

Case No. CNU-27104-2017
Brandon Investments

Applicant: Moises Arias/
Brandon Investments, LLC

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 multifamily dwelling in the R-18 (Multifamily Medium Density Residential) Zone, located on the north side of Fairview Avenue, approximately 0.25 mile, west of the intersection of Fairview Avenue and MD 410 (East West Highway), known as 904 Fairview Avenue, Takoma Park, in Councilmanic District 2, is hereby APPROVED.

As the basis for this final decision, the District Council, except as otherwise stated herein, adopts the findings and conclusions of the Planning Board set forth in PGCPB No. 19-27. The site is developed with a 3,963-square-foot, two-story, brick, multifamily residential building, with a basement, on a 10,804-square-foot lot. The multifamily residential building is accessed through its legal frontage on Fairview Avenue. Zoning regulations changed since construction of the building in 1951. The nonconforming status of the building began on January 1, 1964, when the Zoning Ordinance was amended to require a minimum net lot area requirement of 16,000 square feet for multifamily buildings and 2,000 square feet of net lot area per dwelling unit.

The six-unit multifamily dwelling in the R-18 (Multifamily Medium Density Residential) Zone, shall be declared a Certified Nonconforming Use, subject to the following conditions:

1. Prior to certification of the Nonconforming Use, Applicant shall, in accordance with the 2010 Landscape Manual, revise Site Plan to illustrate replacement or modification of the existing trash enclosure as follows: Applicant shall 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.

2. 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.

3. Upon certification of the above conditions, by the Planning Board or its authorized designee, the six-unit multifamily apartment building in the R-18 (Multifamily Medium-Density Residential) Zone, located on the north side of Fairview Avenue, approximately 0.25 mile, west of the intersection of Fairview Avenue and MD 410 (East West Highway), known as 904 Fairview Avenue, Takoma Park, shall be declared a Certified Nonconforming Use.

4. 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 22nd day of July, 2019, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Member Harrison.

Vote: 10-0.

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: _____
Todd M. Turner, Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council