

OCTOBER 28, 2015
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:18 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:

Amanda Appelbaum, Associate County Attorney
William Edelen, Dpie, Code Enforcement Officer
Lt. David Coleman, Police Department

DISCUSSION/DECISION

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. **Request granted for continuance to 12/2/15 for the County and Sun Services' agreed upon terms of resolution to be completed and the matter to be a discussion/decision item at 12/2/15 meeting of the Board as to final disposition.**

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

APPROVED

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. **Request granted for continuance to 12/2/15 for the County and Sun Services' agreed upon terms of resolution to be completed and the matter to be a discussion/decision item at 12/2/15 meeting of the Board as to final disposition.**

VARIANCES

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's administrator explained on the record that on 10/20/15, because the County inspector determined that paving done on the property was not consistent with the approved site plan (Exhibit 2) (approved 9/9/15), driveway dimensions were added to the site plan (in consultation with Dpie/Inspections Division) per net lot coverage calculations in the record of the appeal. The administrator signed and dated the approved revised site plan and stapled the revised plan to the originally approved plan and a copy was given to Petitioner.**

V-95-15 Darryl & Pamela Carter

Request for a waiver of the rear yard location requirement to construct a detached garage at 12611 Henderson Chapel Lane, Bowie. **The record continues to be held open for a copy of Woodmore North Homeowners Association's approval of the construction plan.**

V-97-15 Jaime Rodriguez

Request for a variance of 2 feet rear lot line setback for an accessory building 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 4707 68th Avenue, Hyattsville.

Appeal No. V-97-15 was recessed until later in the meeting.

CASES FOR HEARING

NEW CASES

VARIANCES

V-103-15 Gwenella Martin-Minor

Request for a variance of 1 foot front yard depth for the front porch, and variances of 41 feet front street line setback, 1 foot side lot line setback and a waiver of the rear yard location requirement for

an accessory building to construct a covered front porch, detached garage and driveway extension at 9111 Wallace Road, Lanham. **The Board resolved, unanimously, that a variance of 1 foot front yard depth for the front porch, and variances of 41 feet front street line setback, 1 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building 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-105-15 John & Paulette Hamilton

Request for a variance of .5 foot rear lot line setback for one accessory building, a waiver of the rear yard location requirement for a second accessory building and a waiver of the parking area location requirement to validate existing conditions and construct a driveway extension at 10105 Cascade Lane, Upper Marlboro. **The Board resolved, unanimously, that a variance of .5 foot rear lot line setback for one accessory building, a waiver of the rear yard location requirement for a second accessory building and a waiver of the parking area location requirement be APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2.**

Appeal Nos. V-107-15 through V-112-15 were called and heard together as companion cases:

V-107-15 Crestwood Partners LLC

Request for a waiver of the parking area location requirement to construct a new two-story single-family dwelling and driveway at 6507 59th Avenue, Riverdale.

V-108-15 Crestwood Partners LLC

Request for a waiver of the parking area location requirement to construct a new two-story single-family dwelling and driveway at 6505 59th Avenue, Riverdale.

V-109-15 Crestwood Partners LLC

Request for a waiver of the parking area location requirement to construct a new two-story single-family dwelling and driveway at 6503 59th Avenue, Riverdale.

V-110-15 Crestwood Partners LLC

Request for a waiver of the parking area location requirement to construct a new two-story single-family dwelling and driveway at 6512 60th Avenue, Riverdale.

V-111-15 Crestwood Partners LLC

Request for a waiver of the parking area location requirement to construct a new two-story single-family dwelling and driveway at 6514 60th Avenue, Riverdale.

V-112-15 Crestwood Partners LLC

Request for a waiver of the parking area location requirement to construct a new two-story single-family dwelling and driveway at 6516 60th Avenue, Riverdale.

At 8:12 p.m. the Board recessed for Executive Session for legal advice and reconvened at 8:17 p.m.

APPROVED

V-107-15 Crestwood Partners LLC -- The Board resolved, unanimously, that a waiver of the parking area location requirement be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(a) and (b).

V-108-15 Crestwood Partners LLC -- The Board resolved, unanimously, that a waiver of the parking area location requirement be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(a) and (b).

V-109-15 Crestwood Partners LLC -- The Board resolved, unanimously, that a waiver of the parking area location requirement be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(a) and (b).

V-110-15 Crestwood Partners LLC -- The Board resolved, unanimously, that a waiver of the parking area location requirement be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(a) and (b).

V-111-15 Crestwood Partners LLC -- The Board resolved, unanimously, that a waiver of the parking area location requirement be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(a) and (b).

V-112-15 Crestwood Partners LLC -- The Board resolved, unanimously, that a waiver of the parking area location requirement be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(a) and (b).

V-106-15 Custom Care Properties Series 8, LLC

Request for variances of 1,250 square feet net lot area, 10.5 feet front yard depth, 2.5 feet side yard width and 4.1% net lot coverage to validate existing conditions and construct a second-floor addition and covered front porch at 5811 Junipertree Lane, Capitol Heights. **The Board resolved, unanimously, that variances of 1,250 square feet net lot area, 10.5 feet front yard depth, 2.5 feet side yard width and 4.1% 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 plan, Exhibit 3.**

OTHER ZONING APPEAL

V-30-15 Upscale Ballroom & Party Equipment Rental

An appeal from the determination of the Code Enforcement Officer (Director's/Building Code Official's Designee), Department of Permitting, Inspections and Enforcement, dated March 30, 2015, in Case No. Z-1491-7-15, to revoke Use and Occupancy Permit No. 2122-2010-00 and order Petitioner to immediately cease all activities in the building, structure, and on the land at the subject property, which is

C-S-C (Commercial Shopping Center) zoned property located at Parcel 1, Bedford Village Subdivision, being 3900 Bexley Place, Suitland.

At 9:45 p.m. the Board recessed and reconvened at 9:58 p.m.

The record was held open for a transcript of the "Gentleman's Agreement" made on March 19, 2015, before the Zoning Hearing Examiner.

DISCUSSION/DECISION (Cont'd)

VARIANCES

V-97-15 Jaime Rodriguez was reconvened from earlier in the meeting:

The Board resolved, unanimously, that a variance of 2 feet rear lot line setback for an accessory building and a waiver of the parking area location requirement be APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2.

At 12:12 a.m. the Board recessed and reconvened at 12:13 a.m.

V-101-15 Raymond & Faye Hamilton

Request for variances of 7.5 feet side yard width and 19 feet rear yard depth/width to construct an above-ground swimming pool with deck, connecting to an existing deck, at 9602 Windermere Turn, Fort Washington. **The record was reopened for an additional hearing to provide further testimony to the Board. The Board's administrator shall inform Petitioners that the property must be reposted and appropriate notice shall be sent to all interested parties.**

MINUTES FOR APPROVAL FROM OCTOBER 14, 2015 -- The Board resolved, unanimously, that the minutes be APPROVED.

THE MEETING ADJOURNED AT 12:42 A.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED