

FEBRUARY 8, 2017  
BOARD OF APPEALS  
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:30 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  
Barbara J. Stone, Acting Administrator  
Aminah Bushrod, Communications Specialist

**DISCUSSION/DECISION**

V-157-16 Rodolfo Huacho and Any Hilario

Request for variances of 7.5 feet front yard depth, 9.4% net lot coverage and 2 feet side lot line setback for an accessory building to validate existing conditions, obtain a building permit for a covered front porch and construct a two-story addition 7009 East Forest Road, Landover. **The Board resolved, unanimously, that variances of 7.5 feet front yard depth, 9.4% net lot coverage and 2 feet side lot line setback for an accessory building to validate existing conditions, obtain a building permit for a covered front porch and construct a two-story addition be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved revised elevation plan, Exhibit 23.**

**CASES FOR HEARING**

**NEW CASES**

**VARIANCES**

V-1-17 Nguy Tchaha and Valentin Kapmouo

Request for variance of 4 feet side yard width to validate an existing condition and construct a second-floor addition and two-story addition at 4313 North Addison Road, Capitol Heights. **The record was held open for Petitioners to possibly redesign the addition to reduce the size.**

V-2-17 Tonica Jenkins and Everette Reel

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Sybaris Drive) of a corner lot to construct a 6-foot wooden privacy fence at 12415 Kayak Drive, Upper Marlboro. **The record was held open for Petitioners to submit revised plan showing the fence moved in off the property line 4 feet along Sybaris Drive.**

**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

**APPROVED**

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 record was held open by Petitioners request for a 90 day continuance with the County agreeing to provide a progress report every 30 days to complete inspections. The Town of Fairmont Heights will object to any further continuance beyond the 90 days.**

### **ADMINISTRATIVE APPEAL**

#### AA-1684 Malcolm Friar

An appeal from the determination of the Department of Permitting, Inspections and Enforcement, Inspections Division, to issue a Violation Notice, dated December 14, 2016, citing Petitioner with violating County Code Section 32-161(2) (On-Site Drainage) as new development shall not cause water to be impounded on the adjacent property and adequate drainage facilities shall be provided to prevent ponding, and requiring Petitioner to obtain the required permit(s) for work done at the property or grade the property per approved site grading plan, on R-55 (One-Family Detached Residential) zoned property located at Lot 1177, Block 51, Cheverly Subdivision, being 5806 Carlyle Street, Cheverly, Prince George's County, Maryland. **The Board resolved, unanimously, that the determination of the Department of Permitting, Inspections and Enforcement, Inspections Division, to issue Violation Notice, dated December 14, 2016 be and is hereby AFFIRMED, and DPIE shall work with Petitioner to determine resolution.**

At 8:55 p.m. the Board recessed and reconvened at 9:07 p.m.

### **DISCUSSION/DECISION**

#### V-98-16 Marina and Rene Herrera

Request for variances of 3 feet front yard depth, .5 foot side yard width and 9% net lot coverage to validate existing conditions and obtain a building permit for a new driveway extension at 7101 24th Avenue, Hyattsville. **The Board resolved, unanimously, that variances of 3 feet front yard depth, .5 foot side yard width and 9% net lot coverage be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.**

#### V-151-16 Noah Pierce

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting 41st Avenue) to validate and obtain a building permit for a 6-foot high wooden privacy fence at being 4101 Madison Street, Hyattsville. **The Board resolved, unanimously, that variances of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting 41st Avenue) be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibit 3 (a) and (b).**

#### V-153-16 Marcos Benitez and Reyna Ortiz

Request for variances of 13% net lot coverage and 2 feet side lot line setback and 1.5 feet rear lot line setback for an accessory building and a waiver of the parking area location requirement to validate existing conditions and obtain a building permit for a new carport at 1802 Lebanon Street, Adelphi. **The record was held open for Petitioners to provide the Board a letter explaining the new carport is not attached in any way to the neighbor's wall at 8100 Riggs Road, Hyattsville.**

**APPROVED**

V-154-16 Osmin and Maria Canales

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 high wooden fence at 4117 70th Avenue, Hyattsville. **The Board resolved, unanimously, that variances of the fence location and height 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 approved elevation plan, Exhibit 3.**

V-159-16 Adam Weissmann and Eva Schildhause

Request for variances of 3.2% net lot coverage and 1 foot setback from an alley for an accessory building to validate an existing condition and construct a two-story addition at 4207 Jefferson Street, Hyattsville. **The Board resolved, unanimously, that variances of 3.2% net lot coverage and 1 foot setback from an alley for an accessory building be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.**

**MINUTES FOR APPROVAL FROM JANUARY 25, 2017 – The Board resolved, unanimously, that the minutes be APPROVED.**

THE MEETING ADJOURNED AT 9:45 P.M.

Prepared and submitted by:

(Original Signed)  
Barbara J. Stone  
Acting Administrator

**APPROVED**