

## MINUTES

November 29, 2017

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:49 p.m. the Chairperson convened the meeting and the following members were present:

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

Also Present:  
Leslie Bilchick, Spanish Language Interpreter

### **CASES FOR HEARING - 6:00 P.M.**

#### **ADMINISTRATIVE APPEAL**

##### AA-1689 JES International

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. 56698-2016-01, dated March 18, 2017, citing Petitioner with violating 2015 IRC Sections R-105.1 and R-109.1, requiring Petitioner to obtain the required permit(s) for work done, work includes but not limited to interior renovations (including adding a bathroom), (AC, driveway and deck) and obtain all required inspection(s) for work performed once the permit(s) has/have been issued, on R-55 (One-Family Detached Residential) zoned property located at Lot 700, Chillum Manor Subdivision, being 1208 Burketon Road, Hyattsville, Prince George's County, Maryland.

**Spanish Language Interpreter Services were provided. The appeal was rescheduled to January 10, 2018.**

### **NEW CASES**

#### **VARIANCES**

##### V-147-17 Juan Reina

Request for variances of 17.5% net lot coverage, 2 feet side lot line setback for an accessory building and a waiver of the parking area location requirement to validate existing conditions, obtain a permit for new driveway extensions in the front and rear yard, a new detached covered patio, a new covered basement entrance, a new addition to the garage and to construct a second-floor addition at 7004 23rd Avenue, Hyattsville. **Spanish Language Interpreter Services were provided. The record was held open for Petitioner to clarify the extent of work that has been completed to ensure accurate validation.**

V-141-17 John and Joann Reyes

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Tangler Circle) to validate and obtain a building permit for a new 6-foot white vinyl fence in the side yard of a corner lot at 17500 Madrillon Way, Accokeek. **Petitioner has requested to withdrawal their request for waivers. The Board resolved, unanimously, that the appeal be DISMISSED.**

V-142-17 Charles and Loren Garfalo

Request for a variance of 4.6% net lot coverage and a waiver of the rear yard location requirement for an accessory building to validate existing conditions and obtain a building permit for a driveway extension and 6-foot wooden fence at 6703 McCahill Terrace, Laurel. **The Board resolved unanimously, that variances of 4.6% net lot coverage and a waiver of the rear yard location requirement for an accessory building to validate existing conditions and obtain a building permit for a driveway extension and 6-foot wooden fence be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.**

V-144-17 Caleb Rapiere and Rachel Austin

Request for variances of 1 foot left side yard width and 3 feet right side yard width for the dwelling, 2.5% net lot coverage, 2 feet side lot line setback and 1 foot rear lot line setback for an accessory building and a waiver of the parking area location requirement to validate existing conditions and construct a driveway, with steps and a 3-foot retaining wall, in the front yard at 6310 Inwood Street, Cheverly. **The Board resolved unanimously, that variances of 1 foot left side yard width and 3 feet right side yard width for the dwelling, 2.5% net lot coverage, 2 feet side lot line setback and 1 foot rear lot line setback for an accessory building and a waiver of the parking area location requirement to validate existing conditions and construct a driveway, with steps and a 3-foot retaining wall, in the front yard be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.**

V-150-17 Kenneth and Karen Moore

Request for a variance of 9 feet rear yard depth/width to construct a deck with landing and steps at 6803 Sand Cherry Way, Clinton. **The Board resolved unanimously, that a variance of 9 feet rear yard depth/width to construct a deck with landing and steps be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (c).**

V-152-17 Hong Nguyen and Kim Tran

Request for variances of 8 feet side yard width and 7% net lot coverage to validate existing conditions and construct a one-story addition at 4802 Sheridan Street, Riverdale. **The record was held open to provide the Town of Riverdale Park the opportunity to comment.**

V-154-17 James and Myrtle Charles

Request for variances of 12.5 feet front yard depth, 2 feet side yard width and 5.7% net lot coverage to validate existing conditions and construct a driveway at 4037 34th Street, Mount Rainier. **The record was held open to provide the Town of Mt. Rainier the opportunity to comment.**

V-155-17 Mario Guatemala and Maria Rivera

Request for variances of 1,156 square feet net lot area, 2 feet left side yard width and 1 foot right side yard width for the dwelling, 9.2% net lot coverage, 1 foot rear lot line setback for an accessory building and a waiver of the parking area location requirement to validate existing conditions and construct a driveway in the front yard at 5609 Patterson Road, Riverdale. **The Board resolved unanimously, that variances of 1,156 square feet net lot area, 2 feet left side yard width and 1 foot right side yard width for the dwelling, 9.2% net lot coverage, 1 foot rear lot line setback for an accessory building and a waiver of the parking area location requirement to validate existing conditions and construct a driveway in the front yard be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.**

V-156-17 Mario Guatemala and Maria Rivera

Request for variances of 1,094 square feet net lot area, 1 foot side yard width and a waiver of the parking area location requirement to validate existing conditions and construct a driveway in the front yard at 5611 Patterson Road, Riverdale. **The Board resolved unanimously, that variances of 1,094 square feet net lot area, 1 foot side yard width and a waiver of the parking area location requirement to validate existing conditions and construct a driveway in the front yard be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.**

**OTHER ZONING APPEALS**

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 Petitioner has submitted a request for a 180-day continuance. The Board denied that request granting a 30-day continuance and rescheduled the appeal for January 24, 2018.**

V-102-17 Rosa and James White

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 Property Standards Inspector, Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Violation Notice CSD Case No. 17-00061139, dated June 28, 2017, citing Petitioners with violation of Zoning Ordinance Sections 27-441(b)(3) and (b)(7) (Keeping or raising livestock or any animal that is not customarily a household pet in R-55 zoned property is not permitted) and Housing Code Section 13-118(a) (Exterior property area is being used for open storage of items to include but not limited to rubbish, garbage, building materials and/or poles) and requiring Petitioners to remove all livestock, poultry or animal that are not considered household pets and remove items and maintain premises in a clean and sanitary condition, on R-55 (One-Family Detached Residential) zoned property located at Lot 9, Block K, Wilburn Estates Subdivision, being 6816 Wilburn Drive, Capitol Heights, Prince George's County, Maryland. **The County has closed Violation Notice Case No. 17-00061139. The Board resolved, unanimously, that the appeal be DISMISSED.**

**DICUSSION/DECISION**

V-77-17 EDY 3700 Ironwood Place, LLC

Request for variances of 25 feet front yard setback and 30 feet side yard setback and a waiver of the fence location requirement to construct a 7-foot chain link fence with 1-foot of barbed wire at 3700-3710 Ironwood Place, Landover. **The Board resolved unanimously, that variances of 25 feet front yard setback and 30 feet side yard setback and a waiver of the fence location requirement to construct a 7-foot chain link fence with 1-foot of barbed wire be DENIED.**

V-120-17 Cleveland and Dianne Tyler

Request for a variance of 4.2% net lot coverage to construct a one-story addition to a semidetached dwelling at 1003 Carrington Avenue, Capitol Heights. **The Board resolved by majority vote, Ms. Anastasia Johnson abstaining, that variances of 4.2% net lot coverage to construct a one-story addition to a semidetached dwelling be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (b).**

V-123-17 Jose Escobar and Dina Ayala

Request for a variance of 8.2% net lot coverage to validate an existing condition and construct a second-floor addition at 6736 Cathedral Avenue, Lanham. **The Board resolved unanimously, that the Petitioner's are now in full compliance with the Zoning Ordinance and that the appeal be DISMISSED.**

V-129-17 Xiwen Shi, et al

Request for variances of 2,172 square feet net lot area, 15 feet front building line width, 10 feet front yard depth, 10 feet rear yard depth/width, 31.8% 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 in the front yard at 5303 50th Avenue, Riverdale. **The record remains open for Petitioner to submit a revised site plan demonstrating the conditions requested by Riverdale Park. Petitioner has requested additional time to submit a revised site plan.**

V-134-17 Gloria Stovall

Request for a variance of 3.6 feet side yard width to construct a second-floor addition above the garage at 1211 Gondar Avenue, Hyattsville. **The Board resolved unanimously, that variances of 3.6 feet side yard width to construct a second-floor addition above the garage be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.**

V-137-17 Roberto Henriquez

Request for a variance of 10.3% net lot coverage, a variance of 1.5 feet side lot line setback and a waiver of the rear yard location requirement for an accessory building and a waiver of the parking area location requirement to validate existing conditions and obtain a building permit for a one-story addition and a driveway extension in the front yard at 1410 Nye Street, Capitol Heights. **The Board resolved unanimously, that variances of 10.3% net lot coverage, a variance of 1.5 feet side lot line setback and a waiver of the rear yard location requirement for an accessory building and a waiver of the parking area location requirement to validate existing conditions and obtain a building permit for a one-story addition and a driveway extension 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-139-17 Cory Chase and Monica Lester

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Highgate Drive) and side yard (abutting Middlefield Road) to construct a 6-foot wooden privacy fence in the front and side street yards, with brick columns, at 6600 Middlefield Road, Fort Washington. **The record was held open for the Petitioner to remove the 6-foot fence from the front yard. Petitioner has requested additional time to submit a revised site plan.**

**MINUTES FOR APPROVAL FROM NOVEMBER 15, 2017 – The Board resolved, unanimously, that the minutes be APPROVED.**

THE MEETING ADJOURNED AT 09:42 P.M.

Prepared and submitted by:

(Original Signed)  
Barbara J. Stone  
Administrator