

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Date: May 6, 2015

Petitioner: Omnis LLC

Appeal No.: V-2-15

Subject Property: Part of Lots 4 thru 9, Block F, Wildercroft Subdivision, being 6516 Auburn Avenue, Riverdale, Prince George's County, Maryland

Counsel for Prince George's County Department of Environmental Resources (aka Department of Permitting, Inspections and Enforcement): Bryon Bereano, Associate County Attorney

Action by the Board: April 29, 2015

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal was brought to the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), from the determination of the Enforcement Division Inspector, Department of Environmental Resources, to issue Violation Notice 2155273, dated January 6, 2015, citing Petitioner with violation of Zoning Ordinance Section 27-441(b)(8) (Parking or storage of commercial vehicles is restricted to one (1), which may not exceed 17,000 pounds manufacturer's gross vehicle weight specification. If the vehicle contains advertising in letters exceeding 4 inches in height, advertising other than a firm name, or similar designation, exceeds 300 cubic feet of load space, exceeds 8,500 pounds manufacturer's vehicle weight specification, has dual rear axles, or is a stake platform, dump, crane or tow truck, it must be parked in a wholly enclosed garage.) and requiring Petitioner to remove all such commercial vehicles from the property, R-R (Rural Residential) zoned property located at Part of Lots 4 thru 9, Block F, Wildercroft Subdivision, being 6516 Auburn Avenue, Riverdale, Prince George's County, Maryland.

This matter was scheduled for hearing on April 29, 2015 at 6:00 P.M. The Notice of Hearing indicating the date, time and location of the hearing, as well as the subject of the hearing, was sent by certified mail to Petitioner and all adjoining property owners on April 14, 2015. Exhs. 10 and 11.

On April 29, 2015, the case was called for hearing. Counsel for the County and the County inspector who issued the subject violation notice were present for the hearing. Neither Petitioner nor counsel appearing on behalf of Petitioner was present for the hearing. Counsel for the County informed the Board that although in his conversation with Petitioner earlier that day by telephone Petitioner denied having knowledge of the scheduled hearing date, and neither Petitioner's certified returned receipt nor envelope had yet been returned, another conversation with Board staff and review by staff of notes in the case file indicated that staff had spoken directly with Petitioner and confirmed the hearing date, as well as the need for counsel, prior to mailing the hearing notice.

The Board finds that proper procedures were followed in advertising the hearing on the appeal and evidence exists that Petitioner was aware of the hearing date as well as the need for counsel. The Board concludes that since neither Petitioner nor counsel appearing on behalf of Petitioner was present, the appeal should be dismissed.

BE IT THEREFORE RESOLVED, unanimously, that the appeal be and hereby is DISMISSED.

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

cc: Petitioner
Adjoining Property Owners
DPIE/Enforcement Division
Office of Law