

MINUTES

October 9, 2019

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 06:16 p.m. the Chairperson convened the meeting and the following members were present:

Bobbie Mack, Chair
Al Scott, Vice Chair
Emerson Davis, Attorney
Barbara Stone, Administrator
Aminah Reid, Technical Services

V-53-19 Vernancio Balbuena **Spanish Language Interpreter Services Provided**

Request for variances of 1000 square feet net lot area, 25 feet front building line width and 5 feet front street line width for the property, 1.5 feet front yard depth, 7 feet a side yard width for the dwelling and 23% net lot coverage to validate existing conditions (property, dwelling and development) and construct a proposed driveway at 4900 Heath Street, Capitol Heights. **The record was held open for Petitioner to revise the site plan reducing the width of the driveway and submit apron permit.**

V-66-19 Ricardo Cardenas **Spanish Language Interpreter Services Requested.**

Request for a variance of 3 feet side yard width and a waiver of the parking area location requirement to validate an existing condition (dwelling) and construct a proposed parking pad/driveway at 8802 Edmonston Road, Berwyn Heights. **Petitioner did not appear; to be rescheduled.**

V-88-19 Jose and Maria Cruz **Spanish Language Interpreter Services Provided**

Request for a waiver of the parking area location requirement to obtain building permits for unauthorized construction of a side walk, storage shed, laundry room and a driveway extension in front of the house. Petitioners also proposes to install a 6-foot metal fence at 5605 Belmont Place, Oxon Hills. **The Board resolved, by majority vote, Ms. Anastasia Johnson 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 and approved elevation plan, Exhibit 3.**

V-60-19 Gloria and David Perry

Request for a variance of 13 feet rear yard depth/width to validate an existing condition (dwelling) and construct a screened porch deck at 7101 Murphy Court, Temple Hills. **The Board resolved, by majority vote, Ms. Anastasia Johnson absent, that a variance of 13 feet rear yard depth/width 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-62-19 Lian Zhao

Request for variances of 4.6% net lot coverage, 1.5 feet rear lot line setback and waiver of the rear yard location requirement for an accessory building (shed), and a waiver of the parking area location requirement to validate an existing condition (dwelling) and construct a driveway extension of the driveway at 8323 12th Avenue, Silver Spring. **The record was held open to allow the Petitioner to submit revised site plan reducing the width of the driveway.**

V-68-19 Deborah and Anton Downs

Request for variances of a 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 record remained open to allow the Town of District Heights the opportunity to provide comments.**

V-90-19 Erik Mendez

Request for variances of 16 feet front yard depth and a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting 31st Avenue) to validate an existing condition (dwelling) and construct a covered porch, a 6-foot Aluminum Fence and an asphalt path at 5622 31st Avenue, Hyattsville. **Taken under advisement**

OTHER ZONING APPEALS

V-13-15 Ebony Inn

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 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.—On May 8, 2019 the Office of Law requested rescheduling to October 2019, with no further continuances. **Rescheduled to December 4, 2019**

ADMINISTRATIVE APPEALS

AA-1718 Seeram Enterprises, LLC

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. 8523-19-0, dated March 1, 2019, citing Petitioner with violating County Code Section 32-126(a) Grading Permit required; 2015 IBC Section 105.1 as amended by P.G. Code Section 4-111(a); P.G. Code Section 11-260 Above ground tank storage of flammable liquids; P.G. Code Section 4-352 (i)(24), P.G., and Code Section 4-1116 (a) Violations, and requiring Petitioner to obtain a grading permit for clearing trees in a flood plain area and creating a parking lot. Obtain building permit for work done or remove the same, work includes but not limited to an accessory structure (sea containers) and 6' fence. Obtain a permit for the gas tanks and oil drums that must be placed in a leak proof container and protected from being hit or damaged. A request was also made for an extension of the grace period should the Board determine that a violation exists.

Withdrawn

AA-1722 Terragona, LLC. **RESCHEDULED TO DECEMBER 4, 2019**

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. 19-00064517, dated July 15, 2019, citing Petitioner with violating County Code Section 32-240 (Property Maintenance) which prescribes that exterior surfaces, walls and foundations of structures shall be maintained in a weatherproof condition, properly surface-coated and free of graffiti. Section 303.1 and Section 303.7 (International Property Maintenance) which prescribes that roof singles on building shall keep the standard conditions. Section 305.1 and Section 305.2.1 which prescribes that debris shall be removed and cracked windows, missing window panes or windows that contain rotted wood shall be replaced. Section 13-118(a) (Housing) which prescribes that the exterior of property area shall be clean and in sanitary conditions. Section 303.4 and Section 303.10 which prescribes that decks shall prove structural safety codes. Section 303.2 (wood surfaces) which prescribes that exposed wood surfaces shall have weather resistant preservative. Corrective Action includes repair/replace/paint exterior structural surfaces which includes foundations. Areas should be free of holes, breaks, lose or rotting boards, timber or other materials, any conditions which might admit rain or dampness to the interior portions of the walls. Exterior needs proper weather proof paint. Repair/Replace defective or missing shingles to prevent dampness or deterioration to the interior portion of the structure. Remove all trash, litter and debris. Repair/replace broken windows, rotted sills/wood, windows to be sound tight condition and capable of being easily opened. Corrective actions required shall be done immediately on R-R (Rural Residential) zoned property located at Parcel 0020, Map 0092, Grid 00F3, being 4209 Largo Road, Upper Marlboro, Prince George's County, Maryland. **Rescheduled to December 4, 2019**

DISCUSSION/DECISIONS

V-71-19 Santos Argueta

Spanish Language Interpreter provided (Luna)

Request for a variance of 4% net lot coverage and waivers of the fence location and height requirements for a fence/wall over 4 feet in height in the front yard/side yard (abutting Cherry Lane South) to validate existing condition (dwelling) and obtain a building permit for a new 5 feet 11 inch brick wall in front yard, a new 6-foot vinyl fence and a new asphalt driveway at 9001 South Cherry Lane, Upper Marlboro. **The Board resolved, by majority vote, Ms. Anastasia Johnson absent, that a variance of 4% net lot coverage and waivers of the fence location and height requirements for a fence/wall over 4 feet in height in the front yard/side yard (abutting Cherry Lane South) be DENIED.**

V-82-19 Suco Wash, LLC

Spanish Language Interpreter provided (Luna)

Request for variances of 200 square feet net lot area, 10 feet front building line width, 1.3 feet left side yard setback, 1.3 feet right side yard setback, 15.9% net lot coverage and a waiver of the parking area location requirement to validate existing conditions (property & dwelling) and construct a two-story dwelling with basement, a two-car garage, a covered deck and a driveway at 4614 Burlington Road, Hyattsville.

The record was held open to allow the City of Hyattsville the opportunity to comment.

V-83-19 Mario Rosales Spanish Language Interpreter provided (Luna)

Request for variances of 8 feet front building line width, 10.5 feet side street yard depth/width and 2 feet side lot line setback to validate existing conditions (property and dwelling) and obtain a building permit for unauthorized constructions of a driveway with retaining wall at 10439 Edgefield Drive, Hyattsville.

Taken under advisement

V-84-19 James Jackson

Request for variances of 4.5 feet front building line width, 4.5 feet front yard depth and a waiver of the parking area location requirement to validate existing conditions (property and dwelling) and obtain a building permit for unauthorized construction of a driveway at 2907 Jamestown Road, Hyattsville. **The Board resolved, by majority vote, Ms. Anastasia Johnson absent, that variances of 4.5 feet front building line width, 4.5 feet front yard depth 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.**

MINUTES FOR APPROVAL FROM SEPTEMBER 18, 2019. **The Board resolved, unanimously, that the minutes be APPROVED.**

THE MEETING ADJOURNED AT 08:19 p.m.

Prepared and submitted by:

A handwritten signature in black ink that reads "Barbara J. Stone". The signature is written in a cursive style with a large initial 'B' and 'S'.

Barbara J. Stone
Administrator