

APPROVED

MINUTES

January 8, 2020

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 06:20 p.m. the Chairperson convened the meeting and the following members were present:

Bobbie Mack, Chair
Al Scott, Vice Chair
Anastasia Johnson
Emerson Davis, Attorney
Barbara Stone, Administrator
Aminah Bushrod, Technical Services
Ernesto Luna, Spanish Language Interpreter

NEW CASES / VARIANCES

V-118-19 Salvador Hernandez Spanish Language Interpreter Services Provided.

Request for a waiver of the parking area location requirement to obtain a building permit for the construction of a proposed driveway extension at 1105 Raydale Road, Hyattsville. **The Board resolved, unanimously, 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-121-19 Jose Torres Spanish Language Interpreter Services Provided.

Request for a waiver of the parking area location requirement to obtain a building for the construction of a proposed driveway at 8110 Allendale Drive, Landover. **The record was held open for Petitioner to submit a revised site plan demonstrating a minimum of 3-foot space between the driveway and the dwelling.**

V-119-19 Edy Najeras and Esmeralda Ciciliano

Request for variances of 1,450 square feet net lot area, 11 feet front building line width, 11 feet front yard depth, 19.2% net lot coverage and 1-foot rear lot line setback for an accessory building to validate existing conditions (property, dwelling and development) and obtain a building permit for the proposed construction of a second-story addition at 3404 40th Avenue, Brentwood. **The record was held open to allow the Town of Colmar Manor the opportunity to provide comments.**

V-125-19 Shazia Reyes

Request for variances of 10 feet front yard depth, 13 feet side street yard depth and a waiver of the fence height and location requirements for a fence over 4 feet in height in the side yard (abutting Shago Drive) to obtain a building permit for the construction of a one-story addition with steps at 7600 Cardinal Lane, Fort Washington. **The Board resolved, unanimously, that variances of 10 feet front yard depth, 13 feet side street yard depth and a waiver of the fence height and location requirements for a fence**

over 4 feet in height in the side yard (abutting Shago Drive) be APPROVED. Approval of the variances are contingent upon development in compliance with the approved revised site plan, Exhibit 18 and approved elevation plans, Exhibits 3 (a) thru (b).

V-131-19 Ever Guerrero Amaya

Request for a waiver of the location and height requirements for a fence over 4 feet in in the front yard (abutting Lackawanna Street) and a waiver of the rear yard location requirement for an accessory building to validate an existing condition (shed) and obtain a building permit for a retaining wall, ten/ 6-foot columns and a 5-foot metal fence in front of the dwelling at 2202 Lackawanna Street, Hyattsville. **The Record was held open for Petitioner to submit revised plan reducing the height of the columns to 4-feet and adjust the spacing between columns.**

V-137-19 Satyamarayan Gunnan

Request for variances of 2,000 square feet net lot area, 20 feet front building line width, 25 feet front yard depth, 2 feet left side width, 5 feet right side yard width and 3% net lot coverage to validate existing conditions (lot size, front building line, front yard, side yard) and obtain a building permit for the unauthorized construction of a covered deck and a proposed enclosed porch at 3414 41st Avenue, Brentwood. **The record remained open to allow the Town of Colmar Manor the opportunity to provide comments.**

V-142-19 Cassandra Pean and Chonn Lacey

Request for a variance of 11.5 feet rear yard depth/width to obtain a building permit for the proposed construction of a composite wood deck at 1201 Northern Lights Drive, Upper Marlboro. **The record remained open to allow the Heritage Glen Home Owners Association the opportunity to provide comments.**

V-143-19 Lucian Baker II and Linda Buchanan

Request for variances of 15 feet front building line width and 1% net lot coverage to validate existing conditions (front building line and lot coverage) and obtain a building permit for a proposed enclosed deck at 6708 Homestake Drive, Bowie. **The Board resolved, unanimously, that variances of 15 feet front building line width and 1% net lot coverage be APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (b).**

V-145-19 Eugenia Davis

Request for a variance of .9-foot front yard depth to validate an existing condition (front yard) and obtain a building permit for an unauthorized construction of a driveway at 7872 Burnside Road, Hyattsville. **The Board resolved, unanimously, that .9-foot front yard depth be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.**

OTHER ZONING APPEALS

V-123-19 Khan Properties, LLC

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 Zoning Violation Notice CSD 19-00077739 dated August 27, 2019, citing Petitioners with zoning violations; ¹Zoning Code Section 27-118.01(c) - Not more than one dwelling should be erected in any recorded lot in the a residential zone. ²Zoning Code Section 27-253(a)(1), 4-118(c) - Use of a building, structure or land without a use and occupancy permit for rooming/boarding house and multiple dwelling units. ³Zoning Code Section 27-441-(b)(6) Conversion of a one-family dwelling unit to a building containing up to three units on residential zone property. Corrective actions require: Petitioners to cease use of the premises, reduce the number of dwellings to one, remove all vehicles, equipment and materials until a valid use and occupancy permit, including final approval of the permit is

granted by the Department of Permitting, Inspections and Enforcement. Finally, a change of owner/tenant requires a new Use and Occupancy Permit on O-S (Open Space) Zoned property located at 2414 Robert Crain Highway, Upper Marlboro, Prince George's County, Maryland. **Petitioners did not appear at the hearing. The Board resolved, unanimously, that the appeal be DISMISSED.**

ADMINISTRATIVE APPEALS

AA-1726 Khan Properties, 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. 19-00078116, dated August 28, 2019, citing Petitioner with violating Housing Code Section 12-113(b)(1) and Section 12-113(d) which establish that unsafe structures which do not meet the minimum requirements of the Housing Code: health or welfare, security to its occupants must be declared Inhabitable. For that reasons, corrective actions must be implemented immediately. This dwelling should remain vacant until a written approval to reoccupy the structure is granted by the Department of Permitting, Inspections and Enforcement Division. In the interim, the exterior structure should meet the minimum standards of the Housing Code. The dwelling should be clean, grass/weeds cut, boarding windows and doors repaired with material conform to the overall exterior appearance of the structure if needed. Failure to comply could result in a civil penalty up to \$1,000.00 on O-S (Open Space) zone property located at 2414 Robert Crain Highway, Upper Marlboro, Prince George's County, Maryland. **Petitioners did not appear at the hearing. The Board resolved, unanimously, that the appeal be DISMISSED.**

DISCUSSION/DECISION

V-109-19 Ismael Villalta

Request for a variance of 5 feet side yard width and a waiver of the parking area location requirement to validate an existing condition (covered steps) and obtain a building permit for proposed construction of a driveway at 5813 Roanoke Avenue, Riverdale. **Petitioner has revised the site plan. Waiting for Site Roads approval.**

V-115-19 Jose Hernandez and Maria Guevara

Request for a waiver of the parking area location requirement to obtain a building permit for unauthorized construction of a concrete driveway at 3709 Varnum Street, Brentwood. **Petitioner must revise site plan to reduce the width of the driveway to 10' x 38' in order to conform with the Town of Brentwood's Code requirements of a maximum allowable front yard coverage of 25%.**

V-130-19 Manuel and Elva Ventura

Request for variances of 5 feet front building line width and 2 feet side yard setback for an accessory building to validate an existing condition (lot/width frontage) and obtain a building permit for an unauthorized construction of a gazebo. **The Board resolved, unanimously, that variances of 5 feet front building line width and 2 feet side yard setback for an accessory building be APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (b).**

RECONSIDERATION

V-217-17 Santos Ramirez

This appeal was approved by the Board on August 29, 2017, granting variances of 1,000 square feet net lot area, 12 feet front yard depth for the dwelling, 15.6% net lot coverage, .5-foot rear lot line setback for an accessory building and a waiver of the parking area location requirement. A discrepancy was found between the approved site plan and elevation plans. The original intent was to include a covered rear porch, which was demonstrated on the elevation plan, but inadvertently omitted from the site plan.

Petitioner is requesting a reconsideration to include the rear porch. Because the original appeal granted a variance of 15.6% net lot coverage variance and the covered rear porch would increase the lot coverage, the Petitioner has reduced the length of the driveway to maintain and reduce the net lot coverage to 15%. The rear covered porch was included in the Colmar Manor approval. **The Board resolved, unanimously, that the original variance approvals remain intact*, but previous site plan and elevation plan approval be Vacated, and the Request for Reconsideration be APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 38 and approved revised elevation plans, Exhibits 39 (a) thru (b).**

REQUEST FOR DISMISSAL FOR NON-PURSUANCE

V-156-18 Community Changers Community Development Corporation

This appeal was filed with the Board of Appeals for Prince George's County, Maryland, sitting as the Board of Zoning Appeals, from the determination of the Department of Permitting, Inspections and Enforcement, Permits Division, to approve Permit No. 39710-2017-02 on November 5, 2018, in violation of Section 27-464.08(a)(3) authorizing the use of a Medical Cannabis Dispensary within 500 feet of a Summer Camp (which is located within 265 feet of the dispensary). The Medical Cannabis Dispensary (JOVA Wellness Center) is located at Lots 8 & 9, Block A, Allentown Plaza Subdivision on CSC (Commercial Shopping Center) zoned property, being 5846 thru 5848 Allentown Way, Prince George's County, Maryland. **The Board resolved, unanimously, that the appeal be DISMISSED for non-pursuance.**

MINUTES FOR APPROVAL FROM DECEMBER 4, 2019. **The Board resolved, unanimously, that the minutes be APPROVED.**

THE MEETING ADJOURNED AT 9:48 p.m.

Prepared and submitted by:



Barbara J. Stone
Administrator