

SEPTEMBER 9, 2015
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:25 p.m. the Chairperson convened the meeting and the following members were present:

Bobbie S. Mack, Chairperson
Anastasia T. Johnson, Member
Emerson S. Davis, Sr., Attorney
Anne F. Carter, Administrator
Michael Royer, Communications Specialist

Also Present:
Lauren Clagett, DPIE, Property Standards Inspector
Mark Maier, Spanish Language Interpreter

CASES FOR HEARING

NEW CASES

OTHER ZONING APPEALS

V-7-15 Shenin Sparks

An appeal from the determination of the Department of Permitting, Inspections and Enforcement, Inspections Division, to issue Violation Notice BVN No. 32947-14-01, dated December 5, 2014, citing Petitioner with violation of Zoning Ordinance Section 27-442(i) (The accessory structure (dog pen/run) must be 25 feet from the side and rear lot line or remove the same), on R-80 (One-Family Detached Residential) zoned property located at 15018 Narrows Lane, Bowie. **The Board granted Petitioner's request to reschedule for a hearing before the full Board. Hearing rescheduled to 9/30/15.**

V-49-15 Joseph Skillman

An appeal from the determination of the Associate Director, Department of Permitting, Inspections and Enforcement, Permitting and Licensing Division, dated May 5, 2015, to deny the application for a Use and Occupancy Permit for adult entertainment under Permit No. 41630-2014, on I-2 (Heavy Industrial) zoned property located at 11407 Frederick Avenue, Beltsville. **Hearing rescheduled to 10/14/15.**

VARIANCES

V-81-15 Adolfo Portillo & Rodolfo Martinez

Request for variances of 7 feet front yard depth, 12 feet rear yard depth/width, 55 feet front street line setback for one accessory building and 46 feet front street line and 2 feet side lot line setbacks for a second accessory structure to validate existing conditions and obtain a building permit for a covered storage area at 5004 37th Avenue, Hyattsville. **Spanish language translation services were provided. The Board resolved, by majority vote, Mr. Scott absent, that variances of 7 feet front yard depth, 12 feet rear yard depth/width, 55 feet front street line setback for one accessory building and 46 feet front street line and 2 feet side lot line setbacks for a second accessory structure be DENIED.**

APPROVED

DISCUSSION/DECISION**VARIANCES**V-71-15 Secundino Lazo

Request for variances of 291 square feet net lot area, 11 feet side street yard depth, 2 feet side yard width, 9 feet rear yard depth/width, 7.4% net lot coverage and a waiver of the parking area location requirement to validate existing conditions and construct a two-story addition at 6015 Sheridan Street, Riverdale.

At 7:05 p.m. the Board recessed for Executive Session for legal advice and reconvened at 7:12 p.m.

The Board resolved, by majority vote, Mr. Scott absent, that 291 square feet net lot area, 11 feet side street yard depth, 2 feet side yard width, 9 feet rear yard depth/width, 7.4% net lot coverage and a waiver of the parking area location requirement be APPROVED. Approval of the variances is contingent upon development in conformance with the approved revised site plan, Exhibit 18, and the approved revised elevation plans, Exhibits 19(a) through (d).

CASES FOR HEARING (Cont'd)**NEW CASES****VARIANCES**V-87-15 Maria Elena Leon Montalva

Request for a variance of 12.6% net lot coverage to validate an existing condition and extend an existing driveway at 7757 Muncy Road, Hyattsville. **Spanish language translation services were provided. The Board resolved, by majority vote, Mr. Scott absent, that a variance of 12.6% net lot coverage be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 2.**

V-89-15 Alex Olivares

Request for a variance of 8.4 feet side yard width to validate and obtain a building permit for a deck and attached carport at 4238 Kenny Street, Beltsville. **Spanish language translation services were provided.**

At 8:00 p.m. the Board recessed and reconvened at 8:10 p.m.

The record was held open for Petitioner to submit a revised site plan which includes any existing retaining wall(s).

ADDITIONAL HEARINGV-78-15 Manuel Colindres

Request for variances of 5.45 feet front yard depth and .4% net lot coverage to construct a covered front porch above the existing open front porch, a second-floor addition and a covered back porch at 2423 Hannon Street, Hyattsville. **The record was held open for Petitioner to provide street addresses of the properties shown in submitted photographs (Exhibits 23(A) through (I)).**

APPROVED

NEW CASES (Cont'd)**V-74-15 Housing Initiative Partnership**

Request for a variance of 5 feet front yard depth to construct a covered front porch on a triple-attached single-family dwelling at 1927 Palmer Park Road, Landover. **The Board resolved, by majority vote, Mr. Scott absent, that a variance of 5 feet front yard depth be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.**

V-75-15 Housing Initiative Partnership

Request for variances of 3 feet front yard depth and an additional 1.2% net lot coverage to construct a canopy and bay window on the front of the dwelling at 6202 Field Street, Capitol Heights. **The Board resolved, by majority vote, Mr. Scott absent, that variances of 3 feet front yard depth and an additional 1.2% net lot coverage be APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) and (b).**

V-82-15 Isaac Gonzalez

Request for variances of 1,000 square feet net lot area, 10 feet front building line width, 15 feet side street yard depth and 5.1% net lot coverage to validate existing conditions and obtain a building permit for a driveway at 4001 Newton Street, Brentwood. **The Board resolved, by majority vote, Mr. Scott absent, that variances of 1,000 square feet net lot area, 10 feet front building line width, 15 feet side street yard depth and 5.1% net lot coverage be APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2.**

V-84-15 Walter & Cathy Stanley

Request for variances of 3 feet side street yard depth and 11 feet rear yard depth/width to validate existing conditions and construct a deck and screened porch at 6401 Greig Street, Capitol Heights. **The Board resolved, by majority vote, Mr. Scott absent, that variances of 3 feet side street yard depth and 11 feet rear yard depth/width be APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.**

V-85-15 Angel Lima & Maria Morales

Request for a variance of 4 feet front yard depth to validate an existing condition and extend an existing driveway at 8002 Riggs Road, Hyattsville. **The Board resolved, by majority vote, Mr. Scott absent, that a variance of 4 feet front yard depth be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 2.**

V-86-15 Bola Rodoye

Request for a variance of 23.5 feet front yard depth and waivers of the fence location and height requirements for a fence in the front yard to construct an 8-foot privacy fence at 9412 Copernicus Drive, Lanham. **The Board resolved, by majority vote, Mr. Scott absent, that a variance of 23.5 feet front yard depth and waivers of the fence location and height requirements for a fence in the front yard be APPROVED. Approval of the variances is contingent upon**

APPROVED

development in conformance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.

V-88-15 James Ware, Sr.

Request for variances of 12 feet front yard depth and 6% net lot coverage to validate existing conditions and construct a one-story addition at 511 68th Street, Capitol Heights. **The matter was taken under advisement.**

V-90-15 Denis D'Rozario & Ratna Rozario

Request for a variance of 12.7% net lot coverage to validate an existing condition and replace an existing driveway at 7213 Adelphi Road, Hyattsville. **The Board resolved, by majority vote, Mr. Scott absent, that a variance of 12.7% net lot coverage be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 2.**

At 10:25 p.m. the Board recessed and reconvened at 10:31 p.m.

DISCUSSION/DECISION (Cont'd)

VARIANCES

V-56-15 Jose Novoa

Request for a waiver of the parking area location requirement to validate and obtain a building permit for a driveway in the front yard at 6924 Greenvale Parkway, Hyattsville. **Only one Board member being present eligible to vote on the matter, the matter remains under advisement.**

V-61-15 Celenia Cedillo Diaz

Request for a variance of 2.5 feet front yard depth and a waiver of the parking area location requirement to validate existing conditions and obtain a building permit for a driveway in the front yard at 5404 Spring Lane, Hyattsville. **Only one Board member being present eligible to vote on the matter, the matter was taken under advisement.**

V-64-15 Troops First Foundation, Inc.

Request for a waiver of the parking area location requirement to construct a new single-family dwelling and driveway at 4800 Chief Chris Kyle Court, Riverdale. **The record was held open to allow Petitioner the opportunity to submit a rebuttal to the materials submitted by the Town of Riverdale Park.**

V-65-15 Troops First Foundation, Inc.

Request for a waiver of the parking area location requirement to construct a new single-family dwelling and driveway at 4804 Chief Chris Kyle Court, Riverdale. **The record was held open to allow Petitioner the opportunity to submit a rebuttal to the materials submitted by the Town of Riverdale Park.**

V-66-15 Troops First Foundation, Inc.

Request for a waiver of the parking area location requirement to construct a new single-family dwelling and driveway at 4806 Chief Chris Kyle Court, Riverdale. **The record was held open to**

APPROVED

allow Petitioner the opportunity to submit a rebuttal to the materials submitted by the Town of Riverdale Park.

V-67-15 Troops First Foundation, Inc.

Request for a waiver of the parking area location requirement to construct a new single-family dwelling and driveway at 4805 Chief Chris Kyle Court, Riverdale. **The record was held open to allow Petitioner the opportunity to submit a rebuttal to the materials submitted by the Town of Riverdale Park.**

V-68-15 Troops First Foundation, Inc.

Request for a waiver of the parking area location requirement to construct a new single-family dwelling and driveway at 4801 Chief Chris Kyle Court, Riverdale. **The record was held open to allow Petitioner the opportunity to submit a rebuttal to the materials submitted by the Town of Riverdale Park.**

V-69-15 Troops First Foundation, Inc.

Request for a waiver of the parking area location requirement to construct a new single-family dwelling and driveway at 4803 Chief Chris Kyle Court, Riverdale. **The record was held open to allow Petitioner the opportunity to submit a rebuttal to the materials submitted by the Town of Riverdale Park.**

V-70-15 Manuel & Ana Caballero

Request for a waiver of the parking area location requirement to construct a driveway in the front yard at 9013 Highland Drive, Hyattsville. **The Board resolved, by majority vote, Mr. Scott absent, that a waiver of the parking area location requirement be APPROVED. Approval of the variance is contingent upon development in conformance with the approved revised site plan, Exhibit 16.**

MINUTES FOR APPROVAL FROM AUGUST 19, 2015 -- The Board resolved, by majority vote, Mr. Scott absent, that the minutes be APPROVED.

THE MEETING ADJOURNED AT 10:47 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED