

JULY 13, 2016
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:26 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:

Jared McCarthy, Deputy County Attorney
Jamar Herry, Associate County Attorney
William Edelen, Dpie, Code Enforcement Officer
Ernesto Luna, Spanish Language Interpreter

CASES FOR HEARING

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 7/27/16.**

OTHER ZONING APPEALS

V-45-16 Panagiotis Glekas, Garfallia Glekas and James Douglas

An appeal from the determination of the Property Standards Inspector, Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Zoning Violation Notice Z-2246-5-16, dated April 20, 2016, citing Petitioner with violation of County Code Sections 27-253(a)(1) and 4-118(c) (Use of a building, structure or land without a use and occupancy permit), requiring Petitioners to cease use of the premises including adjoining properties and right of way areas, and remove all vehicles, equipment, materials, and items related to the use until a valid use and occupancy permit, including final approval of the permit, is granted by the Department of Permitting, Inspections and Enforcement, on C-M (Commercial Miscellaneous) zoned property located at Lot 3, Block 9, Dixie Dale Subdivision, being 3724 Brightseat Road, Landover. **Hearing rescheduled to 10/26/16.**

V-46-16 Dixie Dale, LLC

An appeal from the determination of the Property Standards Inspector, Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Zoning Violation Notice Z-2247-5-16, dated April 20, 2016, citing Petitioner with violation of County Code Sections 27-253(a)(1) and 4-118(c) (Use of a building, structure or land without a use and occupancy permit), requiring Petitioners

APPROVED

to cease use of the premises including adjoining properties and right of way areas, and remove all vehicles, equipment, materials, and items related to the use until a valid use and occupancy permit, including final approval of the permit, is granted by the Department of Permitting, Inspections and Enforcement, on C-M (Commercial Miscellaneous) zoned property located at Lots 4 thru 10, Block L, Ardmore Subdivision, being 3729 Brightseat Road, Landover. **Hearing rescheduled to 10/26/16.**

DISCUSSION/DECISION**OTHER ZONING APPEAL****ON REMAND FROM THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY****V-49-15 Joseph Skillman**

An appeal from the determination of the Associate Director, Department of Permitting, Inspections and Enforcement, Permitting and Licensing Division, dated May 5, 2015, to deny the application for a Use and Occupancy Permit for adult entertainment under Permit No. 41630-2014, on I-2 (Heavy Industrial) zoned property located at Parcel 132, Tax Map 19, Grid B1, being 11407 Frederick Avenue, Beltsville. **The Board resolved, unanimously, that the determination of the Associate Director of the Department of Permitting, Inspections and Enforcement, Permitting and Licensing Division, dated May 5, 2015, to deny the application for a Use and Occupancy Permit for adult entertainment under Permit No. 41630-2014 at the subject property be REVERSED.**

CASES FOR HEARING**NEW CASES****VARIANCES****V-65-16 Deysi Flores & Alicia Melendez**

Request for a variance of 1 foot side lot line setback for an accessory building and a waiver of the parking area location requirement to validate an existing condition and construct a driveway in the front yard at 5903 15th Avenue, Hyattsville. **Spanish language interpreter services were provided. The Board resolved, unanimously, that a variance of 1 foot side lot line setback for an accessory building and a waiver of the parking area location requirement be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.**

V-60-16 Richard Parks

Request for waivers of the fence height and location requirements for a fence over 4 feet in height in the side yard abutting a street on a corner lot to construct a 6-foot vinyl privacy fence at 9200 Wombat Court, Clinton. **The Board resolved, unanimously, that waivers of the fence height and location requirements for a fence over 4 feet in height in the side yard abutting a street on 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.**

ADDITIONAL HEARING**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. **An additional hearing was held. Petitioner withdrew the request. The Board resolved, unanimously, that Petitioner's request for variances**

of 7 feet front yard depth, 3 feet rear yard depth/width and 9.2% net lot coverage be DISMISSED.

At 7:42 p.m. the Board recessed and reconvened at 7:59 p.m.

OTHER ZONING APPEAL

ADDITIONAL HEARING

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.

At 8:15 p.m. the Board recessed for Executive Session for legal advice and reconvened at 8:17 p.m.

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-668-5-16, dated October 6, 2015, be AFFIRMED.

NEW CASES (Cont'd)

VARIANCES

V-61-16 Constantine & Cecilia McGriff

Request for variances of 7 feet side yard width, 4.7% net lot coverage, 7 feet side lot line setback for one accessory building and 40 feet front street line setback and a waiver of the rear yard location requirement for a second accessory building to validate existing conditions and construct an enclosed swimming pool, breezeway and barrel sauna at 12709 Woodmore Road, Bowie. **The record was held open for Petitioners to submit supplemental elevation plans.**

V-62-16 Leroy & Adrienne Howard

Request for variances of 3 feet front yard depth, 2 feet side yard width and 7.1% net lot coverage to validate existing conditions and construct a one-story addition at 6606 Foster Street, District Heights. **The record was held open to allow the City of District Heights the opportunity to comment on the request.**

V-66-16 Square Circle Home Improvement, LLC

Request for variances of 3 feet front yard depth, 3.8% net lot coverage and a waiver of the parking area location requirement to validate existing conditions and construct a driveway in the front yard of a semi-detached single-family dwelling at 2019 Barlowe Place, Landover. **The Board resolved, unanimously, that a variance of 1.7% net lot coverage and a waiver of the parking area location requirement be APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17.**

APPROVED

V-63-16 George Adams & Lakisha Bacon

Request for waivers of the fence height and location requirements for a fence over 4 feet in height in the front yard on a corner lot to validate and obtain a building permit for a 6-foot white vinyl privacy fence at 3501 Kidder Road, Clinton. **The Board resolved, unanimously, that waivers of the fence height and location requirements for a fence over 4 feet in height in the front yard on 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 plans, Exhibits 3(a) thru (c).**

V-64-16 Daysi Gaitan & Mauricio Campos

Request for a variance of 5 feet side yard width to construct an attached carport at 9812 26th Avenue, Adelphi.

At 9:53 p.m. the Board recessed and reconvened at 10:08 p.m.

The site plan was revised to correctly depict existing driveway area. It was determined that a new hearing is required and will be held on 9/7/16. Petitioners agreed to keep the property posted with the original signs.

At 10:13 p.m. the Board recessed and reconvened at 10:15 p.m.

DISCUSSION/DECISION (Cont'd)

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. **The record continues to be 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-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 Board resolved, unanimously, that a variance of 9 feet rear yard depth/width 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) and (b).**

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. **Petitioners did not submit a revised site plan. The Board resolved, unanimously, that 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 be DENIED.**

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

APPROVED

location requirement for an existing shed to validate an existing condition and construct a detached carport at 520 Pacer Drive, Hyattsville. **The Board resolved, unanimously, that 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 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-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 Board resolved, unanimously, that variances of 10 feet rear yard depth/width and 12.7% 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.

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. **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 16.

MINUTES FOR APPROVAL FROM JUNE 22, 2016 -- The Board resolved, unanimously, that the minutes be APPROVED.

THE MEETING ADJOURNED AT 10:36 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED