

APRIL 29, 2015
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:26 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
Michael J. Royer, Communications Specialist

Also Present:

Bryon Bereano, Associate County Attorney
Janssen Evelyn, Associate County Attorney
William Edelen, Dpie/Code Enforcement Official
Lisa Tate, Dpie/Enforcement Division Inspector

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 matter was taken under advisement.**

V-18-15 Cheryl Atkinson

Request for variances of 4 feet front yard depth and 8 feet side yard width to validate existing conditions and obtain a building permit for an attached carport at 6911 Foster Street, District Heights. **The Board resolved, unanimously, that variances of 4 feet front yard depth and 8 feet side yard width 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.**

ON REMAND FROM THE CIRCUIT COURT

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, unanimously, that a hearing on remand be scheduled and regular notice procedures be followed.**

OTHER ZONING APPEAL

V-91-14 Joseph Skillman

An appeal from the determination of The Maryland-National Capital Park and Planning Commission, Permit Review Section, to deny prior Permit No. 40024-2012-U due to the subject site not having direct vehicular access to a public street, and its further decision to deny Permit No. 41630-2014-U because the issue of vehicular access has not been resolved, on I-2 (Heavy Industrial) zoned property

APPROVED

located at Parcel 132, Tax Map 19, Grid B1, being 11407 Frederick Avenue, Beltsville. **The Board resolved, unanimously, that The Maryland-National Capital Park and Planning Commission's Motion to Strike Appellant's Opposition to the Commission's Motion to Dismiss Appeal be GRANTED; and the Board further resolved, unanimously, that The Maryland-National Capital Park and Planning Commission's Motion to Dismiss Appeal be GRANTED and the subject appeal be DISMISSED.**

At 6:37 p.m. the Board recessed for Executive Session for legal advice and reconvened at 6:56 p.m.

MINUTES FOR APPROVAL FROM APRIL 8, 2015 -- The Board resolved, unanimously, that the minutes be APPROVED.

CASES FOR HEARING

VARIANCES

NEW CASE

V-12-15 Esteban Cordova & Dina Fernandez

Request for variances of 10 feet front yard depth, 6.5 feet side yard width, 17 feet rear yard depth/width, 25.5% net lot coverage; variances of 3.5 feet front street line and 1.5 feet side lot line setbacks and a waiver of the rear yard location requirement for an accessory building; and waivers of the fence location and height requirements for a fence in the front yard 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, 5-foot grey aluminum mesh fence and 4.5-foot black iron rail fence (with 5.4-foot and 6.5-foot stone columns) at 1216 Devonshire Drive, Oxon Hill. **Hearing rescheduled to 5/27/15.**

NEW HEARING

V-92-14 Columbia Group Recap, LLC

Request for a variance of 3 feet 10 inches accessory building height to validate and obtain a building permit for a detached 3-car garage and driveway extension at 14721 Dunbarton Drive, Upper Marlboro. **The Board resolved, unanimously, that a variance of 3 feet 10 inches accessory building height be APPROVED. Approval of the variance is contingent upon development in conformance with the approved site plan, Exhibit 3, and the approved revised elevation plans, Exhibits 23(a) through (d).**

NEW CASES (Cont'd)

V-19-15 Sampson & Earnestine Harding

Request for a variance of 7% net lot coverage to validate an existing condition and construct an addition on a detached garage at 9506 Atom Road, Clinton. **The Board resolved, unanimously, that a variance of 7% 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.**

OTHER ZONING APPEAL

V-2-15 Omnis LLC

An appeal from the determination of the Enforcement Division Inspector, Department of Environmental Resources, to issue Violation Notice 2155273, dated January 6, 2015, citing Petitioner with violation of Zoning Ordinance Section 27-441(b)(8) (Parking or storage of commercial vehicles is restricted to one (1), which may not exceed 17,000 pounds manufacturer's gross vehicle weight specification. If the

APPROVED

vehicle contains advertising in letters exceeding 4 inches in height, advertising other than a firm name, or similar designation, exceeds 300 cubic feet of load space, exceeds 8,500 pounds manufacturer's vehicle weight specification, has dual rear axles, or is a stake platform, dump, crane or tow truck, it must be parked in a wholly enclosed garage.) and requiring Petitioner to remove all such commercial vehicles from the property, R-R (Rural Residential) zoned property, located at Part of Lots 4 thru 9, Block F, Wildcroft Subdivision, being 6516 Auburn Avenue, Riverdale. **Petitioner was not present. The Board resolved, unanimously, that the appeal be DISMISSED.**

VARIANCES (Cont'd)

V-20-15 Marcel & Theresita Isorena

Request for variances of 7 feet front yard depth, 14.6% net lot coverage and a waiver of the parking area location requirement for a driveway in the front yard to validate existing conditions and construct a one-story addition at 1207 Westfield Drive, Oxon Hill. **The Board resolved, unanimously, that variances of 7 feet front yard depth, 14.6% net lot coverage 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, and the approved elevation plans, Exhibits 3(a) through (c).**

V-21-15 Gerardo Argueta

Request for variances of 5 feet front yard depth and 7.5% net lot coverage to validate existing conditions and obtain a building permit for new driveway area at 5612 29th Avenue, Hyattsville.

At 8:26 p.m. the Board recessed and reconvened at 8:41 p.m.

The Board resolved, unanimously, that variances of 5 feet front yard depth and 7.5% net lot coverage be APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2.

V-22-15 Edwin Sales & Karla Campos

Request for variances of 2 feet side street yard depth and 1.5 feet side and 7.5 feet rear lot line setbacks for an accessory building to validate an existing condition and construct a roof over the existing deck on top of the existing carport at 3000 Cheverly Avenue, Cheverly. **The Board resolved, unanimously, that variances of 2 feet side street yard depth and 1.5 feet side and 7.5 feet 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 2, and the approved elevation plans, Exhibits 3(a) through (c).**

V-23-15 Gerald Konkol

Request for variances of 2 feet side street yard depth, waivers of the fence location and height requirements for a 6-foot fence in the side yard on a corner lot and 10 feet rear lot line setback for an accessory building to validate existing conditions and construct a 6-foot wooden privacy fence at 2209 Rosedell Place, Fort Washington. **The Board resolved, unanimously, that variances of 2 feet side street yard depth, waivers of the fence location and height requirements for a 6-foot fence in the side yard on a corner lot and 10 feet 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 18, and the approved elevation plans, Exhibits 3(A) and (B).**

APPROVED

V-25-15 Paulette Jenkins

Request for a variance of 6 feet side yard width, a waiver of the parking area location requirement and a variance of 2 feet side lot line setback for an accessory building to validate existing conditions and construct a driveway in the front yard at 6903 Foster Street, District Heights. **The Board resolved, unanimously, that a variance of 6 feet side yard width, a waiver of the parking area location requirement and a variance of 2 feet side lot line setback for an accessory building be APPROVED. Approval of the variances is contingent upon development in conformance with the approved site plan, Exhibit 2.**

THE MEETING ADJOURNED AT 9:44 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED