



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
July 10, 2008 – 7:30 P.M.

PRESENT: Advisory Planning Commission – Lawrence Bleau, Heidi Jones-Huffman, John Krouse and Chuck Smolka; Planning Staff – Terry Schum, Elisa Vitale, Dorothy Friedman and Tershia Williams; Attorney – Deanna Keyes

- I. **Call to Order:** Lawrence Bleau called the meeting to order at 7:40 p.m.
- II. **Approval of Minutes:** Heidi Jones-Huffman moved to approve the April minutes after the correction of the spelling of her name on page 5. Lawrence Bleau seconded. The motion carried 2-0-0. The May minutes were deferred until the next meeting when a quorum is present.
- III. **Amendments to Agenda:** There were no Amendments to the Agenda.
- IV. **Public Remarks on Non-Agenda Items:** Lawrence Bleau introduced the two new commissioners, John Krouse and Chuck Smolka.
- V. **Public Hearings – Zoning Applications**

CPV-2008-02:	Variance to expand an existing parking pad
<u>Applicant:</u>	E. Wayne & Wendy Phillips
<u>Location:</u>	5021 Iroquois Street

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Elisa Vitale summarized the staff report. The applicants are requesting a variance of 1.6% or 80 square feet from the maximum allowable lot coverage of 30% or 1,500 square feet as well as a waiver of the parking area requirement. They would like to expand an existing parking pad that is currently sixteen feet (16') wide by twenty feet (20') deep to twenty-two feet (22') deep and twenty and one half foot (20-½) wide. The subject property is regular in shape and has an area of 1,000 square feet. The front and rear property lines measure 50 feet and the side property lines measure 100 feet. The existing side yards are 7 feet deep. The property is only 50' wide. The property is improved with a 1-½ story structure, existing parking pad and a shed. There is a small front stoop with steps leading to the main entry to the house. There is no lead walk going from the street to the front entry. The subdivision dates back to 1906, but the house was constructed in 2002. The surrounding neighborhood is single-family residential. The driveway for the neighboring property at 5023 Iroquois Street encroaches on the applicant's property, so there is a shared driveway situation. Right now, the applicants existing parking pad is separate from the driveway that serves the adjoining property. There are a number of factors, which prevent the applicant from being able to run the driveway along side of the house. The side yards are only 7 feet deep and the County standards for a single-wide driveway is 9 ½ feet

wide. There is also a television antenna located in the eastern side yard and on the western side yard there is a storm drain inlet and the properties air conditioner unit. When the house was built the parking pad that was constructed didn't meet the county's standard for the off-street parking for two vehicles. The North College Park Citizens Association variance committee reviewed the requested variance and they support the variance for lot coverage and the waiver for the parking area requirement. Staff recommends approval of the requested variance.

Elisa Vitale submitted the staff report and Exhibits 1-6 into the record. Commissioners accepted unanimously.

John Krouse asked if the parking pad met County Zoning regulations in 2002?

Terry Schum stated that new regulations were passed in 2002, but she is not sure what month.

John Krouse asked if the doublewide curb cut is permitted by the City?

Elisa Vitale stated that the city engineer, Steve Halpern, was at the site and indicated that the existing condition was acceptable.

Lawrence Bleau asked if the parking pad was being expanded on two sides or three sides?

Elisa Vitale stated that it would be expanded on three sides. It would go from 20' deep to 22' deep.

The applicant, Wendy Phillips, testified that she and her husband agree with the recommendation submitted in the staff report. She stated that they would like to enlarge the existing parking pad to eliminate the muddy area in the front yard and to access the front steps. She also stated that the house was pre-fabricated and they are the original owners. The applicant submitted a signed petition with signatures from adjoining property owners showing that they had no objection to the variance request, which was submitted into the record as Exhibit 7.

John Krouse asked if the driveway was built the same time the house was built?

Elisa Vitale stated that there is no record for the driveway being built.

John Krouse asked what is the dimension of asphalt on the adjoining property.

Elisa Vitale stated that the total width at the property line is 11-½ feet of the driveway.

