

AUGUST 5, 2015
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:15 p.m. the Vice Chairman convened the meeting and the following members were present:

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

Also Present:
Bryon Bereano, Associate County Attorney
Lauren Clagett, DPIE, Property Standards Inspector
Ernesto Luna, Spanish Language Interpreter

DISCUSSION/DECISION

VARIANCES

V-12-15 Esteban Cordova & Dina Fernandez

Request for variances of 9.5 feet front yard depth, 6.5 feet side yard width, 17.5 feet rear yard depth/width for the dwelling; 25.7% net lot coverage; variances of 3.5 feet front street line setback, 2 feet side lot line setback, 2 feet rear lot line setback and a waiver of the rear yard location requirement for a shed and canopy; and waivers of the fence location and height requirements for a fence in the front yard and for walls with fencing along the rear lot line to validate existing conditions and obtain a building permit for a covered front porch, covered rear porch, attached carport, driveway, shed, 6-foot black iron rail fence, 4.5-foot black iron rail fence (with 5.4-foot and 6.5-foot stone columns and a 5-foot iron gate), 2.1 foot concrete wall topped with a 5-foot grey aluminum mesh fence and a 7.5 foot block wall at 1216 Devonshire Drive, Oxon Hill.

At 6:25 p.m. the Board recessed for Executive Session for legal advice and reconvened at 6:37 p.m.

The Board resolved, by majority vote, Ms. Mack absent, that variances of 9.5 feet front yard depth, 6.5 feet side yard width, 17.5 feet rear yard depth/width for the dwelling; 25.7% net lot coverage; variances of 3.5 feet front street line setback, 2 feet side lot line setback, 2 feet rear lot line setback and a waiver of the rear yard location requirement for a shed and canopy; and waivers of the fence location and height requirements for a fence in the front yard and for walls with fencing along the rear lot line be APPROVED. Approval of the variances is contingent upon development in conformance with the approved revised site plan, Exhibit 26, and the approved elevation plans, Exhibits 3(a) through (c) (attached carport), 4(a) through (c) (covered front porch) and 5(a) through (c) (covered rear porch).

MINUTES FOR APPROVAL FROM JUNE 24, 2015 -- The Board resolved, by majority vote, Ms. Mack absent, that the minutes be APPROVED.

MINUTES FOR APPROVAL FROM JULY 6, 2015 -- The Board resolved, by majority vote, Ms. Mack absent, that the minutes be APPROVED.

APPROVED

MINUTES FOR APPROVAL FROM JULY 7, 2015 -- The Board resolved, by majority vote, Ms. Mack absent, that the minutes be APPROVED.

CASES FOR HEARING

NEW CASES

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. **Spanish language translation services were provided.**

At 6:53 p.m. the Board recessed and reconvened at 7:02 p.m.

The matter was taken 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. **Spanish language translation services were provided. The record was held open to allow the Town of Riverdale Park the opportunity to submit comments.**

At 7:41 p.m. the Board recessed and reconvened at 7:54 p.m.

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 Lot 62, Block 1, Northview at Belair Village Subdivision, being 15018 Narrows Lane, Bowie.

At 8:01 p.m. the Board recessed for Executive Session for legal advice and reconvened at 8:05 p.m.

The Board granted Petitioner's request to reschedule for a hearing before the full Board. Hearing is rescheduled to 8/19/15.

VARIANCES (Cont'd)

V-54-15 Donald & Lucille Hunter

Request for a variance of 18 feet rear yard depth/width and a waiver of the fence location requirement to construct an 8-foot-high chain link fence around a basketball court in the rear yard at 3311 Valley Forest Drive, Upper Marlboro. **The Board resolved, by majority vote, Ms. Mack absent, that a variance of 18 feet rear yard depth/width and a waiver of the fence location**

APPROVED

requirement 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-57-15 Giuseppe Puglisi & Melissa Coup

Request for variances of 7 feet rear yard depth/width for the addition and variances of 3.5 feet side street line and 7 feet rear lot line setbacks for an accessory building to validate existing conditions and obtain a building permit for an existing one-story addition at 3605 Oliver Street, Hyattsville. **The Board resolved, by majority vote, Ms. Mack absent, that variances of 7 feet rear yard depth/width for the addition and variances of 3.5 feet side street line and 7 feet rear lot line setbacks for an accessory building be APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(A) through (F).**

V-59-15 Ruben Gonzalez

Request for a variance of 17.1% net lot coverage to validate an existing condition and replace an existing gravel driveway with concrete at 7624 Normandy Road, Hyattsville. **The Board resolved, by majority vote, Ms. Mack absent, that a variance of 17.1% net lot coverage be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 2.**

V-63-15 Lee & Rosa Burch

Request for a variance of 8 feet rear yard depth/width to validate an existing condition and construct a sunroom topped with a wood deck at 6105 Willow Way, Clinton. **The Board resolved, by majority vote, Ms. Mack absent, that a variance of 8 feet rear yard depth/width 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-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 for counsel to submit a letter from a neighbor and to allow the Town of Riverdale Park the opportunity to submit comments.**

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 for counsel to submit a letter from a neighbor and to allow the Town of Riverdale Park the opportunity to submit comments.**

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 for counsel to submit a letter from a neighbor and to allow the Town of Riverdale Park the opportunity to submit comments.**

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 for counsel to submit a letter from a neighbor and to allow the Town of Riverdale Park the opportunity to submit comments.**

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 for counsel to submit a letter from a neighbor and to allow the Town of Riverdale Park the opportunity to submit comments.**

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 for counsel to submit a letter from a neighbor and to allow the Town of Riverdale Park the opportunity to submit comments.**

At 9:37 p.m. the Board recessed and reconvened at 9:52 p.m.

DISCUSSION/DECISION (Cont'd)**VARIANCES**V-34-15 Valencia & Bruce Boyd

Request for variances of 5 feet front yard depth for the dwelling, 13.5% net lot coverage and 1 foot side lot line setback for an accessory building to validate existing conditions and construct a one-story addition on a semi-detached single-family dwelling at 5016 36th Avenue, Hyattsville. **The record was held open for the Board's administrator to contact Petitioners in writing regarding comments from the City of Hyattsville as to conditional support of the request and the opportunity for Petitioners to submit a revised site plan.**

V-37-15 Ricardo & Herminio Portales

Request for a waiver of the parking area location requirement to construct a driveway in the front yard at 6216 Quebec Street, College Park.

At 10:38 p.m. the Board recessed for Executive Session for legal advice and reconvened at 10:40 p.m.

The record was held open for the Board's administrator to contact the Town of Berwyn Heights in writing for clarification of certain conditions in its letter dated June 16, 2015, specifically references to driveway size and location acceptable to the Town.

V-38-15 Edgardo Ayala & Rhina Carmona

Request for variances of 4 feet front yard depth, 3.5 feet side yard width and a waiver of the parking area location requirement to validate existing conditions and construct a driveway in the front yard at 7005 24th Avenue, Hyattsville. **The Board resolved, by majority vote, Ms. Mack absent, that variances of 4 feet front yard depth, 3.5 feet side yard width and a waiver of the parking area**

APPROVED

location requirement be APPROVED. Approval of the variances is contingent upon development in conformance with the approved revised site plan, Exhibit 18.

THE MEETING ADJOURNED AT 10:45 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED