

APPROVED

MINUTES

October 23, 2019

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 06:40 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 Reid, Technical Services

NEW CASES / VARIANCES

V-99-19 Wang Chen Mandarin Language Interpreter provided \ Zhang

Request for a variance of 10 feet front building line width and a waiver of the parking area location requirement to validate an existing condition (property) and obtain a building permit for a proposed driveway at 2402 Lewisdale Drive, Hyattsville. **Petitioner did not appear for the hearing. To be rescheduled.**

V-100-19 Bi Qing Mandarin Language Interpreter provided \ Zhang

Request for variances of 10 feet front building line width, 5.5 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 double driveway at 2413 Lewisdale Drive, Hyattsville. **Petitioner did not appear for the hearing. To be rescheduled.**

V-78-19 Melvin Parker

Request for variances of 203 feet front building line width, 15 feet side yard width and 11.9% net lot coverage to validate existing conditions (property and dwelling) and construct one-story addition at 10828 Old Indian Head Road, Upper Marlboro. **The Board resolved, unanimously, that variances of 203 feet front building line width, 15 feet side yard width and 11.9% net lot coverage 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.**

V-94-19 ZMI Properties, LLC

Request for variances of 185 square feet net lot area and 15 feet front building line width to validate an existing condition (property) and obtain a building permit for a proposed two-story dwelling, wood deck, covered porch and driveway at 8906 58th Avenue, College Park. **The Board resolved, unanimously, that variances of 185 square feet net lot area and 15 feet front building line 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.

V-95-19 Christopher Wells

Request for variances of 15 feet front yard depth, 1-foot side yard width, 11 feet rear yard depth/width, 1.5% net lot coverage and 13 feet front street line setback for an accessory building to validate an existing condition (dwelling), obtain a building permit for a proposed second story addition to include a rear deck and extend a covered porch at 3711 Eastern Avenue Northeast, Mount Rainier. **The record was held open for Petitioner to submit revised site plans to demonstrate the roof overhang. Lot coverage will increase, and setback will decrease requiring re-advertisement and a new hearing. Date to be determined.**

V-96-19 Thomas and Martha Smith

Request for a waiver of the fence location and high requirement (abutting 3rd Street) to construct a proposed a 6-foot vinyl privacy fence in the front yard of a corner lot at 9011 Chestnut Avenue, Bowie. **Taken under advisement.**

V-97-19 Roberto Navarro

Request for a waiver of the parking area location requirement to obtain a building permit for unauthorized construction of a driveway extension at 2404 Woodberry Street, 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 and approved elevation plans.**

ADMINISTRATIVE APPEALS

AA-1720 Esther Birugi

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. 18-00037394, dated May 10, 2018, citing Petitioners with International Property Maintenance Code (2000) Section 303.2, exterior weather exposed wood surfaces have flaking and peeling paint. Section 303.1, Section 303.7 fascial/soffit area has holes, breaks and loose or rotting materials. Section 303.7, gutters and/downspouts are in disrepair or have obstructions. 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. Section 304.1, Section 3015.1, accumulation of trash and debris. Section 303.13, Section 303.13.2, windows inoperable with rotted wood. Petitioners should take corrective actions removing flaking and peeling paint and apply a protective coating of a weather resistant preventive to all exposed wood surfaces; replace or repair deteriorated or missing materials, remove all obstruction of the gutters, clean and keep the unit in sanitary conditions and repair windows to a defect-free condition and remove the unlawful motor vehicle 13-118(f) on R-80 (One-Family Detached Residential) Zoned property located at 8701 Dover Street, Fort Washington, MD 20744. A request was also made for an extension of the grace period should the Board determine that a violation exists. **Petitioner has withdrawn his appeal on record.**

AA-1721 Esther Birugi

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, (DPIE), Enforcement Division, to issue a Denial of the application to operate and occupy a rental dwelling by Section 13-184(b) of the Prince George's County Code on R-80 (One-Family Detached Residential) Zone property known as Lot 3, Block D, Botley Estates Subdivision, being 8701 Dover Street, Fort Washington, Prince George's County, Maryland. **Petitioner has withdrawn his appeal on record.**

DISCUSSION/DECISIONS

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 Board resolved, unanimously, that 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 be APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan.**

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 Board resolved, unanimously, that 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 be DENIED.**

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 was held open to allow the Town of District Heights the opportunity to comment.**

V-82-19 Suco Wash, LLC Spanish Language Interpreter were 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 Board resolved, unanimously, that 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 APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3.**

V-83-19 Mario Rosales Spanish Language Interpreter were 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. **The record was held open for 30 days for Petitioner to resolve several issues.**

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. **The Board resolved, unanimously, that 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) be DENIED.**

REQUEST FOR DISMISSAL NON-PURSUANCE

AA-1712 Baltimore Home Wholesales

On November 21, 2018, an appeal was filed by the Petitioner from the determination of the Department of Permitting, Inspections and Enforcement (DPIE), Inspections Division, issuing a Correction Order requiring the Petitioner to obtain building permits for front structural repair, rear deck and electrical work. The Petitioner was advised at that time, that representation by Counsel is required. To date, a letter of representation has not been submitted. Several attempts to reach the Petitioner have been unsuccessful. On August 8, 2019, the Board of Appeals (the "Board") sent a letter of intent, notifying the Petitioner that if a response is not received by the Board by September 9, 2019, the matter would be brought before the Board for dismissal of non-pursuance. **Dismissed for Non-Pursuance.**

AA-1713 Mohamed Bundu

On October 19, 2018, the Petitioner filed an appeal with the Board of Appeals (the "Board") to request an appeal of the determination by the Senior Electrical Engineer of the Department of Permitting, Inspections and Enforcement, Building Plan Review Division. An appeal was scheduled for April 17, 2019. On March 13, 2019 the Board of Appeals was advised by Petitioner's Counsel that progress was being made on the issue and that a hearing may not be required. At the request of the Petitioner's Counsel the appeal was removed from the April 17, 2018 agenda. To date the Board of Appeals has not received a withdrawal letter. Petitioner was advised on July 29, 2019, by letter, that if a withdrawal letter is not submitted to this office no later than August 29, 2019, the matter would be brought before the Board for dismissal of non-pursuance. **Dismissed for Non-Pursuance.**

RECONSIDERATION

V-89-19 JCL Funding, LLC

Request for variances of 250 square feet net lot area, 15 feet front building line width, 1.5 feet front yard depth and 19 feet side street yard depth to validate existing conditions (property and dwelling) and construct a two-story addition with an open porch at 6209 Field Street, Seat Pleasant. **Reconsideration request replaces the approved site plan as the rear roof overhang was not shown on the original site plan. Approval of the reconsideration is contingent upon development in compliance with the approved revised site plan. Exhibit 24.**

MINUTES FOR APPROVAL FROM OCTOBER 09, 2019. **The Board resolved, unanimously, that the minutes be APPROVED.**

THE MEETING ADJOURNED AT 10:08 p.m.

Prepared and submitted by:



Barbara J. Stone
Administrator