

SEPTEMBER 7, 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
Aminah Bushrod, Communications Specialist

Also Present:
Ernesto Luna, Spanish Language Interpreter

CASES FOR HEARING

VARIANCES

NEW HEARING

V-74-16 Martin Bolainez-Viera

Request for variances of 3 feet side street yard depth and 6 feet rear yard depth/width for the dwelling, a variance of 39 feet front street line setback and a waiver of the rear yard location requirement for an accessory building, and waivers of the fence height and location requirements for a fence over 4 feet in height in the front yard to validate existing conditions and construct a covered front porch at 9209 25th Place, Adelphi. **Spanish language interpreter services were provided. The Board resolved, unanimously, that variances of 3 feet side street yard depth and 6 feet rear yard depth/width for the dwelling, a variance of 39 feet front street line setback and a waiver of the rear yard location requirement for an accessory building, and waivers of the fence height and location requirements for a fence over 4 feet in height in the front yard 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) and (b).**

NEW CASE

V-75-16 Jose Sorto & Maria Medrano

Request for variances of 3 feet front yard depth, 8 feet side yard width and 1.2% net lot coverage to validate existing conditions and obtain a building permit to complete construction of a shed at 5808 31st Avenue, Hyattsville. **Spanish language interpreter services were provided.**

At 7:12 p.m. the Board recessed and reconvened at 7:14 p.m.

The matter was taken under advisement.

NEW HEARING

V-64-16 Daysi Gaitan & Mauricio Campos

Request for a variance of 5 feet side yard width and a waiver of the parking area location requirement to validate existing conditions and construct an attached carport at 9812 26th Avenue, Adelphi. **The Board resolved, unanimously, that a variance of 5 feet side yard width and a waiver of the**

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parking area location requirement be APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17, and the approved elevation plans, Exhibits 3(a) and (b).

NEW CASES (Cont'd)

V-70-16 Reynaldo DeGuzman

Request for a variance of 30.3% net lot coverage and a waiver of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Lime Street) of a corner lot to validate existing conditions and construct a 6-foot wooden privacy fence at 5055 St. Barnabas Road, Temple Hills.

At 7:49 p.m. the Board recessed and reconvened at 8:27 p.m. Vice Chairman Scott did not return to the meeting.

The Board resolved, by majority vote, Mr. Scott absent, that a variance of 30.3% net lot coverage and a waiver of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Lime Street) 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-76-16 Charlie Fennell

Request for variances of 5.5 feet rear yard depth/width, 10.6% net lot coverage, and a variance of .15 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building to validate existing conditions and construct a covered front porch at 8118 Bock Road, Fort Washington. **The Board resolved, by majority vote, Mr. Scott absent, that variances of 5.5 feet rear yard depth/width, 10.6% net lot coverage, and a variance of .15 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved revised elevation plans, Exhibits 20(a) and (b).**

V-79-16 Amelia Mondragon

Request for a variance of 9.2% net lot coverage and a waiver of the parking area location requirement to validate and obtain a building permit for a shed and driveway area in the front yard at 1724 Keokee Street, Hyattsville. **The Board resolved, by majority vote, Mr. Scott absent, that a variance of 9.2% net lot coverage and a waiver of the parking area location requirement be DENIED.**

V-80-16 Kathryn James & Jacqueline Pfeffer

Request for a variance of 9.9% net lot coverage to validate existing conditions and construct a second-floor addition, one-story addition and two-story deck at 4508 Tuckerman Street, Riverdale. **Neither Petitioner was present. Hearing rescheduled to 9/14/16.**

V-81-16 Melissa Ho & Alexander Williams

Request for a variance of 4 feet rear yard depth/width and a variance of 4.5 feet front street line setback and a waiver of the rear yard location requirement for an accessory building to construct a

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two-story addition on a crawl space, a lean-to shed, an enclosed front entry and covered areaway at 6503 Queens Chapel Road, Hyattsville. **The Board resolved, by majority vote, Mr. Scott absent, that a variance of 4 feet rear yard depth/width and a variance of 4.5 feet front street line setback and a waiver of the rear yard location requirement for an accessory building 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).**

V-82-16 Noorullah & Noorzeya Qaemi

Request for a variance of 6.5 feet side yard width to construct a one-story addition and attached carport at 12518 Guinevere Road, Glenn Dale. **The record was held open to allow Petitioners the opportunity to submit revised site and/or elevation plan(s) by the close of business on 9/28/16.**

V-83-16 Sherrika, Oswald & Laurrita Spriggs

Request for variances of .08 foot left side yard width and 1.3 feet right side yard width for the dwelling, 9.5% net lot coverage, and .62 foot rear lot line setback for an accessory building to validate existing conditions and construct two one-story additions and a covered deck at 910 Capitol Heights Boulevard, Capitol Heights. **The Board resolved, by majority vote, Mr. Scott absent, that variances of .08 foot left side yard width and 1.3 feet right side yard width for the dwelling, 9.5% net lot coverage, and .62 foot rear lot line setback for an accessory building 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-84-16 Denis D'Rozario & Ratna Rozario

Request for variances of an additional 2.1% net lot coverage and 1 foot rear lot line setback for an accessory building to validate an existing condition and construct a covered patio and storage room at 7213 Adelphi Road, Hyattsville. **The Board resolved, by majority vote, Mr. Scott absent, that variances of an additional 2.1% net lot coverage and 1 foot rear lot line setback for an accessory building 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.**

OTHER ZONING APPEALS

V-13-15 Ebony Inn

An appeal from the determination of the Enforcement Division Inspector, Department of Permitting, Inspections and Enforcement, to issue Zoning Violation Notice Z-1026-5-15, 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 valid use and occupancy permit) and 27-461(b) (adult entertainment is not allowed in the C-M (Commercial Miscellaneous) or C-S-C (Commercial Shopping Center) zones, absent the granting of a Special Exception 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 the violation and all adult entertainment activities in the building, structure, and on the land per Section 27-264(b), which is M-U-I (Mixed-Use Infill) zoned property located at Parcel 13, Tax Map 65, Grid F1, being 5367 Sheriff Road, Fairmount Heights. **Petitioner's request for a continuance of 45 days was granted. Hearing rescheduled to 11/9/16.**

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The Board recessed as the Board of Zoning Appeals and reconvened as the Board of Administrative Appeals.

ADMINISTRATIVE APPEAL

AA-1681 Jim Black

An appeal from the determination of the Department of Permitting, Inspections and Enforcement, Enforcement Division to issue a Notice of Clean, dated May 26, 2016, citing Petitioner with violating County Code Sections 13-264, 13-265, 13-267, 13-268, 13-269, 13, 270 and 13-271 (Accumulation of litter and rubbish, high grass and weeds (height greater than 12 inches)) and requiring Petitioner to remove all trash and debris; cut grass and weeds, and remove clippings from the property, on R-E (Residential-Estate) zoned property located at Part of Parcel 112, Map 126, Grid B2, being 8116 Beechwood Lane, Clinton. **Petitioner requested that the hearing be rescheduled to allow him the opportunity for hearing by the full Board. Hearing rescheduled to 9/28/16.**

The Board recessed as the Board of Administrative Appeals and reconvened as the Board of Zoning Appeals.

DISCUSSION/DECISION

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. **The record remained open for technical assistance and to allow Petitioner the opportunity to submit a revised site plan.**

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 remained open to allow the City of District Heights the opportunity to comment on the request.**

V-71-16 Faith Ford

Request for a variance of 3 feet front yard depth to validate and complete construction of a covered front porch at 108 Tunic Avenue, Capitol Heights. **The record remained open for comments from the Town of Capitol Heights, The Maryland-National Capital Park and Planning Commission and the Capitol Heights Advisory Committee.**

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

APPROVED

THE MEETING ADJOURNED AT 11:00 P.M.

Prepared and submitted by:

(Original Signed
Anne F. Carter
Administrator

APPROVED