

SEPTEMBER 30, 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 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:

Jamar B. Herry, Associate County Attorney  
Renee Jenkins, DPIE, Rental License Supervisor  
Lauren Clagett, DPIE, Property Standards Inspector

## CASES FOR HEARING

### VARIANCES

#### 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. **Hearing rescheduled to 10/14/15.**

### OTHER ZONING APPEAL

#### 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. **Hearing rescheduled to 10/14/15.**

### DISCUSSION/DECISION

#### VARIANCE

#### 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. **The Board resolved, by majority vote, Mr. Scott abstaining, that a variance of 8.4 feet side yard width be APPROVED. Approval of the variance is contingent upon development in conformance with the approved revised site plan, Exhibit 28, and the approved elevation plans, Exhibits 3(A) through (C) (Carport) and Exhibits 4(A) through (E) (Deck).**

**APPROVED**

**CASES FOR HEARING (Cont'd)****VARIANCES****NEW HEARING****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.

At 6:32 p.m. the Board recessed and reconvened at 6:37 p.m.

At 7:45 p.m. the Board recessed and reconvened at 7:52 p.m.

**The record was held open to allow Petitioner the opportunity to submit a revised site plan.**

**NEW CASES****V-92-15 Julia Mejia**

Request for variances of 10 feet 10 inches rear yard depth/width, 15.6% net lot coverage, and .2 foot side lot line and .7 foot rear lot line setbacks for an accessory building to validate existing conditions, construct a one-story addition and two-story addition and obtain a building permit for an existing driveway extension at 9309 Adelphi Road, Hyattsville. **The Board resolved, unanimously, that variances of 10 feet 10 inches rear yard depth/width, 15.6% net lot coverage, and .2 foot side lot line and .7 foot 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 (e).**

**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 record was held open to allow Petitioners the opportunity to submit revised site and elevation plans.**

**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 was held open for a copy of Woodmore North Homeowners Association's approval of the construction plan.**

At 9:30 p.m. the Board recessed and reconvened at 9:34 p.m.

The Board recessed as the Board of Zoning Appeals and reconvened as the Board of Administrative Appeals.

**APPROVED**

**ADMINISTRATIVE APPEAL****AA-1678 Lenora Tyler-Burns**

An appeal from the determination of the Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Notice No. 0432930, dated June 26, 2015, denying Petitioner's application for a license to operate and occupy a rental dwelling at 6056 South Hil Mar Circle, Forestville, Maryland, for failure to provide Certification from the Homeowner's Association indicating that the dwelling unit does not have a lien for non-payment of Common Ownership Community Fees and the dwelling unit does not violate any covenants or by-laws, and informing Petitioner that no further occupancy of any dwelling unit now vacant or becoming vacant in the future, is permitted until a license has actually been issued, on R-T (Townhouse) zoned property located at 6056 South Hil Mar Circle, Forestville.

At 10:13 p.m. the Board recessed and reconvened at 10:15 p.m.

At 11:00 p.m. the Board recessed for Executive Session for legal advice and reconvened at 11:14 p.m.

**The Board resolved, by majority vote, Ms. Johnson abstaining, that the determination of the Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Notice No. 0432930, dated June 26, 2015, denying Petitioner's application for a license to operate and occupy a rental dwelling at 6056 South Hil Mar Circle, Forestville, Maryland be AFFIRMED.**

The Board recessed as the Board of Administrative Appeals and reconvened as the Board of Zoning Appeals.

**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. **The Board resolved, by majority vote, Ms. Mack abstaining, 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 2.**

**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. **The Board resolved, by majority vote, Ms. Mack abstaining, that a variance of 2.5 feet front yard depth and a waiver of the parking area location requirement be DENIED.**

**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. **Request withdrawn by Petitioner.**

**APPROVED**

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. **Request withdrawn by Petitioner.**

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. **Request withdrawn by Petitioner.**

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. **Request withdrawn by Petitioner.**

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. **Request withdrawn by Petitioner.**

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. **Request withdrawn by Petitioner.**

V-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 Board resolved, by majority vote, Mr. Scott abstaining, that variances of 5.45 feet front yard depth and .4% net lot coverage be DENIED.**

**MINUTES FOR APPROVAL FROM SEPTEMBER 9, 2015 -- The Board resolved, by majority vote, Mr. Scott abstaining, that the minutes be APPROVED.**

**DISCUSSION/DECISION (Cont'd)**

**VARIANCES**

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 Board resolved, by majority vote, Mr. Scott abstaining, that variances of 12 feet front yard depth and 6% net lot coverage be APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2, the approved elevation plans, Exhibits 3(a) and (b), and the approved supplemental elevation plan, Exhibit 20.**

THE MEETING ADJOURNED AT 11:55 P.M.

Prepared and submitted by:

(Original Signed)  
Anne F. Carter  
Administrator

**APPROVED**