

FEBRUARY 24, 2016
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:16 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
Aminah Bushrod, Communications Specialist

Also Present:
Ernesto Luna, Spanish Language Interpreter

DISCUSSION/DECISION

VARIANCES

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. **Petitioner withdrew the variance request. The Board resolved, unanimously, that the appeal be DISMISSED.**

OTHER ZONING APPEALS

V-99-15 BL Hyattsville, LLC

An appeal from the determination of the Department of Permitting, Inspections and Enforcement, dated September 10, 2015, to deny Permit Application No. 26179-2015 for a building permit and use and occupancy permit for a freestanding vehicle parts store, for property on C-S-C (Commercial Shopping Center) zoned property at 5324-5326 Baltimore Avenue, Hyattsville.

V-99-15 was recessed until later in the meeting.

V-119-15 X4B Luxury Club

An appeal from the determination of the Code Enforcement Officer, Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Zoning Violation Notice Z-670-7-16, dated October 6, 2015, citing Petitioner with violation of Zoning Ordinance Section 27-475.06.06(a) (The hours of operation shall be limited to 5:00 p.m. to 3:00 a.m.) and requiring Petitioner to immediately comply with the permissible hours of operation, on property zoned C-S-C (Commercial Shopping Center) and located at Parcel C, Huntley Square Subdivision, being 3279-3281 Brinkley Road, Temple Hills. **The Board resolved, unanimously, that the determination of the Code Enforcement Officer, Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Zoning Violation Notice Z-670-7-16, dated October 6, 2015, be AFFIRMED.**

MINUTES FOR APPROVAL FROM FEBRUARY 3, 2016 -- The Board resolved, unanimously, that the minutes be APPROVED.

APPROVED

CASES FOR HEARING**NEW CASES****OTHER ZONING APPEAL**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 at 5915 Athena Street, Capitol Heights. **Hearing rescheduled to 5/11/16.**

VARIANCESV-83-15 Immanuel Jesudason, Arason & 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. **Petitioner withdrew the variance request. The Board resolved, unanimously, that the appeal be DISMISSED.**

V-3-16 Alexander Velasquez & Aminda Sola

Request for variances of 3 feet front yard depth, 6 feet side yard width and 1 foot side lot line setback for an accessory building to validate existing conditions and obtain a building permit for a new deck with steps at 6403 Greig Street, Capitol Heights. **Spanish language translation services were provided. The record was held open to allow the City of Seat Pleasant the opportunity to comment on the request.**

V-58-15 Llord Knight

Request for variances of 2 feet front yard depth, 26% net lot coverage and 10.1% rear yard coverage to validate existing conditions and construct a detached garage and driveway extension at 414 Topeka Avenue, Capitol Heights. **The Board resolved, unanimously, that variances of 2 feet front yard depth, 26% net lot coverage and 10.1% rear yard coverage be APPROVED. Approval of the variances is contingent on development in conformance with the approved site plan, Exhibit 2, and the approved revised elevation plan, Exhibit 21.**

At 7:48 p.m. the Board recessed and reconvened at 7:56 p.m.

V-2-16 Dianita Property Management Company, LLC

Request for variances of 22 feet front yard depth and 1.8% net lot coverage to validate existing conditions and obtain a building permit for a new (replacement) two-level covered front porch at 509 Eastern Avenue, Capitol Heights. **The Board resolved, unanimously, that variances of 22 feet front yard depth and 1.8% net lot coverage be APPROVED. Approval of the variances is contingent on development in conformance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) and (b).**

APPROVED

DISCUSSION/DECISION (Cont'd)

OTHER ZONING APPEAL

V-99-15 BL Hyattsville, LLC was recalled.

At 8:24 p.m. the Board recessed for Executive Session for legal advice and reconvened at 8:38 p.m.

The Board determined that since a member of the Board and the Board's attorney were unable to open the e-mail attachment when Petitioner's reply memorandum was forwarded and review of that document is necessary before voting, and the fact that one member of the Board will not be present to vote at the Board's meeting on 3/9/16, the matter will be taken under advisement until 3/23/16.

THE MEETING ADJOURNED AT 8:39 P.M.

Prepared and submitted by:

(Original Signed)

Anne F. Carter

Administrator

APPROVED