

Case No. CNU-23930-2015
Red Top Road Apartments,
Hampshire View, Block 3, Lot 1
(6816 Red Top Road)

Applicant: Schuyler, LLLP

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

ORDER CERTIFYING A NONCONFORMING USE

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board to approve Certification of a Nonconforming Use for a six-unit apartment building in the Multifamily Medium-Density Residential (R-18) Zone, located in the northwest quadrant of the intersection of Red Top Road and Fairview Avenue, is hereby conditionally APPROVED.

As the basis for this final decision, and as expressly authorized by the Regional District Act within Title 22 of the Land Use Article of the Annotated Code of Maryland, and the Prince George's County Code, the District Council adopts, except as otherwise stated herein, the findings and conclusions of the Planning Board, as embodied within PGCPB No. 17-104.

After the Planning Board approved the application, a person of record, Sawa Kamara, timely appealed the Board's decision to the District Council. *See* Notice of Appeal, 8/15/2017. On appeal, Ms. Kamara raised the following issues:

1. There are insects and rodents in the dwelling.
2. Insufficient trash receptacles for the residence.
3. Not enough trash pick-up.
4. Health Hazards: Trash bin in front of property does not have an enclosure.
5. Debris and garbage around the subject property that breeds pest.
6. Mold growing at the entrance of the laundry room.
7. Unassigned parking for the subject property.
8. Peeling of paint on walls and ceiling of subject property.
9. Defective outlets and ceiling.

10. Litter accumulation of property-grass and parking lot.
11. Insufficient street lighting.
12. No continuous contract or lease by landlord. *See* Notice of Appeal, 8/15/2017.

The District Council held oral argument on October 16, 2017. After oral argument, the District Council took this matter under advisement. Having considered the issues raised on appeal and oral arguments, to protect adjacent properties and the surrounding neighborhood, certification of the Nonconforming Use is subject to the following conditions:

1. Prior to certification of the Nonconforming Use, the Applicant shall revise the Site Plan to show the installation and location of a trash receptacle on the subject property. The trash receptacle shall be installed and located out of the right-of-way of the subject property.

2. Prior to certification of the Nonconforming Use, the Applicant shall, in accordance with the 2010 Landscape Manual, revise Site Plan to enclose the trash receptacle with a six (6) foot tall sight tight enclosure, which shall be constructed in accordance with County Code specifications. Materials for the six (6) foot tall sight tight enclosure shall be pressure treated wood or engineered or composite treated wood. Color of the material or materials of the sight tight enclosure shall compliment the color of the rental property. The Applicant shall not be permitted to enclose the trash receptacle with any chain link fencing material to satisfy this condition. All trash receptacles, trash pads, trash/recycling collection, or storage areas shall be carefully located and oriented on the site to be as inconspicuous as possible.

3. Prior to certification of the Nonconforming Use, the Applicant shall provide a private and designated parking plan depicting numbered parking spaces for the parking spaces that accommodate leasehold tenants, and to the extent feasible, designated visitor parking spaces. The parking plan shall also indicate parking plan enforcement, including, but not limited to, parking permits for leasehold tenants and/or visitors and towing enforcement for the parking plan. Alternatively, the Applicant may, in lieu of a private parking plan, participate in a County-based residential parking program.

4. Upon certification of the above conditions, by the Planning Board or its authorized designee, the six-unit apartment building in the Multifamily Medium-Density Residential (R-18) Zone, located in the northwest quadrant of the intersection of Red Top Road and Fairview Avenue, shall be declared a Certified Nonconforming Use.

5. Upon certification, the property shall be subject to the appropriate inspection by the Department of Permitting, Inspections, and Enforcement (DPiE).

6. Any violation of the conditions of approval of this Certified Nonconforming Use shall be subject to revocation in accordance with the Prince George's County Code.

ORDERED this 8th day of January, 2018, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras,
and Turner.

Opposed:

Abstained:

Absent: Council Member Toles.

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Dannielle M. Glaros, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council