

## **APPROVED**

### MINUTES

February 5, 2020

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 06:19 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

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

##### **NEW CASES / VARIANCES**

###### **V-129-19 Roberto Boudet Spanish Language Interpreter Provided / Luna**

Request for a variance of 30 feet front street line setback 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 an unauthorized construction of a deck, one story addition and a shed at 3901 57<sup>th</sup> Place, Hyattsville. **The Board resolved, unanimously, that a variance of 30 feet front street line setback and a waiver of the rear yard location requirement for an accessory building to validate an existing condition (shed) 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-132-19 Carlos Amaya Spanish Language Interpreter Provided / Luna**

Request for variances of 5.3 feet front yard depth, 2 feet side yard width, 1.5 feet front street line setback, and 2 feet side lot line setback for accessory buildings to validate existing conditions (front building line, front yard, side yard and sheds) and obtain a building permit for unauthorized constructions of a one-story addition, new patio roof, wood retaining wall and concrete steps at 7420 Parkwood Street, Landover Hills. **The Board resolved, unanimously, that variances of 5.3 feet front yard depth, 2 feet side yard width, 1.5 feet front street line setback, and 2 feet side lot line setback for accessory buildings to validate existing conditions (front building line, front yard, side yard and sheds) and obtain a building permit for unauthorized constructions of a one-story addition, new patio roof, wood retaining wall and concrete steps be APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.**

V-124-19 Devin Chesney

Request for variances of 135 square feet net lot area, 2.6 feet front yard depth and 4 feet side yard width to obtain a building permit for a proposed construction of a two-story addition and front porch at 7223 15<sup>th</sup> Avenue, Takoma Park. **The Board resolved, unanimously, that variances of 135 square feet net lot area, 2.6 feet front yard depth and 4 feet side yard width be APPROVED. Approval of the variances are contingent upon development in compliance with the approved revised site plan, Exhibit 25 and approved revised elevation plans, Exhibits 17 (a) thru (d).**

V-153-19 Freddie Smith

Request for variances of 13 feet front yard depth, 9 feet side street yard depth, 12% net lot coverage and 3 feet front street line setback for an accessory building to validate existing conditions (front yard, lot coverage and shed) and obtain a building permit for a proposed one-story addition over an existing concrete patio at 5901 Veterans Monument Place, Capitol Heights. **The record was held open to allow the Town of Fairmont Heights the opportunity to comment.**

V-156-19 Bradley Heard

Request for variances of 8 feet front yard depth, 4 feet side yard width and 7.8% net lot coverage to validate existing conditions (front yard depth, side yard width and lot coverage) and obtain a building permit for the construction of a covered front porch, covered back porch, 2-story rear addition and additional driveway to an attached two car garage at 415 Zelma Avenue, Capitol Heights. **The Board resolved, unanimously, that variances of 8 feet front yard depth, 4 feet side yard width and 7.8% net lot coverage to validate existing conditions (front yard depth, side yard width and lot coverage) and obtain a building permit for the construction of a covered front porch, covered back porch, 2-story rear addition and additional driveway to an attached two car garage be APPROVED. Approval of the variances are contingent upon development in compliance with the approved revised site plan, Exhibit 18 and approved elevation plan, Exhibit 3.**

V-160-19 Andres and Luis Pinto

Request for a waiver of the parking area location requirement to obtain a building permit for the construction of a proposed driveway extension at 3104 Fallston Avenue, Beltsville. **The record was held open to allow the Petitioner to revise the site plan to either remove the parking spaces in front of the house or the extension.**

V-161-19 Regina Mack

Request for waivers of the parking area location requirement and the fence location and height requirements for a fence over 4 feet in height in the side street yard (abutting Allentown Road) to validate an existing condition (driveway) and obtain a building permit for the construction of a 6-foot wooden fence at 6700 Berkshire Drive, Temple Hills. **The Board resolved, unanimously, that waivers of the parking area location requirement and the fence location and height requirements for a fence over 4 feet in height in the side street yard (abutting Allentown Road) to validate an existing condition (driveway) and obtain a building permit for the construction of a 6-foot wooden fence be APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.**

V-163-19 Marvin Perdomo

Request for variances of 15 feet net lot area, 10 feet front building line width, 12.5 feet front yard depth, 5 feet side yard width and 15% net lot coverage to validate existing conditions (lot size, front building line, front yard, side yard and lot coverage) and obtain a permit building to construct a concrete driveway pad on an existing gravel driveway at 3709 34<sup>th</sup> Street, Mount Rainier. **The record was held open to allow the City of Mount Rainier the opportunity to comment.**

V-164-19 Raymond Karpal

Request for variances of 11% net lot coverage, 1-foot front building line width, 2 feet side lot line setback for an accessory building and a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard (abutting Montgomery Road) to validate existing conditions (lot coverage, front building line width, accessory building shed) and obtain a building permit for the construction of a 6-foot wooden fence at 10912 Montgomery Road, Beltsville. **The record was held open to allow the Petitioner to provide photos of other properties in the community with 6-foot fences in the front yard.**

**ADMINISTRATIVE APPEALS**

AA-1728 MBNA, 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, Enforcement Division, to issue Invoice No. B67670, dated September 12, 2019. A cleaning service was performed on property being 1313 Chillum Road, Hyattsville, MD 20782, on August 26, 2019. County Invoice payment must be made payable to Prince George's County and received no later than 30 days of the date of the County invoice issued on September 12, 2019.

**Withdrawn by Petitioner's Counsel.**

AA-1729 Larry Ewers

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 No. CSD 19-00027738, dated October 01, 2019, citing Petitioner with violating (i) 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; (ii) International Property Maintenance Code (2000) Section 305.1, Section 305.2, Section 305.21 Exterior property area has accumulation of trash, litter and debris; (iii) Housing Code Section 13-118 (f) Premises has unlawful storage of wrecked, dismantled, inoperable, and/or unlicensed motor vehicles(s); (iv) Housing Code Section 13-181, Section 13-182 The premises is being operated as single-family or multifamily rental facility without the required license. Petitioner is required to take away all the debris, trash and litter to maintain the premises in clean and sanitary condition. The exterior property must remain free of dismantled, inoperable, and/or unlicensed motor vehicles and the unlawful storage of wrecked removed. The premise must obtain a rental license to operate as a multifamily facility on R-55 (One-Family Detached Residential) zoned, Block 15, Great Capitol Heights Subdivision, property located at 816 Kayak Avenue, Capitol Heights, MD 20743 of Prince George's County, Maryland. **The record was held open and a 30-day continuance was granted in order for Petitioner to evict tenants and clean. A 30-day progress report must be provided.**

**DISCUSSION/DECISIONS**

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 Board resolved, unanimously, that 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 be APPROVED. Approval of the variances are contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plan, Exhibit 3.**

V-128-19 Jose Alvarez Fuentes

Spanish Language Interpreter provided.

Request for variances of 340 square feet net lot area, 9 feet front building line width, and a waiver of the parking area location requirement to validate existing conditions (lot size, front building line width) and obtain a building permit for proposed driveway at 7007 Whitney Avenue, District Heights. **The record remained open to allow the Petitioner an opportunity to submit a revised site plan reconfiguring the driveway to 2 parking spaces.**

V-138-19 Lucio Gonzalez

Spanish Language Interpreter provided.

Request for variances of 6 feet side yard width, 5 feet front building line width and 6% net lot coverage to validate an existing condition (side yard) and obtain a building permit for an unauthorized construction of a canopy and a shed at 1716 Keokee Street, Hyattsville. **The Board resolved, unanimously, that variances of 6 feet side yard width, 5 feet front building line width and 6% net lot coverage to validate an existing condition (side yard) and obtain a building permit for an unauthorized construction of a Canopy and a shed be APPROVED. Approval of the variances are contingent upon development in compliance with the approved revised site plan, Exhibit 21 and approved elevation plan, Exhibit 3.**

V-148-19 Gabriel and Ana Rodriguez

Request for a variance of 11% net lot coverage to validate an existing condition (lot coverage) and obtain a building permit for the unauthorized construction of a covered porch and driveway extension at 13115 Greenmount Avenue, Beltsville. **The Board resolved, unanimously, that a variance of 11% net lot coverage to validate an existing condition (lot coverage) and obtain a building permit for the unauthorized construction of a covered porch and driveway extension be APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 19 and approved elevation plan, Exhibit 3.**

V-149-19 Gregory and Valarie Pines

Request for variances of 4.5 feet front yard depth, 3 feet side yard width, 6.1% net lot coverage, 13 feet front street line setback and a waiver of the rear yard location requirement for an accessory building to validate existing conditions (front yard and side yard) and obtain a building permit for the construction of a proposed shed at 4214 Urn Street, Capitol Heights. **The record remained open to allow the Petitioner to submit a revised site plan demonstrating the shed has been moved toward the rear property to meet the 60-foot setback requirement for accessory buildings. This will also alleviate the need for the waiver.**

**RECONSIDERATION**

V-6-18 Robert Keegan and Janice Nierstedt-Keegan

A request for an appeal was made to this Board on April 25, 2018 for permission to validate existing conditions (setbacks for dwelling) and construct a one-story addition, garage expansion, an open wrap-around porch and two decks on the premises known as Lot 3, Sylvan Woods Subdivision, being 16704 Swanson Road, Upper Marlboro, Prince George's County, Maryland, contrary to the requirements of the Zoning Ordinance. Variances of 29.1 feet front yard depth, 26.4 feet side street yard depth and 30 feet for the floodplain easement setback were granted. Due to storm water issues that cannot be resolved, the proposed addition, garage expansion and wrap around porch will not be constructed. In lieu of the proposed addition etc., Petitioner is requesting to install a deck in place of the addition and the deck in the rear of the dwelling. With the reconsideration and revised site plan, the front yard depth is no longer required; leaving 26.4 feet side street yard depth and 30 feet for the floodplain easement setback to be

carried forward. **The Board resolved, unanimously, that variances of 26.4 feet side street yard depth and 30 feet for the floodplain easement setback be APPROVED. Approval of the variances are contingent upon development in compliance with the approved revised site plan, Exhibit 20 and approved revised elevation plans, Exhibits 21.**

MINUTES FOR APPROVAL FROM JANUARY 22, 2020. **The Board resolved, unanimously, that the minutes be APPROVED.**

THE MEETING ADJOURNED AT 10:48 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 a long, sweeping tail.

Barbara J. Stone  
Administrator