

FEBRUARY 3, 2016
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:22 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:

Bamidele Alexander, Associate County Attorney
William Edelen, DPIE, Code Enforcement Officer
Lauren Clagett, DPIE, Construction Standards Inspector

CASES FOR HEARING

NEW CASES

VARIANCES

V-130-15 Camille Wesley

Request for 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 an existing 6-foot chain link fence at 4304 Maple Place, Beltsville. **The Board resolved, unanimously, that waivers of the fence location and height requirements for a fence in the front yard be DENIED.**

V-1-16 Lucia Salcedo

Request for a variance of 12.9% net lot coverage to validate existing conditions and construct a second-floor addition at 8311 Spruce Hill Drive, Laurel. **The Board resolved, unanimously, that a variance of 12.9% net lot coverage be APPROVED. Approval of the variance is contingent on development in conformance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) thru (e).**

At 7:20 p.m. the Board recessed and reconvened at 7:33 p.m.

OTHER ZONING APPEAL

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 record was held open for the County to submit a memorandum of law by no later than the close of business on 2/19/16. The matter will be placed on the Board's 2/24/16 meeting agenda as a discussion/decision item.**

APPROVED

At 8:33 p.m. the Board recessed and reconvened at 8:47 p.m.

DISCUSSION/DECISION

VARIANCES

V-71-14 Cory Chase

Request for variances of 8 feet side yard width, 2.2% net lot coverage and a waiver of the rear yard location requirement for an accessory building to validate existing conditions, widen an existing gravel driveway and construct an enclosed breezeway, detached carport and shed at 13805 Old Indian Head Road, Brandywine. **The Board resolved, unanimously, that variances of 8 feet side yard width, 2.2% net lot coverage and a waiver of the rear yard location requirement for an accessory building 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) thru (c) (carport and shed) and 18 (enclosed breezeway).**

V-60-15 Cody & Jessica Lieuwen

Request for variances of 2.5 feet side yard width, 12.6% net lot coverage, and .85 foot side lot line setback, .37 foot rear lot line setback and 1 foot 2 inches building height for an accessory building to validate existing conditions and obtain a building permit for an existing two-story shed at 8504 60th Avenue, Berwyn Heights. **The Board resolved, unanimously, that variances of 2.5 feet side yard width, 12.6% net lot coverage, and .85 foot side lot line setback, .37 foot rear lot line setback and 1 foot 2 inches building height for an accessory building 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) thru (d).**

V-126-15 John Bly

Request for a variance of 7.1% net lot coverage and a waiver of the parking area location requirement to construct a circular driveway at 2301 Apache Street, Adelphi. **The Board resolved, unanimously, that a variance of 7.1% net lot coverage and a waiver of the parking area location requirement be APPROVED. Approval of the variances is contingent on development in conformance with the approved site plan, Exhibit 2.**

V-132-15 Betriani Chalhub

Request for variances of 7 feet side street yard depth, 5 feet side yard width and 6.4% net lot coverage to validate existing conditions and obtain a building permit and final inspection for a second-floor addition at 7206 East Ridge Drive, Landover. **The Board resolved, by majority vote, Mr. Scott abstaining, that variances of 7 feet side street yard depth, 5 feet side yard width and 6.4% net lot coverage be APPROVED. Approval of the variances is contingent on development in conformance with the approved revised site plan, Exhibit 27, and the approved elevation plans, Exhibits 3(A) thru (C).**

V-134-15 Carla Morales

Request for variances of 1.8% net lot coverage, 43 feet front street 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 new driveway at 4834 66th Avenue, Hyattsville. **The Board resolved, unanimously, that a variance of 43 feet front street line setback for an accessory building and a waiver of the parking area location requirement be APPROVED. Approval of the variances is contingent on development in conformance with the approved revised site plan, Exhibit 24.**

APPROVED

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. **The Board resolved, unanimously, that 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, be AFFIRMED.**

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. **The Board resolved, unanimously, that the record be reopened for inclusion of the Line – Judicial Notice of Council Resolution filed by the County on 2/2/16; and the Board further resolved, unanimously, that 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 be AFFIRMED.**

MINUTES FOR APPROVAL FROM JANUARY 13, 2016 -- The Board resolved, unanimously, that the minutes be APPROVED.

MINUTES FOR APPROVAL FROM JANUARY 27, 2016 -- The Board resolved, by majority vote, Mr. Scott abstaining, that the minutes be APPROVED.

THE MEETING ADJOURNED AT 9:07 P.M.

AT 9:16 P.M. THE CHAIRPERSON RECONVENED THE MEETING WITH ALL MEMBERS AND THE BOARD'S ATTORNEY STILL PRESENT.

DISCUSSION/DECISION (Cont'd)**OTHER ZONING APPEAL**

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

The Board resolved, unanimously, to rescind its decision and reopen the record to allow Petitioner the opportunity to file a response to the Line – Judicial Notice of Council

APPROVED

Resolution filed by the County by no later than the close of business on 2/19/16. The matter will be placed on the Board's 2/24/16 meeting agenda as a discussion/decision item.

THE MEETING ADJOURNED AT 9:17 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED