

Case No. CNU-24691-2016  
Hampshire View, Lot 4 Block 2

Applicant: Aster DeMissie Revocable Trust

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 three-unit multifamily apartment building in the Multifamily Medium-Density Residential (R-18) Zone, located on the east side of Red Top Road in Takoma Park, approximately 510 feet south of the intersection of Red Top Road and East-West Highway (MD 410), is hereby 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 the findings and conclusions of the Planning Board, as embodied within PGCPB No. 17-16.

The three-unit multifamily apartment building in the Multifamily Medium-Density Residential (R-18) Zone, located on the east side of Red Top Road in Takoma Park, approximately 510 feet south of the intersection of Red Top Road and East-West Highway (MD 410), shall be declared a Certified Nonconforming Use, 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. Unless the Applicant can demonstrate practical difficulty, or uniqueness of 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 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 to 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 three-unit multifamily apartment building in the Multifamily Medium-Density Residential (R-18) Zone, located on the east side of Red Top Road in Takoma Park, approximately 510 feet south of the intersection of Red Top Road and East-West Highway (MD 410), shall be declared a Certified Nonconforming Use.

5. 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 19<sup>th</sup> day of June, 2017, by the following vote:

In Favor: Council Members Davis, Harrison, Lehman, Patterson, Taveras, and Toles.

Opposed:

Abstained:

Absent: Council Members Franklin, Glaros and Turner.

Vote: 6-0

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: \_\_\_\_\_  
Derrick Leon Davis, Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council