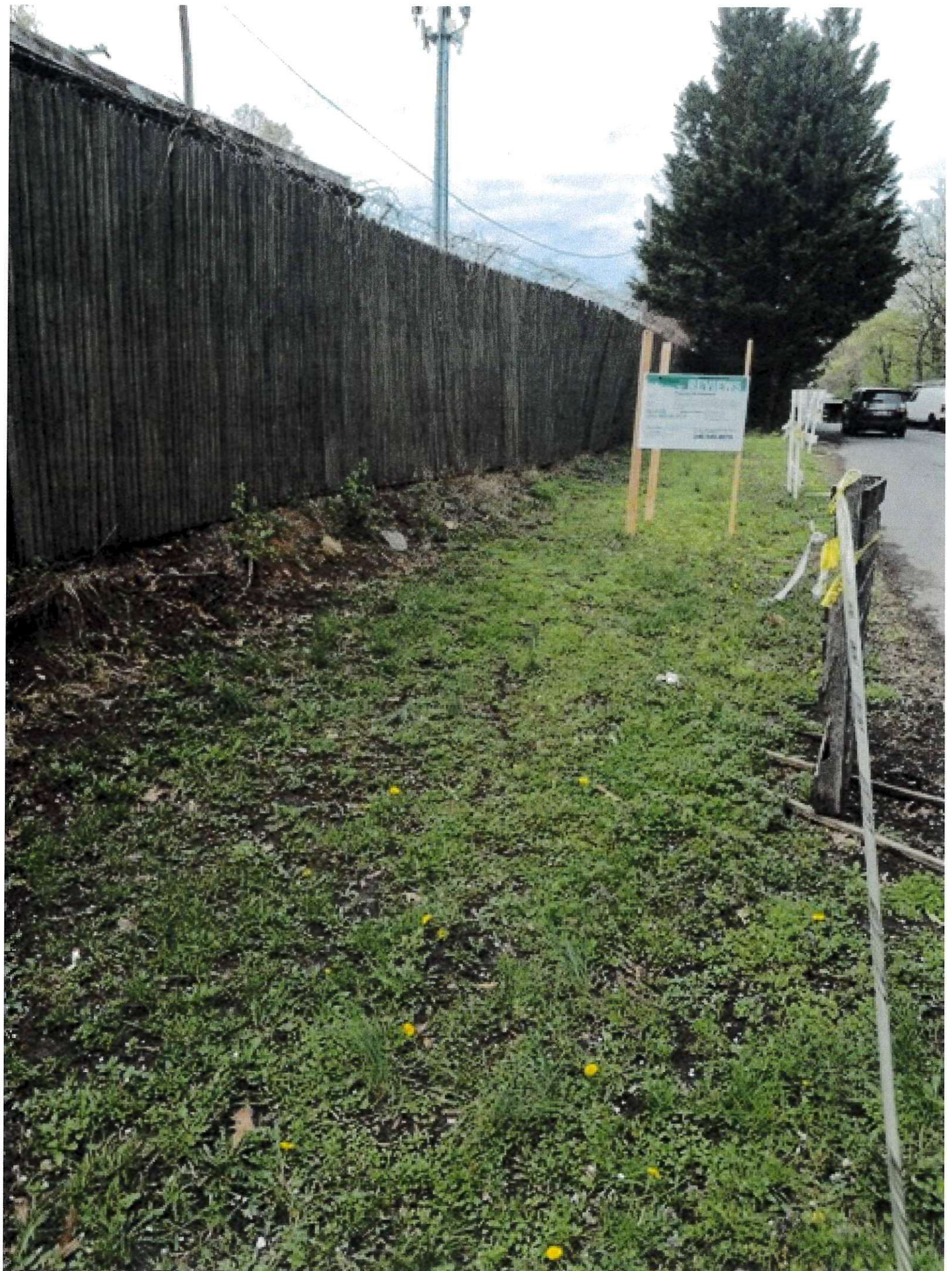
REVIEWS
Proposed Development

Application No. CNU 00558-2024

240-545-8976







Statement of Justification

Greg's Towing- 6313 Rhode Island Avenue, Riverdale, MD 20737

Certification of Nonconforming Use CNU-00558-2024-UO

1. Request and Location:

The subject property is known as parts of Lots 7-16 of Riverdale Park (recorded in the Prince George's County Land Records in Plat Book LIB A plat no. 39) and measures 0.72± acres. It is within the Legacy Mixed Use Town Center (LMUTC) Zone, and is located within the town of Riverdale Park on the west side of Rhode Island Avenue, just north of an overpass for East West Highway (MD 410). The site is also on the east side of the Rhode Island Avenue Trolley Trail and adjacent to the west of right-of-way for CSX rail.

On January 20, 2004, the District Council approved the *Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* via Council Resolution CR-05-2004, and consequently, rezoned the subject site from the I-1 Zone to the M-U-TC Zone through the accompanying M-U-TC Zoning Map Amendment. The 2022 Countywide Sectional Map Amendment further rezoned the property from the M-U-TC Zone to the LMUTC Zone. This rezoning forms the basis of the subject request for a certification of a nonconforming use. The applicant operates an auto towing station on the site that was permitted in the I-1 Zone, but which became nonconforming on January 20, 2004, because auto towing stations are not permitted in the M-U-TC Zone, according to the table of permitted uses within the Development Plan. The use remains not permitted under the LMUTC Zone because the LMUTC Zone relies on the same table of permitted uses. With this application, the applicant seeks to certify the use as nonconforming in order to obtain a new use and occupancy permit.

2. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	LMUTC	LMUTC
	Auto towing station	Auto towing station
Use(s)		
Acreage	0.72 ±	0.72 ±
Lots	10	10
Dwelling Units	0	0
Square Footage/GFA	2,650 square feet	2,650 square feet

Site Description:

The property is located between Rhode Island Avenue and the Rhode Island Avenue Trolley Trail just north of an overpass for MD 410. The entire 0.72-acre property is surrounded by opaque fencing. The auto towing station makes use of the entire property, except for a 1,644-square-foot fenced compound for a cell tower (including a 240-square-foot equipment shelter within the compound), and the area used by a billboard which was previously certified as a nonconforming use (CNU-51074-2020). The billboard occupies a nominal area (3-foot-diameter pole) as most of it is elevated to be visible from the overpass, and cars and structures can be placed beneath it.

The auto towing station makes use of a concrete, macadam, and gravel area that occupies the entire site area, excepting that area within the cell tower compound. This area is used for parking towed cars as well as tow trucks. The auto towing station also makes exclusive use of an accessory 5-car garage, three accessory sheds, and an accessory trailer with a total GFA of 2,650 square feet.

3. Surrounding Uses:

North: Industrial building in the LMUTC Zone

South: Right-of-way for MD 410, with a parking lot in the LMUTC Zone beyond

East: Rights-of-way for Rhode Island Avenue, CSX Rail, and Lafayette Avenue

West: Right-of-way for the Rhode Island Avenue Trolley Trail

4. Compliance with Criteria for Certification of a Nonconforming Use

Application Submittal

In order for the Planning Director to approve certification of a nonconforming use, the following information and documentation must be provided:

- (A) See Section 27-3403, Application Submittal. The applicant shall first file for a use and occupancy permit in accordance with Section 27-3608, Use and Occupancy Permit, of this Subtitle and shall submit this application to the Planning Director.**

Response: The applicant has filed for a use and occupancy permit, 00558-2024-UO. A copy of the application is included with this CNU application.

- (B) Along with the application and accompanying plans, the applicant shall provide the following:**

- (i) **Documentary evidence, such as tax records, business records, public utility installation or payment records, and sworn affidavits, showing the commencing date and continuous existence of the nonconforming use;**

Response: The auto towing station use became nonconforming on January 20, 2004, when the property was rezoned to the M-U-TC Zone. Documentary evidence is provided with this application showing that the use has existed continuously since that date. Specifically, the applicant has provided towing tickets from January 2005 to January 2004 showing dates that the towing business impounded vehicles and released them. The applicant has also included in this application a history of permits applicable to this property (provided by DPIE) which shows that the use commenced in 1978 with the issuance of use and occupancy permit 6133-1978-0.

- (ii) **Evidence that the nonconforming use has not ceased to operate for more than 180 consecutive calendar days between the time the use became nonconforming and the date when the application is submitted, or that conditions of nonoperation for more than 180 consecutive calendar days were beyond the applicant's and/or owner's control, were for the purpose of correcting Code violations, or were due to the seasonal nature of the use;**

Response: Based on the dates of impound shown on the towing tickets, none of which are more than 180 days apart, this criterion is met. See Appendix A of this SOJ, which lists all the ticket dates and the days since the last ticket provided. Note that the applicant has provided only a sample of the tickets issued by the business. The tickets provided should not be interpreted as showing the business was inactive between the days when these specific tickets were issued.

- (iii) **Specific data showing:**

- (aa) **The exact nature, size, and location of the building, structure, and use;**

Response: The applicant has provided a site survey showing the locations, sizes, and uses of all the buildings on site used by the auto towing station, which include three sheds, a garage, and a trailer. The plan also shows the extents of the concrete, macadam, and gravel area used for parking towed cars and tow trucks, which occupies the entire area of the property inside the perimeter fence except for the area inside the cell tower compound.

- (bb) **A legal description of the property; and**

Response: The applicant has included a copy of the most recent deed for the property with this application (recorded in Liber 39170 folio 69),

which includes the following legal description:

Those parts of lots Numbered Seven (7), to Sixteen (16), both inclusive, lying east of the Washington Suburban Electric Railway's right of way, in Block Sixty-Nine (69) in the subdivision known as "RIVERDALE PARK", as per plat thereof recorded among the Plat records of Prince George's County in Plat Book J.W.R. No. 5, at Folios 474 and 688 (re-recorded in Plat Book A, Plats 39, 42 and 43, of the land records for said Prince George's County).

- (cc) The precise location and limits of the use on the property and within any building it occupies.**

Response: As described previously in this SOJ, the auto towing station use occupies the entire property except the area within the cell tower compound and the nominal area occupied by the billboard. The use fully occupies the garage, trailer, and three sheds on site.

- (iv) A copy of a valid use and occupancy permit issued for the use prior to the date upon which it became a nonconforming use, if the applicant possesses one.**

Response: The applicant has provided with this application a copy of the most recent use and occupancy permit issued for the business. This is permit 5742-1981-0, issued on October 30, 1981.

- (v) In the case of outdoor advertising signs, the requirements of Section 27-3618(c)(1)(B)(ii), above, are not applicable. Documentary evidence, including but not limited to deeds, tax records, business records, approved plats or development plans, permits, public utility installation or payment records, photographs, and sworn affidavits, showing that the outdoor advertising sign was constructed prior to and has operated continuously since January 1, 2002.**

Response: This criterion is inapplicable because the billboard on site was previously certified as nonconforming and is not the subject of the current application.

Certification of Nonconforming Use Decision Standards

In order for the Planning Director to approve certification of a nonconforming use, the following findings must be made:

- (1) The applicant demonstrates the development is a nonconforming use and has submitted sufficient evidence as to the commencing date and continuity of the nonconforming use; and**

Response: Sufficient evidence is provided with this application to demonstrate that the use commenced in 1978 with the issuance of use and occupancy permit 6133-1978-0. Sufficient evidence has also been provided to demonstrate that the use has been in continuous operation since it became nonconforming in January 2004, based on the tickets provided showing dates of operation no greater than 180 days apart.

- (2) **The use to be certified as nonconforming has no outstanding Code violations with the Department of Permitting, Inspections, and Enforcement regarding the property other than failure to have a use and occupancy permit**

Response: The property has no outstanding code violations with DPIE other than the failure to have a use and occupancy permit. The applicant has included with this application a list of citations issued by DPIE, of which the lack of a use and occupancy permit is the only one.

5. Conclusion

This nonconforming use application satisfies all the relevant criteria for certifying the auto towing station use as nonconforming. The applicant therefore respectfully requests that CNU-00558-2024-UO be approved.

Respectfully Submitted,

/s/

Abdullah Hijazi, Esq.
Hijazi & Carroll, P.A.
3231 Superior Lane
Suite A-26
Bowie, MD 20715
Email: ahijazi@hijazilaw.com
Tel: (301) 464-4646
Fax: (301) 464-4188

Appendix A: List of Towing Tickets

Date of Ticket	Days Since Last Ticket
1/19/2025	123
9/18/2024	104
6/6/2024	155
1/3/2024	96
9/29/2023	120
6/1/2023	140
1/12/2023	122
9/12/2022	77
6/27/2022	176
1/2/2022	96
9/28/2021	112
6/8/2021	153
1/6/2021	119
9/9/2020	72
6/29/2020	159
1/22/2020	117
9/27/2019	109
6/10/2019	136
1/25/2019	129
9/18/2018	103
6/7/2018	156
1/2/2018	118
9/6/2017	88
6/10/2017	138
1/23/2017	144
9/1/2016	84
6/9/2016	104
2/26/2016	80
12/8/2015	84

9/15/2015	161
4/7/2015	119
12/9/2014	169
6/23/2014	145
1/29/2014	141
Date of Ticket	Days Since Last Ticket
9/10/2013	95
6/7/2013	130
1/28/2013	131
9/19/2012	84
6/27/2012	140
2/8/2012	112
10/19/2011	134
6/7/2011	111
2/6/2011	116
10/13/2010	79
7/26/2010	180
1/27/2010	143
9/6/2009	74
6/24/2009	169
1/6/2009	162
7/28/2008	85
5/4/2008	122
1/3/2008	70
10/25/2007	99
7/18/2007	86
4/23/2007	94
1/19/2007	81
10/30/2006	103
7/19/2006	92
4/18/2006	79
1/29/2006	133
9/18/2005	148
4/23/2005	99
1/14/2005	98
10/8/2004	172
4/19/2004	91

1/19/2004	N/A
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