



CNU-40223-2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

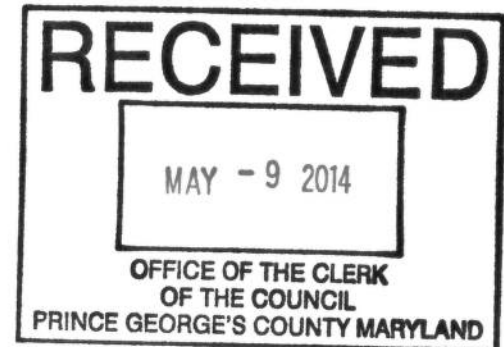
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

May 7, 2014

MEMORANDUM

TO: Redis Floyd
Clerk of the Council

FROM: Alan Hirsh, Chief *AH*
Development Review Division



SUBJECT: Notification of Recommendation for Certification of Nonconforming Use

Permit Application Number: **CNU-40223-2013**
DC Materials

Specific Use(s): **Concrete Recycling Facility**

Location of Property: **3334 Kenilworth Avenue, Parcel 76**

Current Zone(s): **I-2**

Sign Posting Date: **November 23, 2011**

Reason for Certification:

- **Council Bill 78-2004 amended the Zoning Ordinance on December 30, 2004, by defining a concrete recycling facility, amending the definition of recycling plant to exclude concrete recycling facilities, to require a special exception for concrete recycling facilities in the industrial zones, and prohibiting the use of a rock crusher in conjunction with the manufacturing or cutting of structural products made of clay, concrete, glass, stone, or similar materials.**
- **Permit 7922-89-U was approved for DC Materials for recycling equipment only and issued on October 18, 1989. The approved site plan included the use of a rock crusher. Therefore the use of a rock crusher on the subject property rendered the use nonconforming upon the adoption of Council Bill 78-2004.**

This is to advise that the above-captioned permit application relating to certification of a nonconforming use has been reviewed by this office. It has been found to fulfill the requirements of the 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(d) of the 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.