

NOVEMBER 18, 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
Emerson S. Davis, Sr., Attorney
Anne F. Carter, Administrator
Langley Wiggins, Communications Specialist

Also Present:

Jamar Herry, Associate County Attorney
William Edelen, DPIE, Code Enforcement Officer

CASES FOR HEARING

VARIANCES

NEW CASES

V-117-15 Herman & Dora Reategui

Request for variances of 3.5 feet front yard depth and 6.5 feet side yard width to validate existing conditions and obtain a building permit to complete construction of a screened porch at 3302 Nicholson Street, Hyattsville. **Hearing readvertised for 12/2/15.**

ADDITIONAL HEARING

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.**

NEW CASES (Cont'd)

V-104-15 Melchora Traygo Living Trust

Request for a variance of 1.9% net lot coverage and a waiver of the parking area location requirement to validate an existing condition and replace and extend an existing driveway at 4702 Olympia Avenue, Beltsville. **The Board resolved, by majority vote, Ms. Johnson absent, that a variance of 1.9% 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.**

V-114-15 Maria Brebnor

Request for a variance of 60 feet front street line setback and a waiver of the rear yard location requirement for an accessory building to construct a detached carport at 6829 Buchanan Street, Hyattsville. **The Board resolved, by majority vote, Ms. Johnson absent, that a variance of 60 feet front street line setback and a waiver of the rear yard location requirement for an accessory building be DENIED.**

APPROVED

V-118-15 Kevin Spears

Request for a waiver of the parking area location requirement to construct a new driveway at 1125 Westfield Drive, Oxon Hill. **The Board resolved, by majority vote, Ms. Johnson absent, 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-123-15 Reginald Wood

Request for variances of 7 feet front yard depth, 14 feet side street yard depth, 5 feet side yard width, 20 feet rear yard depth/width, 17.3% net lot coverage, and a waiver of the fence height and location requirements for a fence in the side yard on a corner lot to validate existing conditions and obtain a building permit for two one-story additions, an enclosed front porch, front porch area enclosed into living space, screened porch, attached garage, two attached carports, covered patio, driveway extension and 6-foot privacy fence at 4801 Heath Street, Capitol Heights. **The matter was taken under advisement.**

V-124-15 Ernesto Services, Inc.

Request for variances of 11.4% net lot coverage and 1 foot rear lot line setback for an accessory building to validate existing conditions and obtain a building permit for a covered deck and wooden patio at 5319 Crittenden Street, Hyattsville. **No hearing was held. Petitioner appeared without counsel. Petitioner indicated that he would not be obtaining counsel and would withdraw the request in writing.**

At 7:31 p.m. the Board recessed and reconvened at 7:49 p.m.

OTHER ZONING APPEALV-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.

At 7:53 p.m. the Board recessed for Executive Session for legal advice and reconvened at 7:56 p.m.

The Board granted Petitioner's request to reschedule the hearing before the full Board. Hearing is rescheduled to 12/3/15 at 6:00 P.M.

DISCUSSION/DECISION**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

APPROVED

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. **The record was held open until close of business on 11/24/15 for a transcript of the "Gentleman's Agreement" made on March 19, 2015, before the Zoning Hearing Examiner.**

VARIANCE

V-116-15 Michael Ferrell

Request for a waiver of the parking area location requirement to convert the attached garage into living space at 4210 Canyonview Drive, Upper Marlboro. **The Board resolved, by majority vote, Ms. Johnson absent, 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, and the approved elevation plans, Exhibits 20(a) through (d).**

MINUTES FOR APPROVAL FROM NOVEMBER 4, 2015 -- The Board resolved, by majority vote, Ms. Johnson absent, that the minutes be APPROVED.

THE MEETING ADJOURNED AT 8:13 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED