

## **APPROVED**

### **MINUTES**

July 25, 2018

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:16 p.m. the Chairperson convened the meeting and the following members were present:

Al Scott, Vice Chair  
Anastasia Johnson, Member  
Kathy Canning, Attorney  
Maurene McNeil, Attorney  
Barbara J. Stone, Administrator  
Aminah Bushrod, Communications Specialist

Also Present:  
Ernesto Luna, Spanish Language Interpreter

#### V-61-18 Deborah and Anton Downs

Request for variances of 1 foot front yard depth and a waiver of the parking area location requirement to validate an existing condition (dwelling) and construct a driveway extension in the front yard at 7305 Kipling Parkway. District Heights. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that variances of 1 foot front yard depth and a waiver of the parking area location requirement be DISMISSED.**

#### V-66-18 Rosa Turcious

Request for a variance of 4.4% net lot coverage to construct a driveway extension at 110 Iroquois Way, Oxon Hill. **Spanish Language Interpreter Services were provided. The record was held open to allow the Town of Forest Heights the opportunity to provide comments.**

#### V-56-18 Roswell and Ivy Hatcher

Request for waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Chatsworth Drive) to construct a 6-foot black aluminum fence in the front yard of a corner lot at 15801 Young Court, Accokeek. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Chatsworth Drive) 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-60-18 Harold and Phyllis Denby

Request for a variance of 4.5% net lot coverage to validate an existing condition (development) and construct a two-story addition at 10509 Bailey Drive, Cheltenham. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that a variance of 4.5% net lot coverage be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.**

V-62-18 Juan Martinez

Request for variances of 2 feet side yard depth for the dwelling, 2.8% net lot coverage, 52 feet front street line setback for one accessory building, 45 feet front street line setback for a second accessory building and waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Gunther Street) and the front yard (abutting Oak Avenue) to validate existing conditions (dwelling, sheds) and construct extended driveway area, a 6-foot chain link fence, a 6-foot white vinyl privacy fence and a 5-foot iron fence atop a 1-foot block wall in the front yards of a through lot at 1132 Quo Avenue, Capitol Heights. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that variances of 2 feet side yard depth for the dwelling, 2.8% net lot coverage, 52 feet front street line setback for one accessory building, 45 feet front street line setback for a second accessory building and waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Gunther Street) and the front yard (abutting Oak Avenue) be APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 21 and approved elevation plans, Exhibits 3, 4 and 5.**

V-63-18 Daniel Woldu

Request for variances of 4 feet front yard depth and 7.5 feet side yard width for the dwelling, 3.2% net lot coverage and 2 feet rear lot line setback for an accessory building to validate existing conditions (dwelling, shed) and obtain a building permit for a new attached carport with retaining wall to a semi-detached dwelling at 5602 59th Avenue, Riverdale. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that variances of 4 feet front yard depth and 7.5 feet side yard width for the dwelling, 3.2% net lot coverage and 2 feet 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 approved elevation plans, Exhibits 3 (a) thru (b).**

V-64-18 Everett and Leslie Turner

Request for variances of 1 foot side yard width for the dwelling, 15.2% net lot coverage, 2 feet rear lot line setback for one accessory building, 2 feet side and rear lot line setbacks for a second accessory building, a waiver of the rear yard location requirement for a third accessory building and a waiver of the parking area location requirement to validate existing conditions (development, dwelling, shed, garage) and obtain a building permit for a driveway extension and detached garage in the front yard at 10009 Allentown Road, Fort Washington. **The record was held open for technical assistance.**

V-65-18 Lorenzo Lopez

Request for a variance of 1.2% net lot coverage and a waiver of the parking area location requirement to construct a driveway in the front yard of a semi-detached dwelling at 7638 Muncy Road, Hyattsville. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that a variance of 1.2% net lot coverage and 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.**

V-68-18 Dora Arevalo

Request for variances of 11 feet side street line setback for one accessory building, 10 feet side street line setback and 7 feet rear lot line setback for a second accessory building and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Trueman Drive) to

validate existing conditions (sheds), obtain a building permit for a new shed and construct a 6-foot wooden privacy fence in the side yard of a corner lot at 5701 Hartwell Street, Temple Hills. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that variances of 11 feet side street line setback for one accessory building, 10 feet side street line setback and 7 feet rear lot line setback for a second accessory building and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Trueman Drive) were filed in error and shall be DISMISSED with full refund.**

V-69-18 Ruben Lopez

Request for a waiver of the parking area location requirement to construct a driveway in the front yard of a semi-detached dwelling at 8136 Allendale Drive, Hyattsville. **The Board resolved, by majority vote, 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.**

V-70-18 Guardian Fund II-Centrepointe LLC

Request for a variance of 1,500 square feet playground area to obtain a detailed site plan for a special education facility, providing an indoor activity area only (no outdoor amenities) at 855 Brightseat Road, Landover. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that a variance of 1,500 square feet playground area be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3 and approved elevation plan, Exhibits 4.**

## **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. **July 25, 2018 -Request for 90-day continuance (October 24, 2018) with Office of Law and DPIE in agreement.**

V-46-18 Inyamah Chidiebere

This appeal was filed with the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland, from the determination of the Property Standards Inspector, Department of Permitting, Inspections and Enforcement, Enforcement Division, to issue Violation Notice 16-00005337 dated March 20, 2018, citing Petitioner with violation of Zoning Ordinance Section 27-441(b)(8)(A) (Boats and boat trailers are limited to one (1) each . . . and shall be parked at least eight (8) feet from a street, parked on a dust-free area such as concrete, asphalt, or gravel, be properly licensed and operable, covered to prevent the accumulation of water and not be in excess of twenty (20) feet unless located on a lot at least two (2) acres in size; 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 International Property Maintenance Code (2000) Section 302.2 (Exterior property area has holes and or eroded/unprotected soil) and requiring Petitioner to remove all boats and boat trailers in excess of one (1) and/or bring the parked boat and boat trailer into compliance with the above referenced code requirement; remove items and maintain premises in a clean and sanitary condition; and properly back fill all holes and grade eroded area and provide and maintain permanent vegetative grow on unprotected soil, on R-55 (One-Family Detached Residential) zoned property located at Lots 22, 23 & 24, Block 57, Greater Capitol Heights Subdivision, being 1101 Clovis Avenue, Capitol Heights, Prince George's County, Maryland. **Rescheduled date to be determined.**

## **DISCUSSION/DECISION**

### V-36-18 Derk and Aracel Mattocks

Request for a variance of 1.2% net lot coverage to construct a one-story addition at 10203 Sea Pines Drive, Mitchellville. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that a variance of 1.2% net lot coverage 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-40-18 Gilda and Noel Gonzalez

Request for variances of 4 feet front yard depth for the dwelling, 8.5% net lot coverage and a waiver of the parking area location requirement to validate an existing condition (existing development, dwelling, driveway) and construct a driveway extension, with retaining walls, in the front yard of a through lot at 5833 36th Avenue, Hyattsville. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that variances of 4 feet front yard depth for the dwelling, 8.5% net lot coverage and 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.**

### V-42-18 Jose Herrera

Request for a variance of 19.3% net lot coverage and a waiver of the parking area location requirement to validate an existing condition (existing development) and construct a driveway, with retaining walls, in the front yard of a through lot at 5815 36th Avenue, Hyattsville. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that a variance of 19.3% net lot coverage and a waiver of the parking area location requirement be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.**

### V-43-18 David Moreno

Request for a variance of 4 feet front yard depth and a waiver of the parking area location requirement to validate an existing condition (dwelling) and construct a driveway in the front yard at 6905 23rd Avenue, Hyattsville. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that a variance of 4 feet front yard depth and a waiver of the parking area location requirement be APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18.**

### V-53-18 Gervin Martinez and Maria Rivera

Request for variances of 1-foot side yard width for the dwelling, 1-foot rear lot line setback for an accessory building and 1.6% net lot coverage, and a waiver of the parking area location requirement to validate existing conditions (dwelling, shed) and construct a driveway extension in the front yard at 5805 Seminole Street, Berwyn Heights. **Rescheduled to August 29, 2018, to allow the Town of Berwyn Heights an opportunity to comment.**

V-57-18 Ruben Arevalo and Olga Galdamez

Request for a variance of 1-foot side lot line setback for an accessory building and a waiver of the parking area location requirement to validate an existing condition (shed) and construct a driveway extension in the front yard at 11627 35th Avenue, Beltsville. **The Board resolved, by majority vote, Ms. Bobbie Mack absent, that a variance of 1-foot side lot line setback for an accessory building and a waiver of the parking area location requirement be APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 18.**

V-59-18 Abner Galdamez

Request for a variance of 2.8% net lot coverage and a waiver of the parking area location requirement to validate existing conditions (development, driveway) and obtain a building permit for a new driveway in the front yard and a new retaining wall at 6401 Park Hall Drive, Laurel. **The record was taken under advisement for a full Board discussion.**

**Minutes for Approval from June 11, 2018 – The Board resolved, unanimously, that the minutes be APPROVED.**

THE MEETING ADJOURNED AT 8:54 P.M.

Prepared and submitted by:

(Original Signed)  
Barbara J. Stone  
Administrator