

JUNE 22, 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:

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

CASES FOR HEARING

NEW CASES

VARIANCES

V-6-16 Gloria Coello

Request for variances of 2 feet front yard depth from Rittenhouse Street, 14.5 feet front yard depth from East-West Highway and 9 feet side yard width for the dwelling, 40.3% net lot coverage and 58.5 feet front street line setback from East-West Highway for an accessory building and waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard to validate existing conditions, construct a covered front porch and obtain a building permit for a new covered side porch and 6-foot wooden privacy fence in the front yard (along East-West Highway) at 2312 Rittenhouse Street, Hyattsville. **Hearing rescheduled to 7/13/16.**

V-52-16 Yalil Medina & Glenda Soto

Request for a variance of 2.9% net lot coverage and waivers of the fence height and location requirements for a fence over four (4) feet in height in the front and side yards of a corner lot to construct a driveway and 6-foot wooden privacy fence at 1409 Nicholson Street, Hyattsville. **Spanish language interpreter services were provided.**

At 7:28 p.m. the Board recessed for Executive Session for legal advice and reconvened at 7:30 p.m.

The record was held open until 7/13/16 to allow Petitioners the opportunity to submit a revised site plan.

V-57-16 Santos Herrera

Request for a waiver of the parking area location requirement to construct a driveway in the front yard at 5137 70th Place, Hyattsville. **Spanish language interpreter services were provided. The record was held open to allow Petitioner the opportunity to submit a revised site plan.**

APPROVED

At 8:16 p.m. the Board recessed and reconvened at 8:30 p.m.

V-44-16 Angela Judge

Request for a variance of 9 feet rear yard depth/width to construct a deck at 5309 Chestnut Manor Court, Upper Marlboro. **The record was held open for comments from the Subdivision Section of the Maryland-National Capital Park and Planning Commission and a copy of Marlboro Riding Homeowners Association's approval of the request.**

DISCUSSION/DECISION

VARIANCES

V-43-16 Clementina Sorto Marchez

Request for variances of 7 feet front yard depth, 3 feet rear yard depth/width and 9.2% net lot coverage to validate existing conditions and construct a second-story addition on a semi-detached single-family dwelling at 2403 Woodberry Street, Hyattsville. **The record was held open for an additional hearing to be held on 7/13/16. It was determined that reposting of the property is not required and Petitioner shall not be charged readvertising costs.**

CASES FOR HEARING (Cont'd)

NEW CASES

VARIANCES

V-53-16 Furman Legette

Request for variances of 35 feet front street line setback and a waiver of the rear yard location requirement for the detached carport and 6 feet front street line setback and a waiver of the rear yard location requirement for an existing shed to validate an existing condition and construct a detached carport at 520 Pacer Drive, Hyattsville. **The record was held open for comments from the Subdivision Section of the Maryland-National Capital Park and Planning Commission.**

V-54-16 Recycling Properties LLC

Request for a variance of 26 feet front street line setback from the ultimate right-of-way of Olive Street to validate and obtain a building permit for an above-ground water tank at 1710 Olive Street, Capitol Heights. **The Board resolved, unanimously, that a variance of 26 feet front street line setback from the ultimate right-of-way of Olive Street be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) thru (c).**

V-55-16 Nnaemeko Agajelu

Request for variances of 13 feet front yard depth and 3.2% net lot coverage to validate existing conditions and replace a covered front porch with an open deck and covered porch at 5920 Crown Street, Capitol Heights. **The Board resolved, unanimously, that variances of 13 feet front yard depth and 3.2% net lot coverage be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.**

At 9:45 p.m. the Board recessed and reconvened at 9:47 p.m.

APPROVED

V-56-16 Jasmine Irigoyen & Luis Vasquez

Request for variances of 10 feet rear yard depth/width and 12.7% net lot coverage to validate existing conditions and construct a garage and breezeway at 116 River Forest Lane, Fort Washington. **The record was held open for Petitioners to submit a copy of Tantallon Citizens Association's approval of the request.**

V-58-16 Freddie Santiago Fernandez

Request for waivers of the fence height and location requirements for a fence over four (4) feet in height in the front and side yards of a corner lot to construct a driveway extension and a 6-foot vinyl privacy fence at 13463 Buchanan Drive, Fort Washington. **The Board resolved, unanimously, that waivers of the fence height and location requirements for a fence over four (4) feet in height in the front and side yards of a corner lot be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.**

V-59-16 Hary Barrera & Gaby Rivera

Request for variances of 1,000 square feet net lot area, 10 feet front building line width, 12 feet front yard depth, 1 foot side yard width and 5.4% net lot coverage to validate existing conditions and obtain a building permit for a one-story addition, with basement, and shed at 4115 Torque Street, Capitol Heights. **The Board resolved, unanimously, that variances of 1,000 square feet net lot area, 10 feet front building line width, 12 feet front yard depth, 1 foot side yard width and 5.4% net lot coverage be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) thru (e).**

**OTHER ZONING APPEAL
ADDITIONAL HEARING**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.

At 11:08 p.m. the Board recessed for Executive Session for legal advice and reconvened at 11:10 p.m.

The Board resolved, unanimously, that 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 be AFFIRMED.

**DISCUSSION/DECISION
VARIANCES**V-33-16 Housing Initiative Partnership, Inc.

Request for a variance of 5.3 feet front yard depth to construct a covered front porch and replace an existing driveway at 4851 Huron Avenue, Suitland. **The Board resolved, unanimously, that a variance**

APPROVED

of 5.3 feet front yard depth be **APPROVED**, subject to the following conditions. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) and (b). Prior to the issuance of any building permit, a minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park and Planning Commission, in accordance with Section 24-108 of the Subdivision Regulations, to adjust and/or remove the building restriction line.

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. **The record was held open to allow the Town of Riverdale Park the opportunity to submit further comments after reviewing the revised site plan submitted by Petitioners.**

V-50-16 David & Xiomara Flores

Request for a waiver of the parking area location requirement to construct a driveway in the front yard at 2215 Calvert Street, Hyattsville. **The Board resolved, unanimously, that a waiver of the parking area location requirement be APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 17.**

MINUTES FOR APPROVAL FROM JUNE 8, 2016 -- The Board resolved, unanimously, that the minutes be APPROVED.

THE MEETING ADJOURNED AT 11:20 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED