

JULY 8, 2009
BOARD OF APPEALS
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:18 p.m. the Chairperson convened the meeting and the following members were present:

Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member
Emerson S. Davis, Sr., Attorney
Anne F. Carter, Administrator

DISCUSSION/DECISION

VARIANCES

V-12-09 Maleha Bahich

Request for a variance of 5,526 square feet net lot area to validate an existing condition and obtain a use and occupancy permit for a used car lot with an auto repair facility on the premises known as Lot 9, McDaniels Subdivision, being 5400 Indian Head Highway, Oxon Hill. **The record was held open for the Board's administrator to contact Petitioner in writing regarding the site plan revisions that are required, including removal of the building (or portion of the building) extending onto the adjoining property. The revised site plan shall be submitted within 60 days, with any request for an extension of time to be filed by Petitioner in writing.**

V-22-09 Constance Visnic

Request for variances of 3 feet front yard depth and 11% net lot coverage to validate existing conditions and construct a two-story addition and second-floor addition at 4404 Underwood Street, University Park. **The Board resolved, unanimously, that variances of 3 feet front yard depth and 11% net lot coverage be APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan (#2), Exhibit 29, and the approved elevation plans, Exhibit 3(a)&(b).**

V-28-09 Frederick Wade

Request for a variance of 8 feet rear yard depth/width to construct a deck at 7001 Copper Sky Court, Upper Marlboro. **Pursuant to Petitioner's request, the record shall remain open until 7/22/09 for Petitioner to submit an approval letter from Oakhurst Community Association and evidence that (1) the WSSC right-of-way has in fact been abandoned and (2) the Department of Public Works & Transportation has signed off on the deck extending into the surface drainage easement.**

V-29-09 Brooks & JoAnn Sunkett

Request for variances of 5 feet side yard width and 1.2% net lot coverage to validate existing conditions and construct an enclosed porch and a deck at 12506 Sir Walter Drive, Glenn Dale. **The Board resolved, unanimously, that variances of 5 feet side yard width and 1.2% net lot coverage be APPROVED.**

APPROVED

Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 17, and the approved elevation plans, Exhibit 3(a)&(b).

V-30-09 Alvester Woolfolk

Request for a variance of .3% net lot coverage to validate and obtain a building permit to complete construction of a detached garage and driveway extension at 15425 Jamies Way, Accokeek. **The Board resolved, unanimously, that a variance of .3% net lot coverage be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibit 3(a)&(b).**

V-34-09 Michael & Angela Merchant

Request for variances of 2 feet side yard width and 12 feet rear yard depth/width to validate an existing condition and construct a deck at 7505 Elbrook Court, Lanham. **The Board resolved, unanimously, that variances of 2 feet side yard width and 12 feet rear yard depth/width be APPROVED. Approval of the variances is contingent upon development in compliance with the approved revised site plan, Exhibit 15, and the approved elevation plan, Exhibit 3.**

OTHER ZONING APPEALS

V-124-08 Kane/Realty Development, LLC

An appeal from the determination of the City of College Park, Department of Public Services, to issue Zoning Violation Notice No. CPZ-0360, dated November 24, 2008, citing Petitioner with violation of Prince George's County Code Section 27-253(a)(1) (Use of a building, structure and land without a valid Prince George's County Use and Occupancy Permit), requiring Petitioner to cease use of the premises until a valid use and occupancy permit, including final approval of the permit, is granted by the Department of Environmental Resources, on R-18 (Multifamily Medium Density Residential) zoned property located at 4206 Knox Road (Rooming House at 4204 Knox Road), College Park. **The Board resolved, by majority vote, Ms. Johnson abstaining, that Petitioner's request to hold the record open be DENIED. The Board further resolved, by majority vote, Ms. Johnson abstaining, that the determination of the City to cite Petitioner with Zoning Violation Notice No. CPZ-0360 be UPHELD.**

V-125-08 Kane/Realty Development, LLC

An appeal from the determination of the City of College Park, Department of Public Services, to issue Zoning Violation Notice No. CPZ-0361, dated November 24, 2008, citing Petitioner with violation of Prince George's County Code Section 27-253(a)(1) (Use of a building, structure and land without a valid Prince George's County Use and Occupancy Permit), requiring Petitioner to cease use of the premises until a valid use and occupancy permit, including final approval of the permit, is granted by the Department of Environmental Resources, on R-18 (Multifamily Medium Density Residential) zoned property located at 4205 Knox Road, College Park. **The Board resolved, by majority vote, Ms. Johnson abstaining, that Petitioner's request to hold the record open be DENIED. The Board further resolved, by majority vote, Ms. Johnson abstaining, that the determination of the City to cite Petitioner with Zoning Violation Notice No. CPZ-0361 be UPHELD.**

APPROVED

V-126-08 Kane/Realty Development, LLC

An appeal from the determination of the City of College Park, Department of Public Services, to issue Zoning Violation Notice No. CPZ-0362, dated November 24, 2008, citing Petitioner with violation of Prince George's County Code Section 27-253(a)(1) (Use of a building, structure and land without a valid Prince George's County Use and Occupancy Permit), requiring Petitioner to cease use of the premises until a valid use and occupancy permit, including final approval of the permit, is granted by the Department of Environmental Resources, on R-18 (Multifamily Medium Density Residential) zoned property located at 4206 Knox Road, College Park. **The Board resolved, by majority vote, Ms. Johnson abstaining, that Petitioner's request to hold the record open be DENIED. The Board further resolved, by majority vote, Ms. Johnson abstaining, that the determination of the City to cite Petitioner with Zoning Violation Notice No. CPZ-0362 be UPHELD.**

V-127-08 Kane/Calvert Investors, LLC

An appeal from the determination of the City of College Park, Department of Public Services, to issue Zoning Violation Notice No. CPZ-0363, dated November 24, 2008, citing Petitioner with violation of Prince George's County Code Section 27-253(a)(1) (Use of a building, structure and land without a valid Prince George's County Use and Occupancy Permit), requiring Petitioner to cease use of the premises until a valid use and occupancy permit, including final approval of the permit, is granted by the Department of Environmental Resources, on R-18 (Multifamily Medium Density Residential) zoned property located at 4611-4613 Calvert Road, College Park. **The Board resolved, by majority vote, Ms. Johnson abstaining, that Petitioner's request to hold the record open be DENIED. The Board further resolved, by majority vote, Ms. Johnson abstaining, that the determination of the City to cite Petitioner with Zoning Violation Notice No. CPZ-0363 be UPHELD.**

MINUTES FOR APPROVAL FROM JUNE 17, 2009 -- The Board resolved, unanimously, that the minutes be APPROVED.

CASES FOR HEARING

VARIANCES

NEW HEARING

V-31-09 Brandywine Corporex Plaza II LP

Request for variances of 25 feet street line setback and 20 feet rear yard setback for an existing fence and wall in excess of 6 feet in height, and a waiver of the outdoor storage screening requirement to validate existing conditions in order to obtain a use and occupancy permit at 7131 Virginia Manor Court, Laurel.

At 8:10 p.m. the Board recessed and reconvened at 8:21 p.m.

Appeal No. V-31-09 was recessed briefly to convene Appeal No. V-25-09 to allow counsel representing the City of College Park and Petitioner in V-25-09 to be heard.

APPROVED

OTHER ZONING APPEAL**NEW CASE**V-25-09 Holiday Inn

An appeal from the determination of the City of College Park, Department of Public Services, to issue Zoning Violation Notice No. CPZ-0383, dated 3/16/09, citing Petitioner with violation of Prince George's County Code Section 27-107.01(29)(B), which states no vehicle, originally designed as a means of conveyance, shall be considered a "building" regardless of whether wheels or other devices to facilitate movement have been removed (except where otherwise specified in [the Zoning Ordinance]), and requiring Petitioner to cease use of and remove the containers, parked at the side and rear of the property, currently being used as storage, on C-S-C (Commercial Shopping Center) zoned property located at 10000 Baltimore Avenue, College Park. **The City of College Park indicated that the subject property is currently in compliance and Petitioner has obtained temporary use and occupancy permits for every trailer that is on the property. Petitioner then withdrew the appeal. Therefore, the Board resolved, unanimously, that the matter be DISMISSED.**

Appeal No. V-31-09 (Brandywine Corporex Plaza II LP) was reconvened.

The record was held open until 7/22/09 for Petitioner to submit an alternate plan "D" (in lieu of grading options A-C, Exhibit 27(a)-(c)) and a revised site plan.

VARIANCES (Cont'd)**NEW CASES**V-35-09 Robert Graham

Request for a variance of 7.7 feet side yard width to validate and obtain a building permit to complete enclosure of an existing porch and second-floor dormer at 5011 Luci Lane, Suitland. **The record was held open for a permit history.**

V-36-09 Juan Correa

Request for a variance of 3 feet side yard width to enlarge and enclose an existing attached carport, widen an existing driveway and construct a one-story addition at 9534 Nottingham Drive, Upper Marlboro. **The Board resolved, unanimously, that a variance of 3 feet side yard width be APPROVED. Approval of the variance is contingent upon development in compliance with the approved revised site plan, Exhibit 16, and the approved elevation plan, Exhibit 3.**

V-39-09 Lionel & Sydnee Patterson

Request for a variance of 17.4% net lot coverage to validate existing conditions and construct a two-story addition and second-floor addition over an attached garage at 9707 Kiskonko Road, Fort Washington. **The Board resolved, unanimously, that a variance of 17.4% net lot coverage be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibit 3(A)-(C).**

APPROVED

THE MEETING ADJOURNED AT 10:14 P.M.

Prepared and submitted by:

(Original Signed)

Anne F. Carter
Administrator

APPROVED