

MEMORANDUM

October 27, 2004

To: The Prince George's County Planning Board
Via: Jimi Jones, Acting Supervisor, Zoning Section
From: Catherine H. Wallace, Planner Coordinator
Subject: CNU-35999-2002; Fletcher's Used Auto, Inc.

This application was scheduled for hearing by the Planning Board at its meeting on February 27, 2003. The February 19, 2003, Technical Staff Report recommends denial of the certification of the auto repair use on the site based on the discussion found on page 5 of the report. The applicant requested a continuance of the case in order to provide additional evidence to support the certification of the use.

As pointed out in the staff report:

The Zoning Ordinance in Section 27-107.01 distinguishes between vehicle (or auto) repair and salvaging or dismantling vehicles:

A Vehicle Repair and Service Station is defined as “a facility where the business of general vehicle repair and service is conducted, not including vehicle salvaging or the storage of dismantled vehicles, wrecks, or junk.”

A Vehicle Salvage Yard is defined as “a facility for the reclamation or storage of wrecked or abandoned vehicles or parts from vehicles, ‘Trailers,’ or ‘Mobile Homes,’ which may include the sale of the parts.”

The record in this case clearly reflects the establishment and continuity of the auto salvage business on the site. By comparison, the case for the establishment and continuity of auto repair from 1961 is not persuasive. While there is significant documentation for auto salvage and auto parts sales, the earliest written references to auto repair are from 1982 and 1983. There are no business records such as receipts for auto repair work provided. The only reference in the file to possible auto repair prior to 1961 is the letter from Elizabeth Hamilton, a neighbor. In her letter, Ms. Hamilton refers to “pulling in cars...and doing mechanical work on them.” It isn’t clear how a neighbor would know the difference between auto dismantling and auto repair. The dismantling of vehicles is clearly a component of the auto salvage business and some incidental repair work could be involved. This is very different from the business of general vehicle repair referred to in the Zoning Ordinance.

The incidental repair of parts of dismantled vehicles can continue on the site without the certification of auto repair as a separate use. The request for the certification of auto repair, however, implies the addition of general auto repair on the site. The preponderance of the evidence in the record does not support the existence of general auto repair on the site since 1961, and must, therefore, be denied.

Since the release of the staff report, the applicant has submitted a number of additional affidavits, which are attached. Two of these affidavits (written by Wallace Auto Parts and Bell's Auto Parts) allude to actual auto repair work being done on the premises prior to 1961. Also a May 2, 2003 letter from a customer indicates some auto repair work was done prior to that date.

The preponderance of the evidence in the record does not permit staff to alter our initial recommendation of denial. No business records have been produced to attest to auto repair being conducted on the site. The incidental repair work associated with a vehicle salvage yard may account for the recollection of auto repair by the authors of those letters. We believe the question of whether or not auto repair occurred on this site prior to 1961 and continued from that date, is a matter for the Board to decide.