

MINUTES

APPROVED

April 26, 2023

All Board of Appeals hearings are virtual hearings; however, if necessary, a part of the meeting may be conducted in closed session. Pursuant to the provisions of Section 27-3413(e)(2) of the Zoning Ordinance, at 6:00 p.m. the Chairperson convened the meeting, and the following members were present:

Board Members:

Bobbie Mack, Chair - Present

Anastasia Johnson, Member - Present

Wm. Carl Isler, Member - Present.

Renee Alston, Member - Present

Teia Hill, Member - Present

Others Present:

Emerson Davis, Board Attorney

Ellis Watson, Staff Attorney

Barbara Stone, Administrator

Celeste Barlow, Administrative Aide

Olga Antelo-Vasquez, Administrative Aide

NEW VARIANCES

V-3-23 Cristian R Fuentes Spanish Language Interpreter Provided/Ernesto Luna

Request for variances of 1,429 square feet net lot area, 14% net lot coverage, 6.9 feet lot width, 4 feet right side yard width and 9 feet rear yard depth to validate existing conditions (net lot area, lot width, net lot coverage, side yard and rear yard) and obtain a building permit for the construction of a two-story addition in the rear yard at 4919 Newton Street, Bladensburg. **The record was held open for Petitioner to submit a revised site and elevation plans to demonstrate proposed two-story addition.**

V-15-23 Benjamin Hidalgo Siguenza Spanish Language Interpreter Provided/Ernesto Luna

Request for variances of 956 square feet net lot area, 10% net lot coverage, 9 feet lot width, and 4 feet front yard depth to validate existing conditions (net lot area, lot width, net lot coverage and front yard depth) and obtain a building permit for the unauthorized construction of an open porch in the rear yard at 6900 Leyte Drive, Oxon Hill at 6900 Leyte Drive, Oxon Hill. **The record was rescheduled for the next hearing (May 10, 2023) as the Petitioner did not appear for the hearing.**

V-88-22 Julien Dominique Jones

Request for variances of 9,549 square feet net lot area, 12.17 feet lot frontage, 4.5% lot coverage, and 10 feet rear yard depth to obtain a building permit to construct a 20' x 44' wood deck with stairs at 4902 Dunsmore Terrance, Upper Marlboro. **The Board resolved, by majority vote, Ms. Anastasia Johnson absent, that variances of 9,549 square feet net lot area, 12.17 feet lot frontage, 4.5% lot coverage, and 10 feet rear yard depth 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.**

V-16-23 Pobitate D. D'Rozario

Request for a waiver of the parking area location requirement in order to obtain a building permit for the proposed driveway extension in front of the house at 6903 Adelphi Road, Hyattsville. **The Board resolved unanimously that the waiver of the parking area location requirement for a driveway extension be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2.**

ADMINISTRATIVE APPEALS

AA-1760 Gloria Jarmon

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, Enforcement Division, to issue Violation Notice CSD Case No.: 22-00054626, dated February 06, 2023, citing Petitioner with: Housing Code Section 13-118(e). Violation: Accessory Structure(s) and/or other constructed appurtenances and facilities on premises are in disrepair or not structurally safe. Housing Code Section 13-181, Section 13-182. Violation: The premises is being operated as a single-family or multifamily rental facility without the required license. Housing Code Section Code 13-118(a); International Property Maintenance Code (2018) Section 302.1. Violation: Exterior property area is being used for open storage of items to include but not limited to rubbish, garbage, building material and/or any other items not approved by County Code. Housing Code Section 13-118(a); International Property Maintenance Code (2018); Section 302.1. Violation: Exterior property area has/have dead tree(s). Corrective Action Required: The owner must maintain all accessory buildings in safe and free of hazardous conditions; repair or replace all the damaged structures. At the same, the petitioner must obtain a valid rental license or have the property vacated. All rubbish, litter, trash, debris, cutting grass, dead tree(s) and items not allowed by the County must be removed immediately on AR (Agricultural-Residential) Zoned, property located at 2212 Bermondsey Drive, Bowie, Prince George's County, Maryland. Failures to comply with the violation cited above the owner is subject to penalties. A request was also made for an extension of time should the Board determine that a violation exists. **The record was held open to allow time for the Petitioner to obtain contractor quotes and time to make necessary repairs to the fence, enclose storage area under the deck and the removal of fallen trees. The Department of Permitting, Inspections and Enforcement will then determine and agree on a reasonable extension of time. Once the extension of time is determined, the Board will make a final decision.**

DISCUSSION/DECISION

V-98-21 Metropolitan Building and Development Corp.

Request for variances of 500 square feet net lot area, 15 feet front building line width, 3 feet side yard width and a waiver of the parking area location requirement to validate existing conditions of net lot area, front building line width, side yard width and a waiver of parking location at 6213 43rd Avenue, Hyattsville. **It was determined by the Board that the original approval was granted in error as the Petitioner owns both lots 25 and 26 which would negate the need to validate variances. Petitioner's Attorney, Mr. Dan Lynch was to submit a letter of justification, which has not been received. The Board resolved unanimously that the original approval (dated December 15, 2021) be RESCINDED.**

V-76-22 Felix Rivas Spanish Language Interpreter Provided / Luna

Request for variances of 18% lot area, 2 feet front yard depth and 5 feet left side yard width to validate an existing condition (lot coverage) in order to obtain a building permit for the construction of a 2nd floor addition over the existing house with the inclusion of driveway extension at 6117 42nd Avenue, Hyattsville. **The record was held open for a possible confirmed of decision from the City of Hyattsville and for Site Road approval. The record was held open for a second letter from Hyattsville and rescheduled for May 24, 2023.**

V-87-22 Jose Escobar Velasquez

Request for variances of 844 square feet net lot area, 9 feet net lot width (building line), 6.8 % net lot coverage, 4.7 feet left side yard width and .6 feet right side yard width and a waiver of the fence location requirement/waivers of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Hayden Road) to validate existing conditions (net lot area, lot width, lot coverage and side yard width) and obtain a building permit for the unauthorized construction of a 6-foot vinyl fence, deck with roof cover and steps, gazebo and shed at 2005 Hayden Road, Hyattsville. **The record was approved on March 22, 2023. Due to the need for the Security Exemption Plan approval, by majority vote, the March 22, 2023, the approval was rescinded. The record was held open as the inspector reported that the driveway extension needs the apron approval. The record was also held open for technical assistance in regard to the Security Exemption Plan approval. The case was held open to give the petitioner the opportunity to submit the apron approval.**

V-92-22 Ana Yahaira Pena

Request for variances of 1,500 feet net lot area, 15 feet front building line width, 2 feet lot frontage width at front street line, 37% net lot coverage, 2 feet left side yard width 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 Larchmont Avenue) and obtain a building permit for the unauthorized construction of a 6-foot vinyl fence at 734 Larchmont Avenue, Capitol Heights. **The record was held open for technical assistance regarding the Security Exemption Plan for fence and for Capitol Heights comments. The case was held open until the Town of Capitol Heights approves all variances requested.**

V-4-23 John C. Arrington

Request for variances of 11 feet lot width, 1-foot for each side yard width and waivers of the wall location and height requirements for a wall over 4 feet in the front yard (abutting 67th Avenue) to validate existing conditions (lot width and side yard width) and obtain a building permit for the proposed retaining wall of 5'6" and concrete driveway extension at 5905 67th Avenue Riverdale. **The Board resolved, unanimously that the original approval (dated February 22, 2023) be and is hereby RESCINDED. The Board further resolved, unanimously, that variances of 9,549 square feet net lot area, 12.17 feet lot frontage, 4.5% lot coverage, and 10 feet rear yard depth be APPROVED. Be it further resolved that the Security Exemption Plan to allow the removal and replacement of a 5'6" retaining wall be APPROVED with the condition of safety railing on top of the wall as required per County Code Section 4-172(a). Approval of the variances and Security Exemption is contingent upon development in compliance with the approved revised site plan, Exhibit 16 and approved elevation plans, Exhibits 3.**

MINUTES FOR APPROVAL FROM April 5, 2023.

Prepared and submitted by:

Olga Antelo Velasquez
Administrative Aide