

JUNE 17, 2015
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:16 p.m. the Chairperson convened the meeting and the following members were present:

Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member
Emerson S. Davis, Sr., Attorney
Anne F. Carter, Administrator
Langley Wiggins, Communications Specialist

Also Present:
Jared McCarthy, Deputy County Attorney
William Edelen, DPIE, Code Enforcement Official

CASES FOR HEARING
OTHER ZONING APPEALS

V-99-14 Sun Services, LLC

An appeal from the determination of the Property Standards Senior Inspector, Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Zoning Violation Notice Z-873-1-15, dated December 12, 2014, citing Petitioner with violation of Zoning Ordinance Section 27-253(c) (Use of the property not in conformance with the Use and Occupancy Permit and/or accompanying site plan) and requiring Petitioner to revert the property back to the approved use and site plan for the approved Use and Occupancy Certificate #44395-2013-00 (As listed under the "LIMITATIONS" of this Certificate, "OK for recycling facility per CR-65-2009," a Council Resolution approving this business, which states "all incoming debris will be weighted, inspected to insure that only acceptable materials are delivered and deposited inside of a wholly enclosed building for sorting." Corrective Action: Certificate of Occupancy Permit No. 44395-2013-00 and the accompanying plans require that the sorting of acceptable materials must be conducted within a wholly enclosed building. CR-65-2009 expressly imposes this requirement on the subject premises and this requirement is incorporated into the Certificate of Occupancy Permit No. 44385-2013-00. All doors at the subject premises must remain closed while sorting acceptable materials.) on I-2 (Heavy Industrial) zoned property located at Lots 25 thru 30, Block 56, Beltsville Subdivision, being 11210 Somerset Avenue, Beltsville. **The County and Sun Services, LLC, agreed on terms of resolution to be completed by 10/28/15, on which date the matter will be discussed at a meeting of the Board as to final disposition. The record was also held open for the agreed upon terms of resolution to be put in writing and submitted for incorporation into the record.**

V-24-15 Sun Services, LLC

An appeal from the determination of the Enforcement Division Senior Inspector, Department of Permitting, Inspections and Enforcement, to issue Zoning Violation Notice Z-1-15, dated March 27, 2015, citing Petitioner with violation of Zoning Ordinance Section 27-253(c) (All use of the property shall be in conformance with the use and occupancy permit, including the accompanying plans), requiring Petitioner to restore the dust suppression system to operation (VIOLATION: Revert property back to the approved use and site plan for the approved Use and Occupancy Certificate #44395-2013-00. As listed under the "LIMITATIONS" of this Certificate, "OK for recycling facility per CR-65-2009," a Council Resolution

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approving this business, which mandates: "**A dust suppression system shall be utilized inside the 20,000 s.f. building.**") and County Code Section 4-101, adopting IBC § 114.1 (The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code), requiring Petitioner to restore the fixed misting system to operation (VIOLATION: The State of Maryland Refuse Disposal **Permit No. 2009-WPF-0639** expressly incorporates the revised Operations and Maintenance Manual dated June 30, 2014, which requires: "**The Facility will be operated in a manner which prevents air, land, or water pollution, public health hazards or nuisances.**" and, "**All equipment on-site will be operated properly to minimize the creation of dust. A fixed misting system will be available as necessary to spray onto the tipping area or equipment to reduce any dust created.**") on I-2 (Heavy Industrial) zoned property located at Lots 25 thru 30, Block 56, Beltsville Subdivision, being 11210 Somerset Avenue, Beltsville. **The County and Sun Services, LLC, agreed on terms of resolution to be completed by 10/28/15, on which date the matter will be discussed at a meeting of the Board as to final disposition. The record was also held open for the agreed upon terms of resolution to be put in writing and submitted for incorporation into the record.**

THE MEETING ADJOURNED AT 6:31 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

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