

MINUTES
APPROVED
October 4, 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 -Absent

Wm. Carl Isler, Vice Chair - Present.

Renee Alston, Member - Present

Teia Hill, Member - Absent

Anastasia Johnson, Member - Present

Others Present:

Ellis Watson, Staff Attorney

Barbara Stone, Administrator

Celeste Barlow, Administrative Aide

Olga Antelo-Vasquez, Administrative Aide

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NEW VARIANCES

V-47-23 William Soto and Jeidiz Villatoro Spanish Language Interpreter Provided

Request for variances of 10 feet lot width at the building line, 3.9% net lot coverage area and a waiver of the parking area location requirement to validate an existing condition (Lot width at the building line) and obtaining a building permit for the proposed driveway extension in the front and side yards at 6515 Parkway Court, Hyattsville. **The record was continued in order for the Petitioner to provide driveway dimensions, a fence at the end of the driveway and obtain a driveway permit.**

V-18-23 Timothy Harris and Digna Menjivar

Request for a security exemption review in order to obtain a building permit for the unauthorized construction of a 6-foot-high fence (abutting Bright Valley Court and Hillmeade Road) and a 12-foot in height basketball rebound-chain-link fence along the property line (abutting Lot 2, Blk. J.) at 6400 Brick House Terrace, Bowie. **The Board resolved, by majority vote, Ms. Teia Hill absent, that a security exemption review in order to obtain a building permit for the unauthorized construction of a 6-foot-high fence (abutting Bright Valley Court and Hillmeade Road) and a 12-foot in height basketball rebound-chain-link fence along the property line (abutting Lot 2, Blk. J.) be APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17 and approved elevation plans, Exhibit 3, with Exhibit 4 (E).**

V-37-23 Ronako and Patrice Edwards

Request for a security exemption review for both a 6' fence and 5'6" wall over the allowable height located in the front yard (abutting Quince Apple Court) in order to obtain a building permit for the unauthorized construction of a 6-foot fence and 5'6" wall in front of the house at 10105 Quince Appel Court, Upper Marlboro. **The Board resolved, by majority vote, Ms. Teia Hill absent, that a security exemption review for both a 6' fence and 5'6" wall over the allowable height located in the front yard (abutting Quince Apple Court) in order to obtain a building permit for the unauthorized construction of a 6-foot fence and 5'6" wall in front of the house 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-45-23 Patti Calvo

Request for variances of 250 square feet net lot area, 15 feet lot width, 2 feet lot frontage, 12.5% lot coverage, 7 feet front yard depth, 4.4 feet side lot line setback for an accessory building and 3.8 feet rear lot line setback for an accessory building to validate existing conditions (net lot area, lot width, lot frontage, lot coverage, front yard depth and accessory building setbacks) and obtain a building permit for the unauthorized construction of a 9.42' x 32.5' two story cinder block shed at 727 61st Avenue, Fairmount Heights. **The record was rescheduled to November 8, 2023.**

V-50-23 Merhawi Kibrom and Samrawit Bokrestion

Request for variances of 1,500 square feet net lot area, 15 feet lot width at the building line, 2 feet lot width at front street line, 14% net lot coverage, 2 feet left side yard width, 3 feet right side yard width, and waiver of the parking area location requirement, and a security exemption for a fence over 4 feet in height in the front yard (abutting Virginia Avenue) to validate existing conditions (net lot area, lot width at the building line, frontage width at front street line, side yard, parking area location and security exemption for a fence over 4 feet) and obtain a building permit for the proposed one-story addition (22.7'x 27.5') and covered stoop (4'x 6') at 2005 Virginia Avenue, Hyattsville. **The record was continued in order for the Petitioner to provide dimensions of the driveway and for an inspector to determine the height of the fence in the front yard.**

ADMINISTRATIVE APPEAL

AA-1769 Thomas Plummer and Kathleen Simmo

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 CSD No. 23-00014007, dated May 30, 2023, citing Petitioner with violating County Code 1) Section 13-264, Section 13-265, Section 13-267 which prescribe that accumulation of litter and rubbish, high grass and weeds (Height greater than 12 inches), and/or inoperable dismantled and unlicensed motor vehicles. 2) International Property Maintenance Code (2018), Section 108.1.1, Housing Code Section 13-113(c), Section 13-114, Section 13-113(d) which prescribe structures on premises is open, vacant, and not secured are declared a hazard to the public. Consequently, the owner of this dwelling on RSF-65 (Residential, Single-Family-65) Zoned, property known as Lot 1, Block P, Subdivision Eastpines, located at 6401 Oliver Street, Riverdale, MD 20737 must correct all the items applicable to prevent issues in detriment to the community. A request was also made for an extension of the grace period should the Board determine that a violation exists. **The record was rescheduled to November 8, 2023 as Appellant is unable to attend.**

RECONSIDERATION

V-149-18 Eric Smith and Margaret Ross-Smith

Appeal has been made to this Board for permission to validate existing conditions (dwelling, detached garage) and construct a second story rear addition dormer extension on the premises known as Lot 1, Block 11, Avondale Grove Subdivision, being 2000 Hayden Road, Hyattsville, Prince George's County, Maryland, contrary to the requirements of the Zoning Ordinance. It has been determined that an error was made on the original variance for the rear yard deck setback. An additional 5-foot variance must be added to the approved 9 foot variance for a total of 14 foot setback from the deck in order to meet Section 27-442(e)(Table IV) requirements. In addition, the original variances granted a 13-foot side street setback which was not needed. Therefore, the specific violation resides in the fact that Zoning Ordinance Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width and a rear yard at least 20 feet in depth, Section 27-442(i)(Table VIII), prescribes that an accessory building on a corner lot shall generally be located only in the rear yard. Petitioner proposes to validate existing conditions (dwelling, detached garage) and construct a second story rear addition dormer extension. Variances of 1 foot side yard width, 13 feet rear yard depth for the dwelling, 14 feet rear lot line setback for the deck and a waiver of the rear yard location requirement for the garage are requested. **The Board resolved by majority vote, Ms. Teia Hill absent, that the original approval granted on January 23, 2019, be RESCINDED. The Board further resolved, by majority vote, Ms. Teia Hill absent, that the testimony and evidence from January 23, 2019, be incorporated into this decision and that variances of 1-foot side yard width for the garage, 13 feet rear yard depth for the dwelling, 14 feet rear lot line setback for the deck and a waiver of the rear yard location requirement for an accessory building garage 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.**

DISCUSSION/DECISION

V-32-23 Wayne Bacchus

Request for variances of 500 square feet net lot area, 5 feet lot width, and 10% lot coverage to validate existing conditions (net lot area, lot width) and obtain a building permit in order to construct a 1,180.6 square foot driveway extension at 726 Larchmont Avenue, Capitol Heights. *The record was held open to give the Town of Capitol Heights the opportunity to provide comments. In addition, staff is to determine if Erosion Control review is needed as well as retaining wall along the proposed driveway.* **The record was rescheduled to October 11, 2023.**

V-48-23 Victor Najera & Otoniel Ortiz

Request for variances of 9,901 square feet net lot area, 20 feet lot width at the building line, and waiver of the parking area location requirement to validate existing conditions (Net lot area and lot width at the building line) and obtain a building permit to expand the driveway (10' x 32') in front of the house at 11706 Emack Road, Beltsville. *The record was held open in order for the Petitioner to obtain the Site Road Approval.* **The record was rescheduled to October 11, 2023.**

V-57-22 Douglas Rivas

Request for variances of 172 square feet net lot area, 15 feet front building line width, 2 feet front street line width, 30% net lot coverage, 1.1 feet side yard depth and 2 feet rear lot line setback for accessory buildings (shed) to validate existing conditions (net lot area, lot width, frontage width at front street line, lot coverage, front yard depth, side yard depth and accessory building (shed) and obtain a building permit for the unauthorized construction of a shed and breezeway at 3510 Lancer Drive, Hyattsville. *The record was held open for Petitioner to discuss the variance request with the City of Hyattsville.* **The record was rescheduled to October 11, 2023.**

MINUTES FOR APPROVAL FROM September 13, 2023, will be held over for approval on October 11, 2023. THE MEETING ADJOURNED AT 8:46 P.M.

Prepared and submitted by:

Barbara Stone
Administrator