

NOVEMBER 9, 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 Vice Chairman convened the meeting and the following members were present:

Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member
Emerson S. Davis, Sr., Attorney
Anne F. Carter, Administrator
Barbara Stone, Administrative Aide
Aminah Bushrod, Communications Specialist

Also Present:
Jared McCarthy, Deputy County Attorney
Mark Maier, Spanish Language Interpreter

CASES FOR HEARING

NEW CASES

VARIANCES

V-126-16 Maria Ramirez

Request for a waiver of the parking area location requirement to validate and obtain a building permit for a new driveway at 4720 Brandon Lane, Beltsville. **Spanish language interpreter services were provided. The Board resolved, by majority vote, Ms. Mack absent, that a waiver of the parking area location requirement be DENIED.**

V-85-16 Ronald Heiligh

Request for variances of 9 feet side yard width for the dwelling, a waiver of the parking area location requirement and variances of 7 feet side yard width and 13 feet rear yard depth/width for a wall over 6 feet in height to validate existing conditions and obtain a building permit for a new one-story addition with basement at 626 Elfin Avenue, Capitol Heights. **Rescheduled to 11/30/16 for hearing before the full Board.**

V-129-16 Jose Rivera

Request for variances of 1.5 feet side yard width and 9.2% net lot coverage to validate existing conditions and obtain a building permit for a new driveway at 5444 Addison Road, Fairmount Heights. **Spanish language interpreter services were provided. The record was held open for Petitioner to submit additional photos by close of business 11/30/16 and allow the Town of Fairmount Heights time to submit comments.**

V-128-16 Edward, Barbara and Andre Lyles

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Danford Drive) of a corner lot to construct a 6-foot wooden privacy fence at 7000 Groveton Drive, Clinton. **The Board resolved, by majority vote, Ms. Mack absent, that waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Danford Drive) of a corner lot be APPROVED. Approval of the variances is**

APPROVED

contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibits 3(a) and (b).

V-130-16 Rafael & Maria Bernal

Request for variances of 5 feet front yard depth, 18.5% net lot coverage, variances of 7 feet front street line setback, 1 foot side lot line setback and a waiver of the rear yard location requirement for one accessory building and a variance of 2 feet side lot line setback for a second accessory building to validate existing conditions and construct a covered front porch and one-story addition with basement at 8704 Daniel Lane, Clinton. **Hearing rescheduled to 12/14/16. Petitioners to pay translation fee for Spanish Language Interpreter services.**

V-97-16 Barbara Tusch

Request for variances of 420 square feet net lot area and 20.2% net lot coverage to validate an existing condition and construct a driveway at 4302 Jefferson Street, Hyattsville. **The record was held open to allow the City of Hyattsville the opportunity to submit comments and for Petitioner to submit a revised site plan indicating the square footage of living space on each level of the dwelling.**

At 7:55 p.m. the Board recessed and reconvened at 8:04 p.m.

OTHER ZONING APPEAL

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. **The Board resolved, by majority vote, Ms. Mack absent, that a 90-day continuance of the hearing be GRANTED, with the County agreeing to provide a progress report every 30 days. Hearing rescheduled to 2/8/17.**

VARIANCES (Cont'd)

V-121-16 Mohammed, Zafar, Abida & Usman Khan

Request for variances of 3 feet side yard width and 5.1% net lot coverage to validate existing conditions and obtain a building permit for a covered deck and shed at 12325 Old Gunpowder Road Spur, Beltsville. **The Board resolved, by majority vote, Ms. Mack absent, that variances of 3 feet side yard width and 5.1% 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, Exhibit 3(a) thru (f).**

APPROVED

V-125-16 Jack & Kimberly Hay

Request for variances of 225 square feet net lot area, 2 feet side yard width and 11.2% net lot coverage to validate existing conditions and construct a one-story addition at 4009 Forest Grove Drive, Suitland. **The Board resolved, by majority vote, Ms. Mack absent, that variances of 225 square feet net lot area, 2 feet side yard width and 11.2% 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 plans, Exhibits 3(a) and (b).**

V-124-16 Patricia Wardell

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard of a corner lot to construct a 6-foot white vinyl privacy fence at 9820 Sea Gull Court, Upper Marlboro. **The Board resolved, by majority vote, Ms. Mack absent, that waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard 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-127-16 Courtney Clyatt

Request for a variance of 4 feet rear yard depth/width to validate an existing condition and construct a deck at 4201 Monroe Street, Brentwood. **The record was held open for Petitioner to submit the recorded deed for the property.**

V-131-16 Kenneth Carter & Rumi Matsuyama

Request for a variance of 2% net lot coverage to construct a covered front porch and one-story addition with second level deck at 6213 Carrollton Terrace, Hyattsville. **The Board resolved, by majority vote, Ms. Mack absent, that a variance of 2% net lot coverage be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plan, Exhibit 3.**

DISCUSSION/DECISION**VARIANCES**V-110-16 William & Kimberly Hall

Request for a variance of 7 feet rear yard depth/width to construct a deck at 12528 Monterey Circle, Fort Washington. **To be rescheduled as a discussion/decision item for consideration when Chairperson Mack is present.**

V-117-16 Tina Boston

Request for variances of 1,000 square feet net lot area, 10 feet front building line width, 17.6% net lot coverage and variances of 34 feet front street line setback, 1 foot side lot line setback and a waiver of the rear yard location requirement for an accessory building to validate existing conditions and obtain a building permit for a shed in the front yard at 3410 41st Avenue, Colmar Manor. **The Board resolved, by majority vote, Ms. Mack absent, that variances of 1,000 square feet net lot area, 10 feet front building line width, 17.6% net lot coverage and variances of 34 feet front street line setback, 1 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 elevation plans, Exhibits 3(a) thru (d).

V-118-16 Afework Tesgaye

Request for variances of 2 feet side street yard depth, 8.2% net lot coverage, 11.8% side yard coverage, 29 feet front street line setback for one accessory building and 17 feet front street line setback for a second accessory building to validate existing conditions and obtain a building permit for a new shed at 5801 Queens Chapel Road, Hyattsville. **The Board resolved, by majority vote, Ms. Mack absent, variances of 2 feet side street yard depth, 8.2% net lot coverage, 11.8% side yard coverage, 29 feet front street line setback for one accessory building and 17 feet front street line setback for a second accessory building be DENIED.**

V-120-16 Son Nguyen & Hoa Tran

Request for variances of 10 feet front yard depth and 3.1% net lot coverage to validate an existing condition and construct a covered front porch at 3513 Nicholson Street, Hyattsville. **The Board resolved, by majority vote, Ms. Mack absent, that variances of 10 feet front yard depth and 1.5% net lot coverage be APPROVED.** Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 19, and the approved elevation plan, Exhibit 3.

MINUTES FOR APPROVAL FROM OCTOBER 26, 2016 – The Board resolved, by majority vote, Ms. Mack absent, that the minutes be APPROVED.

THE MEETING ADJOURNED AT 9:22 P.M.

Prepared and submitted by:

(Original Signed)
Anne F. Carter
Administrator

APPROVED