

MAY 11, 2016
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:20 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:

Jamar Herry, Associate County Attorney
William Edelen, DPIE, Code Enforcement Officer
Lauren Clagett, DPIE, Construction Standards Inspector
Mark Maier, Spanish Language Interpreter

CASES FOR HEARING
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. **The record was held open for an additional hearing on 6/22/16. Petitioner shall submit a copy of the referenced federal court case transcript and a memorandum of law by close of business on 5/25/16. The County shall submit its reply memorandum of law by close of business on 6/8/16.**

NEW CASES
VARIANCES

V-31-16 Christine Lewis

Request for a variance of .5% net lot coverage and a waiver of the parking area location requirement to construct a driveway in the front yard of a semi-detached single-family dwelling at 7710 West Park Drive, Hyattsville. **The matter was taken under advisement.**

V-98-15 Juan Henriquez & Maria Soriano

Request for variances of 7 feet front yard depth, 22.3% net lot coverage, and a variance of 2 feet front street line setback and a waiver of the rear yard location requirement for an accessory building to validate existing conditions and obtain a building permit to complete construction of a two-level covered front porch at 2202 Apache Street, Hyattsville.

At 7:01 p.m. the Board recessed and reconvened at 7:04 p.m.

At 7:48 p.m. the Board recessed for Executive Session for legal advice and reconvened at 7:57 p.m.

APPROVED

Spanish language interpreter services were provided. The record was held open for technical assistance.

V-28-16 Carbajal, Inc.

Request for variances of 5 feet front yard depth and .5 foot side yard width for the dwelling, a waiver of the parking area location requirement and a variance of 6 feet rear lot line setback for an accessory building to validate existing conditions, obtain a building permit for new driveway area and construct a driveway extension at 7100 24th Avenue, Hyattsville. **Spanish language interpreter services were provided. The record was held open for technical assistance.**

V-29-16 Cornerstone Capital Investments LLC

Request for a variance of 15 feet rear yard depth/width to validate an existing condition and construct a second-floor addition and covered front porch at 4803 Powder Mill Road, Beltsville. **The Board resolved, unanimously, that a variance of 15 feet rear yard depth/width be APPROVED. Approval of the variance is contingent on development in conformance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.**

V-17-16 Brigida Aguilar & Melagros Nunez

Request for variances of 1 foot side yard width, 1.3% net lot coverage and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard abutting a street to validate existing conditions and obtain a building permit for a 6-foot white vinyl privacy fence in the side street yard of a corner lot at 7001 Waldran Avenue, Temple Hills. **The Board resolved, unanimously, that variances of 1 foot side yard width, 1.3% net lot coverage and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard abutting a street 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-25-16 Jason Rutland

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard abutting a street to construct a 6-foot wooden privacy fence in the side street yard of a corner lot at 4913 Dalton Street, Temple Hills. **The Board resolved, unanimously, that waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard abutting a street 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).**

V-26-16 Olga & Jose Fuentes

Request for a variance of 5 feet front yard depth to validate and obtain a building permit to complete construction of a covered front porch at 5422 Taylor Street, Bladensburg. **The record was held open for Petitioners to submit a revised elevation plan.**

At 9:36 p.m. the Board recessed and reconvened at 9:53 p.m.

Hearing on Appeal No. V-26-16 was reopened. **Petitioners submitted a revised elevation plan. The Board resolved, unanimously, that a variance of 5 feet front yard depth be APPROVED.**

APPROVED

Approval of the variance is contingent on development in conformance with the approved site plan, Exhibit 2, and the approved revised elevation plan, Exhibit 19.

V-27-16 Russell Richardson

Request for a variance of 14.8% net lot coverage and a waiver of the rear yard location requirement for an accessory building to validate existing conditions and construct a driveway at 6710 Dorman Street, Hyattsville. **The Board resolved, unanimously, that a variance of 14.8% 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.

V-30-16 Roberto Granados

Request for variances of 9 feet front yard depth for the dwelling, 7.7% net lot coverage, 31 feet front street line setback, 1.5 feet side lot line setback and a waiver of the rear yard location requirement for an accessory building to validate existing conditions and construct a one-story addition and deck at 718 62nd Avenue, Capitol Heights. **The record was held open for further comment from the Town of Fairmount Heights.**

V-32-16 Jose Garcia & Florencia Zaldivar

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard to validate and obtain a building permit for a 6-foot white vinyl privacy fence at 2509 Cherokee Street, Adelphi. **The matter was taken under advisement.**

DISCUSSION/DECISION

VARIANCES

V-22-16 Jessica Machado & Danilo Guzman

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard and side yard abutting a street to construct a 6-foot wooden privacy fence and a 6-foot black aluminum picket fence in the front and side street yards of a corner lot at 6706 96th Avenue, Lanham. **The Board resolved, by majority vote, Chairperson Mack abstaining, that waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard abutting a street be APPROVED. Approval of the variances is contingent on development in conformance with the approved revised site plan, Exhibit 24, and the approved elevation plan, Exhibit 25.**

MINUTES FOR APPROVAL FROM APRIL 27, 2016 -- The Board resolved, by majority vote, Chairperson Mack abstaining, that the minutes be APPROVED.

THE MEETING ADJOURNED AT 10:55 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED