

JUNE 24, 2015
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:29 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
Michael J. Royer, Communications Specialist

Also Present:
Janssen Evelyn, Associate County Attorney
William Edelen, DPIE, Code Enforcement Official

**DISCUSSION/DECISION
VARIANCES**

V-48-15 Darrell & Annette Dreher

Request for waivers of the fence location and height requirements to construct a 6-foot white vinyl privacy fence with lattice in the front yard on a corner lot at 601 Kawa Court, Fort Washington. **The Board resolved, by majority vote, Ms. Mack absent, that waivers of the fence location and height requirements 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).**

ON REMAND FROM THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

V-312-06 Sandra Whetstone

Request for a variance of 4.2 feet side yard width to validate existing conditions and construct a one-story extension on the front of an existing attached garage at 3006 Ivy Bridge Road, Fort Washington. **The Board resolved, by majority vote, Ms. Mack absent, that a variance of 4.2 feet side yard width be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site and elevation plans, Exhibit 3, and the approved supplemental elevation plan, Exhibit R-12.**

At 6:34 p.m. the Board recessed for Executive Session for legal advice and reconvened at 6:52 p.m.

MINUTES FOR APPROVAL FROM JUNE 10, 2015 -- The Board resolved, by majority vote, Ms. Mack absent, that the minutes be APPROVED.

MINUTES FOR APPROVAL FROM JUNE 17, 2015 -- The Board resolved, by majority vote, Ms. Mack absent, that the minutes be APPROVED.

At 7:06 p.m. the Board recessed and reconvened at 7:08 p.m.

APPROVED

CASES FOR HEARING**NEW CASES****OTHER ZONING APPEAL**V-13-15 Ebony Inn

An appeal from the determination of the Enforcement Division Inspector, Department of Permitting, Inspections and Enforcement, to issue Zoning Violation Notice Z-1026-5-15, dated January 21, 2015, citing Petitioner with violation of Zoning Ordinance Sections 27-253(a)(1) (use of a building, structure or land without a valid use and occupancy permit) and 27-461(b) (adult entertainment is not allowed in the C-M (Commercial Miscellaneous) or C-S-C (Commercial Shopping Center) zones, absent the granting of a Special Exception to an existing establishment with a valid use and occupancy permit for an auditorium, private club or lodge that included activity that meets the definition of "adult entertainment"), and requiring Petitioner to cease the violation and all adult entertainment activities in the building, structure, and on the land per Section 27-264(b), which is M-U-I (Mixed-Use Infill) zoned property located at Parcel 13, Tax Map 65, Grid F1, being 5367 Sheriff Road, Fairmount Heights.

At 6:57 p.m. Chairperson Bobbie S. Mack arrived at the meeting.

Hearing postponed for 180 days for Petitioner to pursue an application for certification of a nonconforming use through the Planning Board of the Maryland-National Capital Park and Planning Commission. Hearing rescheduled to 1/13/16.

VARIANCESV-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. **The matter was taken under advisement.**

At 7:55 p.m. the Board recessed and reconvened at 8:04 p.m.

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 record was held open for technical assistance and revision of the site plan.**

V-50-15 Manuel Hernandez

Request for waivers of the fence location and height requirements and the parking area location requirement to construct retaining walls with fencing up to a total height of 7 feet and a driveway in the front yard of a semi-detached dwelling at 815 Berkshire Drive, Hyattsville. **The Board resolved,**

APPROVED

unanimously, that waivers of the fence location and height requirements and the parking area location requirement be APPROVED. Approval of the variances is contingent upon development in conformance with the approved site and elevation plans, Exhibits 2(a) through (d).

V-51-15 Venkataiah, Leelavathi & Sambrum Sreenivas

Request for variances of 3 feet front yard depth, 33.2% net lot coverage and 14.7% rear yard coverage to validate existing conditions and obtain a building permit for a detached garage and shed at 7011 Kent Town Drive, Landover. **The Board resolved, unanimously, that variances of 3 feet front yard depth, 33.2% net lot coverage and 14.7% rear yard 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) through (D).**

V-52-15 Mark & Vera-Marie Johnson

Request for a variance of 1.4% side yard coverage and a waiver of the rear yard location requirement for an accessory building to construct a detached one-car garage in the side yard at 12802 Woodmore North Boulevard, Bowie. **The record was held open for Petitioners to obtain a signature on the 6/8/15 letter from Robin Camillo, AMS, Community Association Manager, Tidewater Property Management and for comments from The Maryland-National Capital Park and Planning Commission. The Board determined that the members shall be polled by telephone once those items are made a part of the record.**

THE MEETING ADJOURNED AT 9:38 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED