

SEPTEMBER 9, 2009  
BOARD OF APPEALS  
MINUTES

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:23 p.m. the Vice Chairman, acting as chair, convened the meeting and the following members were present:

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

Also Present:  
William Edelen, DER, Community Services Division  
Kelli Armour, DER, Property Standards Inspector

**MINUTES FOR APPROVAL FROM AUGUST 19, 2009 -- The Board resolved, by majority vote, Ms. Mack absent, that the minutes be APPROVED, as amended.**

**CASES FOR HEARING**

**VARIANCES**

**NEW CASES**

V-38-09 Guillermo & Mayra Corzo

Request for a variance of 6.6% net lot coverage to validate and obtain a building permit for a new detached carport, extended driveway and deck at 4701 Sellman Road, Beltsville. **The Board resolved, by majority vote, Ms. Mack absent, that a variance of 6.4% net lot coverage be APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.**

At 7:02 p.m. the Board recessed for Executive Session for legal advice and reconvened at 7:10 p.m.

V-53-09 Yesica & Gesler Sanchez

Request for a variance of 2 feet side yard width to validate an existing condition and obtain a building permit to complete enclosure of an attached carport into a garage at 9413 Caldran Drive, Clinton. **The record was held open to obtain a copy of the violation notice from the Department of Environmental Resources.**

V-54-09 Verena Holdforth

Request for a variance of 2.31 feet rear yard depth/width and a waiver of the parking area requirement to validate existing conditions and obtain a building permit for new driveway area in the front yard at 151 Cree Drive, Forest Heights.

Chairperson Mack arrived at the meeting at 7:58 p.m. Vice Chairman Scott continued to act as chair.

**The record was held open for Petitioner to submit a revised site plan and the Town of Forest Heights to submit comments.**

**APPROVED**

At 8:23 p.m. the Board recessed and reconvened at 8:35 p.m.

## **DISCUSSION/DECISION**

### **VARIANCES**

#### V-45-09 Kirt & Danielle Bakos

Request for a variance of 44 feet front street line setback and a waiver of the yard location requirement for the detached garage, a variance of 6.2% net lot coverage, and waivers of the parking area and fence location requirements to validate and obtain a building permit for a new detached garage, driveway and wooden fence at 9805 Williamsburg Drive, Upper Marlboro. **The Board resolved, by majority vote, Ms. Johnson abstaining, that a variance of 44 feet front street line setback and a waiver of the yard location requirement for an accessory building, a variance of 6.2% net lot coverage and a waiver of the parking area requirement to validate and obtain a building permit for a new detached garage be DENIED. The Board further resolved, by majority vote, Ms. Johnson abstaining, that a variance of 2.1% net lot coverage and a waiver of the fence location requirements to validate and obtain a building permit for a new driveway and wooden fence be APPROVED. Approval of the variances to validate the wooden fence and new driveway area (outside of the footprint of the proposed garage) is contingent on development in accordance with the driveway footprint and fence location shown on the site plan, Exhibit 2.**

## **CASES FOR HEARING**

### **VARIANCES**

#### **NEW CASES (Cont'd)**

#### V-55-09 John & Priscilla Rogers

Request for variances of 20.8% net lot coverage and 3.3% rear yard coverage to validate existing conditions and complete construction of a detached garage at 811 Chillum Road West, Hyattsville. **The record was held open for technical assistance.**

#### V-56-09 Robert Ammann & Heather Gent

Request for a waiver of the rear yard location requirement for an accessory building to construct a detached garage and driveway at 6122 Walton Avenue, Suitland. **The Board resolved, unanimously, that a waiver of the rear yard location requirement for an accessory building 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)-(D).**

#### V-57-09 Robert & Tonie Green

Request for variances of 4% net lot coverage, and 17 feet front street line setback and a waiver of the rear yard location requirement for an existing shed to validate existing conditions and obtain a building permit to complete construction of a two-story addition at 6006 Arbutus Lane, Clinton. **The record was held open for Petitioners to submit copies of permits and approved site plans corresponding to the permits listed on the permit history.**

At 11:06 p.m. the Board recessed and reconvened at 11:13 p.m.

V-54-09 (Verena Holdforth) was recalled. **The record was also held open for Petitioner to submit a statement of justification.**

**APPROVED**

**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 inform Petitioner in writing that the revised site plan must be submitted by no later than 1/20/10 or request an extension of time in writing by the same date and include a progress report.**

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. **The record was held open for the Board's administrator to inform Petitioner in writing that 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 must be submitted by no later than 1/4/10.**

V-44-09 Clifton McCoy

Request for variances of 7 feet rear yard depth/width and 5.2% net lot coverage to validate existing conditions and construct a sunroom over an existing deck at 10103 Summershade Lane, Landover. **The Board resolved, unanimously, that variances of 7 feet rear yard depth/width and 5.2% net lot coverage be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibit 3(A)&(B).**

V-47-09 S & A Realty

Request for a variance of 2,500 square feet net lot area to validate an existing condition and obtain a use and occupancy permit for a used car lot and service bay at 14107 Baltimore Avenue, Laurel. **The record was held open for Petitioner to submit a written statement of justification and for a legal opinion.**

V-48-09 Thomas & Adria Byrdsong

Request for variances of 19 feet side street yard depth, 25.8% net lot coverage, and 21 feet side street line setback and 3.5 feet rear lot line setback for an existing shed to validate existing conditions and construct a one-story addition at 5619 Randolph Street, Hyattsville. **The matter was taken under advisement.**

V-49-09 Lorenzo & Ana Palma

Request for a variance of 14.2% net lot coverage to validate existing conditions and construct a one-story addition, with deck above, on the existing dwelling, a connecting balcony between the existing dwelling and the existing detached garage, and a second-floor addition on the existing detached garage (to be used as living space) at 4312 Monroe Street, Colmar Manor. **The matter was taken under advisement.**

**APPROVED**

V-51-09 Sharon & Kemo Edwards

Request for variances of 8 feet front yard depth and 1 foot side yard width to validate existing conditions and enlarge and cover the existing front porch at 5012 Nicholson Street, Riverdale Park. **The Board resolved, unanimously, that variances of 8 feet front yard depth and 1 foot side yard width be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibit 3(A)&(B). Prior to the issuance of any building permits, Petitioners shall be required to submit a minor final plat (pursuant to Section 24-108 of the Subdivision Regulations) to have the existing building restriction line removed. A minor final plat must be prepared by an appropriate professional and submitted for approval to the Subdivision Section of the Maryland-National Capital Park and Planning Commission.**

THE MEETING ADJOURNED AT 11:51 P.M.

Prepared and submitted by:

(Original Signed)  
Anne F. Carter  
Administrator

**APPROVED**