

Case No. CNU-25205-06

Applicant: Richard Fallon

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

ORDER AFFIRMING PLANNING BOARD CERTIFICATION
OF NONCONFORMING USE, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in PGCPB No. 07-235, to approve certification of a metal fabrication business on, and issuance of a use and occupancy permit for, the property described as approximately 0.57 acres of land in the R-R Zone, on the south side of Brandywine Road, about 1,000 feet west of the intersection with Branch Avenue, is:

MODIFIED, and, as modified, AFFIRMED, as follows:

Certification of the nonconforming use, metal fabrication and related manufacture and repair, is approved, for the subject property.

The record indicates, and the District Council finds, that the entire property, and not just the front portion, has been used for metal fabrication (refrigeration and related manufacture and repair) since about 1946, and that the business has been operated on the subject property since that time. The Council finds from the record that the incidental tree-cutting and accessory storage construction on the site after 1961 constitute legal and permissible intensifications of the existing nonconforming use, not enlargements or expansions of the use. By this order, the entire site shown in the application, approximately 0.57 acres (2 lots) on the south side of Brandywine Road, is to be certified as a nonconforming use for metal fabrication and related repair and manufacture.

Except as stated above, the District Council adopts the decision of the Planning Board in PGCPB No. 07-235 as its findings and conclusions in this case.

Affirmance of the Planning Board's decision is conditioned on the requirements that, prior to obtaining a final use and occupancy permit, the applicant shall:

- A. Construct a sight-tight metal fence, 14 feet in height, around the entire perimeter of the subject property. The applicant may obtain building permits (and grading permits, if necessary) for the fence from the Department of Environmental Resources, notwithstanding its nonstandard height and its placement next to the boundary of the property.
- B. Place in the administrative record a written and signed statement from each adjoining property owner (east and west of the site) that: (1) indicates that the owner does not object to the continued operation of the metal fabrication business on the subject property, and (2) agrees that the fence surrounding the business is sufficient, for screening purposes.
- C. Repair the structures on site that are deteriorated or in need of maintenance or upgrade, so that all buildings and structures on the subject property are attractive in appearance and fully in compliance with applicable zoning and building regulations.
- D. Place landscaping (shrubbery) in front of the fence, along the property's frontage on Brandywine Road and on each side of the property.
- E. Observe these prohibitions:

No commercial signs are permitted on the property.

No trucks shall be parked in front of the property, outside the fence and gate. All trucks associated with the business must be parked inside the gate.

ORDERED this 21st day of July, 2008, by the following vote:

In Favor: Council Members: Dean, Bland, Dernoga, Campos, Olson, Turner, Harrison, Exum, and Knotts.

Opposed:

Abstained:

Absent:

Vote: 9-0

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: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council