

MAY 13, 2015
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:32 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
Janssen Evelyn, Associate County Attorney
William Edelen, DPIE, Code Enforcement Official
Saverio Cappetta, DPIE, Enforcement Division Inspector

CASES FOR HEARING

OTHER ZONING APPEALS

V-5-15 Harley Riders Motorcycle Club

An appeal from the determination of the Code Enforcement Officer, Department of Permitting, Inspections and Enforcement, to issue Zoning Violation Notice Z-1024-9-15, 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 use and occupancy permit) and 27-264(1)(b) (adult entertainment is not allowed in the C-M (Commercial Miscellaneous) Zone without a Special Exception granted 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 all adult entertainment activities in the building, structure, and on the land per Section 27-264(b), which is C-M (Commercial Miscellaneous) zoned property located at Lot 1, Small Subdivision, being 6510 Old Branch Avenue, Temple Hills. **Petitioner informed the Board that an application for nonconforming use (NCU) certification had been filed with The Maryland-National Capital Park and Planning Commission and requested postponement of the hearing. The County agreed to a postponement of 180 days. The Board resolved, unanimously, that the request for postponement of the hearing be granted until November 18, 2015.**

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. **Hearing rescheduled to 6/10/15.**

APPROVED

DISCUSSION/DECISION**VARIANCES**V-15-15 Elmer & Maria Hernandez

Request for variances of 6 feet front yard depth and 25.1% net lot coverage; and variances of 4 feet front street line and 1 foot side lot line setbacks and a waiver of the rear yard location requirement for an accessory building to validate existing conditions and obtain a building permit for a covered front porch at 2209 Lewisdale Drive, Hyattsville. **The Board resolved, unanimously, that variances of 6 feet front yard depth and 25.1% net lot coverage; and variances of 4 feet front street line and 1 foot side lot line setbacks 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 revised elevation plans, Exhibits 23(a) through (c).**

ON REMAND FROM THE CIRCUIT COURTV-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 noted that the property had not been posted for hearing on May 27, 2015, and the hearing on remand was rescheduled to June 10, 2015, with regular notice procedures to be followed. It was requested that the Board's administrator notify counsel for Petitioner.**

MINUTES FOR APPROVAL FROM APRIL 29, 2015 -- The Board resolved, unanimously, that the minutes be APPROVED.

CASES FOR HEARING (Cont'd)**NEW CASES****VARIANCES**V-26-15 Ismael Villalta & Jennifer Granados

Request for variances of 1 foot left and 2 feet right 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 5813 Roanoke Avenue, Riverdale. **It was determined that the variances for side yard width are not needed. The Board resolved, unanimously, that a waiver of the parking area location requirement to construct a driveway in the front yard be DENIED.**

V-28-15 Jose Perla & Sara Cortez

Request for variances of 1,300 square feet net lot area, 10 feet front building line width, 4.9% net lot coverage and a waiver of the parking area location requirement to validate existing conditions and construct a driveway extension in the front yard at 6131 Osborn Road, Hyattsville. **The Board resolved, unanimously, that variances of 1,300 square feet net lot area, 10 feet front building line width, 4.9% net lot coverage and a waiver of the parking area location requirement to validate existing conditions and construct a driveway extension in the front yard be DENIED.**

V-27-15 Vance Parker

Request for a waiver of the parking area location requirement and a variance of 2 feet setback from an alley for an accessory building to validate an existing condition and construct a driveway in the front yard at 6531 Halleck Street, District Heights. **The record was held open to allow Petitioner the opportunity**

APPROVED

to submit photographs of other properties on his block with driveways and the City of District Heights to comment on the request.

V-32-15 Arthur and Camille Keith

Request for variances of 1,000 square feet net lot area, 10 feet front building line width and 19.3% net lot coverage to validate existing conditions and construct a detached garage at 6709 Clinglog Street, Capitol Heights. **The Board resolved, unanimously, that variances of 1,000 square feet net lot area, 10 feet front building line width and 19.3% 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 plans, Exhibits 3(A) through (D).**

At 8:38 p.m. the Board recessed and reconvened at 9:52 p.m.

V-33-15 Good Knight Child Empowerment Network, Inc.

Request for waivers of the fence location and height requirements to obtain a building permit to replace an 8-foot plywood privacy fence with an 8-foot vinyl privacy fence at 11001 Rhode Island Avenue, Beltsville. **The record was held open for technical assistance.**

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 to allow the City of Hyattsville the opportunity to comment on the request.**

V-35-15 Adeyemi Ogunsola

Request for variances of 8 feet front yard depth, 2 feet side yard width and 12.6% net lot coverage to validate existing conditions and obtain a building permit to repair an existing driveway at 4509 Buchanan Street, Hyattsville. **The record was held open to allow the City of Hyattsville the opportunity to comment on the request.**

THE MEETING ADJOURNED AT 10:13 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED