



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
April 3, 2008 – 7:30 P.M.

PRESENT: Advisory Planning Commission – Robert Day-Chair, Lawrence Bleau, Heidi Jones-Huffman and Barbara Aldrich; Planning Staff — Terry Schum and Dorothy Friedman; City Attorney – Suellen Ferguson and Deanna Keyes

- I. **Call to Order:** Robert Day called the meeting to order at 7:35 p.m.
- II. **Approval of Minutes:** Lawrence Bleau moved to accept the minutes of February 7, 2008. Robert Day seconded. The motion carried 4-0-0.
- III. **Amendments to Agenda:** There were no Amendments to the Agenda.
- IV. **Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.

V. **Public Hearing – Zoning Application**

**CPV-2007-24/01: Variance to construct a 10' x 21'9" carport
(Remand from the Mayor and Council)**

Applicant: Israel & Byron Cordon

Location: 9812 49th Avenue

Robert Day explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicants appeared before the Advisory Planning Commission on January 7, 2008, and requested oral argument against APC's recommendation. Mayor and Council heard oral argument on March 3, 2008, and the case was remanded back to the APC to allow the applicant to submit an amended application with the assistance of an interpreter and have a new hearing with the interpreter present. The applicants are requesting a variance from the eight foot (8') minimum side yard setback for the northern side yard and a variance of seven point five feet (7.5') from the minimum required combined side yard depth of seventeen feet (17') to construct a 10' x 20'9" carport. The property has an area of 7,200 square feet and is improved with a 1.5 story single-family structure, shed and an in-ground swimming pool. The width of the property is sixty feet (60') and the length is one hundred and twenty feet (120'). The property has both a rectangular driveway and a semi-circular driveway. Additionally, on-street parking is available on 49th Avenue. A number of other properties in the surrounding neighborhood have carports and garages and several carports encroach into the side yard setback. The property abutting the subject property to the north, 9814 49th Avenue, received a variance in 1983 to construct a carport only. This carport has since been enclosed into a garage. On March 18, 2008, Muhamed Taluckder, of 4714 Magnum Road phoned the Planning Department to indicate that he had no objection to the

construction of the carport. The North College Park Citizens Association committee sent an e-mail requesting to be named a party of record to the hearing. Staff recommends that the variance request be denied unless a compromise can be reached with the applicant for the removal or reduction in size of the semi-circular driveway in the front yard.

Dorothy Friedman submitted the staff report and Exhibits 1-8 into the record. Commissioners accepted unanimously.

Israel Cordon, applicant, testified that he wanted the carport to protect his new car and his family from the bad weather. He spoke with his neighbors and they do not object to the construction of the carport. He stated that the carport would be opened with lattice on the sides. He also stated that the materials for the carport had already been purchased and he has paid for the construction. His truck was broken into and his tools were stolen when it was parked in front of his house. Mr. Cordon submitted photos showing carports in the surrounding neighborhood, which were entered into the record as Exhibit 9A-9D and a list of signatures from neighbors on 49th Avenue who did not object to the proposed carport, which was entered as Exhibit 10.

Lei Fan, 9814 49th Avenue, testified that if the county approved the carport, he had no problem with it.

Barbara Aldrich asked if there were any lot coverage issues including the addition under construction?

Dorothy Friedman stated no, there are no lot coverage issues.

Barbara Aldrich asked the applicant if he would be willing to remove the circular driveway?

Israel Cordon stated no because it would be too expensive to have it removed.

Robert Day asked if there is parking across the street?

Dorothy Friedman stated yes on both sides of the street.

Lawrence Bleau asked if it would be a hardship on him if the variances were not granted and he could not install the carport?

Israel Cordon stated that he has already purchased the materials and paid for the construction. He can't return the materials. He also stated that his basement sometimes floods and he thinks that construction of the carport will prevent the problem.

Barbara Aldrich asked if construction of a carport and garage are the same?

Dorothy Friedman stated that in terms of lot coverage it would be the same. If the garage is attached the setbacks are the same, but if it is an accessory structure, the setbacks and requirements are different.

Robert Day asked if the grass strip between the driveway and the house go all the way back?

Israel Cordon stated, no.

Robert Day asked how wide the driveway is now?

Israel Cordon stated that the driveway is eight feet.

Robert Day asked where the trash & recycle bins will be located?

Israel Cordon stated that they would be close to his house.

Barbara Aldrich asked where the property line is in relation to the driveway?

Terry Schum stated that it is just less than one foot.

Commissioners reviewed the criteria that needs to be met before the variance can be granted and determined that:

- 1) There is nothing exceptional or unique about the property. The size and placement of the house on the property and the existing swimming pool in the rear yard are not unique features.
- 2) The strict application of the Zoning Ordinance will not cause the applicants practical difficulties for several reasons. First, there is sufficient off- street parking for two vehicles, which satisfies the requirements of the Zoning Ordinance. Second, a variance is not the proper method to address criminal issues. In addition, the water in the applicants' basement can be corrected through other means without construction of the carport. Lastly, the applicants' financial losses were self-imposed.
- 3) Granting the variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan because it will not change the character of the neighborhood or cause adverse impacts.

Lawrence Bleau moved to deny variance CPV-2007-24/01 because the requests do not meet the three criteria for granting the variances for the reasons stated above. Robert Day seconded. Motion carried 4-0-0.

**CPV-2008-01: Variance to construct a covered porch and locate
 an 8'.5" x 11' shed**
Applicant: James and Susan Mullins
Location: 5101 Kenesaw Street

Robert Day explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicants are requesting a variance of six feet (6') from the twenty-five foot (25') minimum front yard setback and a variance of three percent (3%) or 158 square feet from the maximum lot coverage requirement to revise their plans to include a 6' x 12' covered porch. The subject property is a corner parcel with an area of 5,000 square feet. The width of the property is 50' and the length is 100'. The property is improved with a one-story single family home, which is under construction. The lot slopes downhill towards 51st Avenue. The legal front of the property is Kenesaw Street. The surrounding neighborhood is single family residential consisting of one- and two-story dwellings. The applicants' were granted variances for this property in 2004, for 3.3% for lot coverage and a variance of 8' from the side yard setback. The plans included a covered porch. The applicants did not begin construction within the required two years and the variances expired. The applicants came back and reapplied in August 2007 to allow construction of the home to proceed. The applicants' request was approved but the variance granted for lot coverage was only 1% because of changes in the plans including deleting the covered porch. The house is approximately 85% complete and the applicants want to amend the building permit before the house is finished to include a covered porch. Staff recommends that the variances requested be granted.

Dorothy Friedman submitted the staff report and Exhibits 1-8 into the record. Commissioners accepted unanimously.

James Mullins, applicant, testified that the original plan for the house included a front porch, but the contractor located the house in the wrong place, too close to Kenesaw Street. He stated that the construction had taken longer than intended, and he wanted to proceed so he deleted the porch but now wants to include it. He also stated that the porch would add to the aesthetics of the house and the shed is needed to provide additional storage space. Mr. Mullins submitted three letters from his neighbors indicating that they had no objections to the variances being granted. The letters were entered into the record as Exhibits 9-11.

Lawrence Bleau asked what the hardship would be if this variance were not granted?

James Mullins stated that what his contractors did was out of his control . He stated that the roof over the porch protects the occupants while they are going in and out of the house. Also, the porch was a part of the original approved variance.

Robert Day asked how much more would be added to the slab?

James Mullins stated that nothing would be added; it is a 6' x 12' slab already in place.

Heidi Hoffman-Jones asked if the actual size of the house is 24' x 48'?

James Mullins stated yes, that is the actual size of the house.

Commissioners reviewed the criteria that needs to be met before the variance can be granted and determined that:

- 1) The extraordinary situation (as identified in Council Resolution 04-R-34) is that even though the Property is a buildable lot under County zoning requirements, the lot's small size and narrowness, taken together with the fact that this is a corner lot (requiring a 25-foot side yard setback along the street) severely limits the dimensions of any proposed dwelling. Additionally, the mistakes made by the civil engineer have resulted in faulty plans and construction of a dwelling inconsistent and less functional than the dwelling originally proposed by the Applicants.
- 2) It is considered a hardship for the Applicants not to be able to build the dwelling that was originally intended. The errors made by the Applicants' engineer in locating the dwelling on the Property was beyond the Applicants' control and not self-imposed.
- 3) Granting the variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan because it will not change the character of the neighborhood or cause adverse impacts. The front yard setback for the proposed dwelling from Kenesaw Street will be in keeping with the front yard setback of existing dwellings in the neighborhood.

Lawrence Bleau moved to approve variance CPV-2008-01 because the request meets the three criteria for granting the variances for the reasons stated above. Heidi Hoffmann seconded. Motion carried 4-0-0.

VI. Housing Code Application – Progress Report

APC-CEO-0013-2004:

Applicant:

Robert Schnabel

Location:

7400 Dartmouth Avenue

Robert Day explained the hearing procedures and placed witnesses under oath. Robert Ryan, Director of Public Services, summarized the staff report. This case was last heard before the APC on September 8, 2005. Subsequent to the APC hearing, he met with the applicant, City Manager and Mayor on April 3, 2006 to discuss progress. He received a letter dated June 28, 2006 from Mr. Schnabel, which includes a progress report, amendments to the file history and a two-year work plan. This was forwarded to the APC Chair on July 26, 2006. Staff would like to have the Board of Housing Hygiene order that was issued on January 21, 1999 to maintain a porch deck and railing from the front door to the stairs for safety be restored, so that anyone coming to the house does not accidentally fall. Mr. Ryan requested that the staff report, letter and amendments, and two-year work plan be submitted into the record. Photos from Code Enforcement officer Robert Cofske were also entered into the record as Exhibits 13-24.

Robert Schnabel, applicant, testified that his property is a county-designated historic site as well as a contributing property in the Old Town Historic District. He stated previous issues identified by the Advisory Planning Commission in September 2005 regarding major repairs to the structural framing members, house sill and subsiding were addressed in the progress report. On June 2006 they submitted a letter to Public Services including a work plan summarizing the major projects that they are planning to work on during the next two years, which include the porch roof, porch framing and exterior painting of the carriage house. The current work has been focused on the reconstruction of the porch floor framing structure and repair to the original porch floorboards. The porch is a wraparound porch, 38 feet by 24 feet and is 8 1/3 feet deep, for a total of about 500 feet. Further work on the porch will be considerable, including stripping paint from the railings, repairing railings, height adjustments to the turned posts, repairing to the usable tripe-bead ceiling boards, milling of supplemental ceiling boards, and installation of the ceiling boards. He stated that they cannot estimate the amount of time it will take to complete the work and it might be necessary to adjust priorities.

Various landlords of the surrounding area testified. Mitchell Miller, stated that he had been in the area for 10 years and the property has always been under construction. He does not think it is fair to other landlords who diligently keep up their property. John Hawvermale stated that the City Boards are hard on landlords and keep giving the applicants extensions to complete the project. James Kane stated that they should be ashamed to consider the property historic. They should complete the project, or the house should be condemned. Alan Tyler testified that he is concerned about the safety of the property and it also takes away the incentive to other homeowners to keep their property up.

Commissioners voted 4-0-0 on the following conditions to be completed.

- 1) The stairs that are being repaired should be blocked off within 48 hours of this meeting date.
- 2) Floor decking and temporary railing around the porch should be completed within 45 days.
- 3) The Public Services staff shall make a presentation to APC at their May 1, 2008 meeting regarding any exterior violations on the property.
- 4) The applicant shall make a presentation to the APC at their May 1, 2008 meeting to report on the progress and status of the porch repairs.

VII. Update on Development Activity: No updates on development activity.

VIII. Staff Report: There was no staff report

IX Other Business: There was no other business

X. Adjourn: There being no further business, the meeting was adjourned at 10:00 p.m.

Minutes prepared by Tershia Williams