

MAY 25, 2016
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:19 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
Langley Wiggins, Communications Specialist

Also Present:

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

CASES FOR HEARING

NEW CASES

VARIANCES

V-40-16 Susana Hernandez & Hector Fuentes

Request for variances of 2.5 feet side yard width and 3.7% net lot coverage and a waiver of the parking area location requirement to validate existing conditions and obtain a building permit for a new driveway at 6421 Taylor Road, Riverdale. **Spanish language interpreter services were provided. The record was held open to allow the Town of Riverdale Park the opportunity to submit comments.**

At 6:56 p.m. the Board recessed for Executive Session for legal advice and reconvened at 6:59 p.m.

OTHER ZONING APPEAL

V-120-15 D2

An appeal from the determination of the Code Enforcement Officer, Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Zoning Violation Notice Z-668-5-16, 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 I-1 (Light Industrial) and located at Part of Parcel F, Foudray's Land Subdivision, being 5005 Jackson Street, Unit C, Hyattsville. **The record was held open for an additional hearing on 7/13/16. Petitioner shall submit a copy of the referenced federal court case transcript and a memorandum of law by close of business on 6/8//16. The County shall submit its reply memorandum of law by close of business on 6/22/16.**

VARIANCES (Cont'd)

V-36-16 5615 Addison Road LLC

Request for variances of 61 square feet net lot area, 10 feet front yard depth, 8.5 feet side street yard depth and .5% net lot coverage to validate an existing condition and construct a covered front porch and two-story addition at 5615 Addison Road, Capitol Heights. **The record was held open for Petitioner to**

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contact the City of Seat Pleasant and for further comments from the City addressing the proposed addition.

V-37-16 Paul Staats & Jennifer Bulkeley

Request for variances of 2.5 feet side yard width and 7.2% net lot coverage to validate existing conditions and convert an existing enclosed porch into living space at 4407 Tuckerman Street, University Park. **The Board resolved, unanimously, that variances of 2.5 feet side yard width and 7.2% 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 plan, Exhibit 3.**

V-38-16 Eric & Felicia Toney

Request for variances of 20 feet side street yard depth and 8 feet rear lot line setback for an accessory building to validate an existing condition and construct a covered front porch and attached garage, enclose an existing deck into a sunroom and extend an existing driveway at 12605 Hilda Court, Upper Marlboro. **The record was held open for Petitioners to submit photographs of neighboring properties with addresses indicated and a revised site plan showing a 10-foot-wide electric, telephone and gas easement on the subject property along Hilda Court and Blaz Court (as shown on the record plat of subdivision).**

V-39-16 King McDuffie, Jr.

Request for variances of an additional 16.5% net lot coverage and 4.65 rear lot line setback for an accessory building to validate an existing condition and construct a shed at 4116 Urn Street, Capitol Heights. **The Board resolved, unanimously, that variances of an additional 16.5% net lot coverage and 4.65 rear lot line setback 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 plan, Exhibit 3.**

At 9:05 p.m. the Board recessed and reconvened at 9:08 p.m.

OTHER ZONING APPEAL

V-94-15 Arthur Julian

An appeal from the determination of the Inspector, Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Zoning Violation Notice Z-0538744, dated August 11, 2015, citing Petitioner with violation of Zoning Ordinance Sections 27-441(b)(3) & (b)(7) (Keeping or raising livestock or any animal that is not customarily a household pet in R-55 (One-Family Detached Residential) zoned property is not permitted) and requiring Petitioner to remove all livestock, poultry or animal that are not considered household pets from the property at 1308 Inland Drive, District Heights. **Petitioner was not present and the County moved to dismiss the appeal. The Board resolved, unanimously, that the appeal be DISMISSED.**

VARIANCES (Cont'd)

V-41-16 Valerie & Jason Crockett

Request for variances of 5 feet side street yard depth, 19 feet rear yard depth/width and 2.6% net lot coverage to construct an attached garage at 8911 Palmer Street, Fort Washington. **The Board resolved, unanimously, that variances of 5 feet side street yard depth, 19 feet rear yard depth/width and 2.6% net lot coverage be APPROVED. Approval of the variances is contingent**

APPROVED

on development in conformance with the approved site plan, Exhibit 3, and the approved elevation plans, Exhibits 4(a) thru (c).

DISCUSSION/DECISION

VARIANCES

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

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. **The Board resolved, unanimously, that variances of 5 feet front yard depth and .5 foot side yard width for the dwelling and 6 feet rear lot line setback 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 plan, Exhibit 3.**

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 shall remain open for further comments from the Town of Fairmount Heights.**

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 Board resolved, unanimously, that a variance of .5% 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-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 Board resolved, unanimously, that waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard be DENIED.**

MINUTES FOR APPROVAL FROM MAY 11, 2016 – The Board resolved, unanimously, that the minutes be APPROVED.

APPROVED

THE MEETING ADJOURNED AT 10:08 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED