

OCTOBER 14, 2015
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:14 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
Amanda Appelbaum, Associate County Attorney
Robbi Das, DPIE, Associate Director, Permitting & Licensing Division
Lauren Clagett, Property Standards Inspector, DPIE
Michelle Hughes, Permit Reviewer, M-NCPPC

CASES FOR HEARING

VARIANCE

V-83-15 Immanuel Jesudason, Arason and Rajkumari Stephen

Request for variances of 15.8% net lot coverage, .55 foot side 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 2209 Amherst Road, Hyattsville. **Rescheduled to 1/13/16.**

OTHER ZONING APPEALS

V-29-15 Music Studio 63 d/b/a Grandma's South Carolina Catering

An appeal from the determination of the Code Enforcement Officer, Department of Permitting, Inspections and Enforcement (Director's/Building Code Official's Designee), to revoke Use and Occupancy Permit No. 13659-2003-11 and order Petitioner to immediately cease all activities in the building, structure, and on the land of the subject property, which is C-M (Commercial Miscellaneous) zoned property located at Part of Lots 8 & 9, Block 3, Maryland Park Subdivision, being 5915 Athena Street, Capitol Heights. **Rescheduled to 2/24/16.**

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.

At 7:03 p.m. the Board recessed for Executive Session for legal advice and reconvened at 7:11 p.m.

APPROVED

The Board resolved, unanimously, that 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, be AFFIRMED.

DISCUSSION/DECISION

VARIANCES

V-53-15 Hanok Lakew

Request for variances of 8 feet side yard width for walls/fences, 25 feet side street yard depth for a wall/fence and columns, 20 feet rear yard depth/width for a wall/fence, and waivers of the location and height requirements for walls/fences in the side yard abutting a street on a corner lot to validate existing conditions and obtain a building permit for an 8.2-foot wooden privacy fence, a wall up to 4.9 feet in height topped with a 6-foot white vinyl fence, columns 6.3 and 6.4 feet in height, a brick wall up to 4.4 feet in height, a 3.6-foot wall topped with a 4-foot chain link fence and a 2.1-foot brick wall topped with a 7-foot wooden privacy fence at 6408 Riggs Road, Hyattsville. **The Board resolved, unanimously, that variances of 8 feet side yard width for walls/fences, 25 feet side street yard depth for a wall/fence and columns, 20 feet rear yard depth/width for a wall/fence, and waivers of the location and height requirements for walls/fences in the side yard abutting a street on a corner lot be DENIED.**

V-93-15 Victor Ayala & Nubia Pacheco

Request for variances of 4 feet side street yard depth, 3.3% net lot coverage, 2.9% rear yard coverage, and 11 feet side street line and 2.5 feet rear lot line setbacks for an accessory building to validate existing conditions and construct a detached garage at 6209 20th Place, Hyattsville. **The Board resolved, unanimously, that a variance of 2% net lot coverage and variances of 2.5 feet side street line setback and 2 foot rear lot line setback for an accessory building be APPROVED. Approval of the variances is contingent upon development in conformance with the approved revised site plan, Exhibit 22, and the approved revised elevation plan, Exhibit 23.**

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 is to remain open for a copy of Woodmore North Homeowners Association's approval of the construction plan.**

MINUTES FOR APPROVAL FROM SEPTEMBER 30, 2015 -- The Board resolved, unanimously, that the minutes be APPROVED.

CASES FOR HEARING

NEW CASES

VARIANCES

V-91-15 Aldo Mesa & Gleny Pena-Suarez

Request for variances of 2 feet side yard width and 6.7% net lot coverage to validate existing conditions and construct a second-floor addition at 2114 East Spring Place, Hyattsville. **The Board resolved, unanimously, that variances of 2 feet side yard width and 6.7% 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.**

APPROVED

V-96-15 William & Letitia Lawson

Request for a variance of 3.5% net lot coverage to validate an existing condition and construct a shed at 3703 Clairton Drive, Bowie. **The Board resolved, unanimously, that a variance of 3.5% net lot coverage 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-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. **The record was held open for technical assistance.**

V-100-15 SunJae & Mie Smith

Request for a variance of 12.5 feet side street yard depth to construct a one-story addition at 5000 78th Avenue, Hyattsville. **The Board resolved, unanimously, that a variance of 12.5 feet side street yard depth 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) through (c).**

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 matter was taken under advisement.**

At 9:01 p.m. the Board recessed and reconvened at 9:15 p.m.

OTHER ZONING APPEALV-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 Parcel 132, Tax Map 19, Grid B1, being 11407 Frederick Avenue, Beltsville.

At 10:51 p.m. the Board recessed for Executive Session for legal advice and reconvened at 11:10 p.m.

The Board resolved, unanimously, that the determination of the 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 be AFFIRMED.

THE MEETING ADJOURNED AT 11:11 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED