

MAY 24, 2017
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:20 p.m. the Chairperson convened the meeting and the following members were present:

Al Scott, Vice Chair
Anastasia Johnson, Member
Emerson S. Davis, Sr., Attorney
Barbara J. Stone, Acting Administrator
Aminah Bushrod, Communications Specialist

Also Present:
Ernesto Luna, Spanish Language Interpreter

CASES FOR HEARING - 6:00 P.M.

NEW CASES

VARIANCES

V-37-17 Juan and Lucila Hernandez

Request for variances of 4.5 feet front yard depth, 5.03 feet side yard width and 12.7% net lot coverage to validate existing conditions, obtain a building permit for a covered patio, storage building covered entrance and addition to storage building and to construct a covered front porch at 6002 Eastpine Drive, Riverdale. **Spanish Language Interpreter Services were provided. The Board resolved, by majority vote, Bobbie Mack absent, that variances of 4.5 feet front yard depth, 5.03 feet side yard 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 plans, Exhibit 3 (a) thru (c).**

V-38-17 Santos Reyes

Request for variances of 2 feet front yard depth for the dwelling, 6.6% net lot coverage and variances of 35 feet front lot line setback, .5-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 deck at 2610 Fort Drive, Suitland. **Spanish Language Interpreter Services were provided. The record was held open for Petitioner to revise the site plan to demonstrate current and proposed conditions.**

V-32-17 Sikiru and Feyisola Salami

Request for variances of 4 feet rear yard depth/width and 2.7% net lot coverage to construct a deck and gazebo at 7211 Greenspring Lane, Lanham. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that variances of 4 feet rear yard depth/width and 2.7% net lot coverage be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 3, and the approved elevation plan, Exhibit 4.**

V-34-17 Alvin and Avis Turner

Request for a variance of 2.6% net lot coverage and waivers of the rear yard location requirement for accessory buildings to validate existing conditions and construct a solar array at 15907 Nottingham Road, Upper Marlboro. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that variances of 2.6% net lot coverage and waivers of the rear yard location requirement for accessory buildings be**

APPROVED

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 (b).

V-36-17 Lincoln Tyson

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Vicar Woods Lane) to construct a 6-foot wrought iron fence at 13007 Vicar Woods Lane, Bowie. **Petitioner requested a continuance until June 7, 2017.**

V-39-17 Eduardo Cruz

Request for a variance of 4.9% net lot coverage to construct a two-story addition at 5705 64th Place, Riverdale. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that a variance of 4.9% 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.**

V-40-17 Karin Cottle and Emane Bethel

Request for a variance of 4.4% net lot coverage to construct a driveway and parking pad at 7014 96th Place, Lanham. **The record was held open for Petitioner to remove a portion of the proposed driveway as requested by the Board. If the Petitioner chooses to remove the portion of the driveway, the variance will no longer be required as the lot coverage will be under the maximum allowable percentage.**

V-41-17 Lee and Jonie Joyner

Request for variances of 12 feet rear yard depth/width for the dwelling, 5.1% net lot coverage, 1 foot rear lot line setback for one accessory building, 8.5 feet rear lot line setback for a second accessory building and a waiver of the rear yard location requirement for both accessory buildings to validate existing conditions and construct a one-story addition at 2900 Hempstead Drive, Fort Washington. **The Board resolved, by majority vote, Bobbie Mack absent, that variances of 12 feet rear yard depth/width for the dwelling, 5.1% net lot coverage, 1 foot rear lot line setback for one accessory building, 8.5 feet rear lot line setback for a second accessory building and a waiver of the rear yard location requirement for both accessory buildings 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 (d).**

OTHER ZONING APPEAL

V-13-15 Ebony Inn

Pursuant to Section 27-229(a) of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance"), this appeal was brought to the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), 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, Prince George's County, Maryland. **The record was held open as Petitioner has requested a full compliment of Board Members. Additionally, Petitioner requested a 90-day continuance for the County to provide the Board with the results of the final Use and**

APPROVED

Occupancy Inspection giving the Board adequate time to review the County's report. Status Report provided by Dennis Whitley, Attorney for the Petitioner.

ADMINISTRATIVE APPEAL

AA-1687 Nicholas Maiers and William Robinson

This appeal was filed with the Board of Appeals for Prince George's County, Maryland, sitting as the Board of Administrative Appeals, from the determination of the Department of Permitting, Inspections and Enforcement, Inspections Division, to issue Violation Notice No. BVN 8468-2017, dated February 19, 2017, citing violations of 2015 IRC Sections R-105.1 and R-109.9 and County Code Section 4-352(i)(24) and requiring Petitioners to obtain the required permit(s) for work done or remove, work includes but not limited to multiple accessory structures and an extended driveway; to obtain all required inspection(s) for work performed once the permit(s) has/have been issued; and to obtain electrical permit for work done or remove, work includes but not limited to new lights and outlets to the shed, on R-R (Rural Residential) zoned property located at 16103 Kenny Court, Laurel, Prince George's County, Maryland. **Appeal verbally withdrawn by Petitioner. The Board resolved, by majority vote, Ms. Bobbie Mack absent, that the appeal be DISMISSED.**

DISCUSSION/DECISION

VARIANCES

V-31-17 Yesenia Cruz

Request for variances of 6.5 feet side yard width and 1.5% net lot coverage to validate existing conditions and obtain a building permit for a new covered deck and covered patio at 1810 Clayton Drive, Oxon Hill. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that variances of 6.5 feet side yard width 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 22, and the approved elevation plan, Exhibit 3.**

V-35-17 Henry Padilla and Heidy Arita Pena

Request for waiver of the parking area location requirement to construct a driveway extension in the front yard at 9602 Lanham Severn Road, Lanham. **The Board resolved, by majority vote, Ms. Ms. Bobbie Mack absent, that a waiver of the parking area location requirement be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.**

REQUEST FOR RECONSIDERATION

V-36-17 Keith Winston

Original request for variances of 15 feet front yard, 2 feet side yard and 7.7% lot coverage. The approved a site plan showed a 9.5-foot driveway. Although Petitioner's variance was approved, regulations have changed and a 10-foot driveway width must be provided. Petitioner is requesting reconsideration of the site plan to demonstrate the 10-foot driveway to have his permit issued. **The Board resolved, by majority vote, Bobbie Mack absent, that a reconsideration of the driveway width from 9.5 feet to 10 feet be APPROVED. This reconsideration does not negate or change any variances from the original variance approvals. Approval of the reconsideration is contingent upon development in compliance with the approved revised site plan, Exhibit 21.**

MINUTES FOR APPROVAL FROM May 3, 2017 – The Board resolved, by majority vote, Ms. Bobbie Mack absent, that the minutes be APPROVED.

APPROVED

THE MEETING ADJOURNED AT 9:25 P.M.

Prepared and submitted by:

(Original Signed)
Barbara J. Stone
Acting Administrator

APPROVED