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

- 1) The property has an extraordinary condition in that the driveway for 5023 Iroquois Street encroaches on the Property. Furthermore, the side yards are not sufficiently wide (7 feet versus the required 9.5 feet) for a singlewide driveway to be located alongside the house. The side yards also contain other obstacles (storm drain inlet, air conditioning units, and television antennae) that prevent the construction of a singlewide driveway alongside the house.
- 2) The strict application of the County Zoning Ordinance will result in practical difficulties for the applicants because the property was constructed in 2002 without two off-street parking spaces. The applicants are not able to construct a singlewide driveway alongside the house because the side yard setbacks are insufficient. Furthermore, the applicants' options for the placement of a parking area on the property are constrained by the encroachment of the driveway for the property at 5023 Iroquois Street. With respect to the variance for lot coverage, the applicants are requesting the minimum variance necessary to provide the required parking onsite while continuing to provide the adjoining property owner at 5023 Iroquois Street access to his driveway.
- 3) Granting the variance will not impair the intent of the County General Plan or County Master Plan. The variance will provide the applicants with two off-street parking spaces, access to the front steps, as well as provide access to the driveway at 5023 Iroquois Street.

John Krouse moved to approve variance CPV-2008-02 to allow a driveway to be built in the front of the property where the asphalt begins at the east property line and extend nineteen feet (19') to the west. There was no second, so the motion failed.

Another motion was made by Chuck Smolka to approve variance CPV-2008-02 because the request meets the three criteria for granting the variance for the reasons stated above. Heidi Jones-Huffman seconded. Motion carried 3-1-0, with John Krouse voting Nay.

CPV-2008-03: Variance to construct a covered front porch
Applicant: Harrinarain Ramnarain
Location: 9713 Narragansett Parkway

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicant is requesting a variance of three feet (3') from the twenty-five feet (25') minimum front yard setback to construct a 34' x 5' porch. The porch would go over the front of the property. The property has an area of 5,680 square feet and is improved with a two story single-family home and a carport. The width of the property is 70', the northern property line is 92', the southern property line is 70' and the rear property line is 73'. A few homes have small front porches that don't extend the entire length of the house. Staff has heard from residents at 9717 and 9711 Narragansett Parkway and neither of them object to the variance request. The

North College Park Citizens Association variance committee recommended denial of the variance request. Staff recommends that a variance be granted to enable the applicant to cover the existing concrete stoop only.

Dorothy Friedman submitted the staff report and Exhibits 1-5 into the record. Commissioners accepted unanimously.

Lawrence Bleau asked if there is an existing front porch?

Dorothy Friedman stated no, just a stoop.

Chuck Smolka asked if the city is recommending just covering the front stoop?

Dorothy Friedman stated yes, as shown in Exhibit 5C.

Chuck Smolka asked why the city is not recommending expanding the porch all the way across?

Dorothy Friedman stated that the applicant is only concerned with protection from the weather, and the minimum necessary would be to cover the existing stoop.

Harrinarain Ramnarain, the applicant, testified that he spent a lot of money on his house doing upgrades. The weather has damaged his front door and windows. The sun comes through the doors and causes the air conditioner to run constantly. He also stated that he has water problems in the basement, which he believes installing the porch will help to solve this problem. He stated that a small stoop would not look attractive on his house, because his house is so large.

Chuck Smolka asked the applicant if he had water problems in his basement?

Harrinarain Ramnarain stated that he has water problems in the back and front of the house. He feels that building the porch would help alleviate the water problem.

Lawrence Bleau asked what was his practical difficulties or hardship were?

Harrinarain Ramnarain stated that his electric bill has been high because of running the air conditioner to cool the house. His front door is damaged and when it rains water goes into the basement.

Lawrence Bleau asked if he had new replacement windows and did they include the low-E coating to reduce heat?

Harrinarain Ramarain stated yes the windows are new, but he did not get the low-E coating.

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

- 1) The property has an extraordinary condition in that the lot is shallower than other houses on the block and the rear lot line is a diagonal, which limited the placement of the house on the lot for compliance with front and rear setbacks.
- 2) The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty for the applicant if he is prevented from covering the existing stoop to provide protection from the weather when entering the front door. There is no peculiar and unusual practical difficulty for the applicant if he is prevented from constructing the entire 5' x 34' covered front porch because there are other ways in which the applicant's concerns could be addressed without the need of a variance (*i.e.*, installing window coverings/awnings, etc).
- 3) Granting the variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan if the variance is limited to the existing front stoop. Adding a covered front porch the entire length of the house would change the character of the neighborhood.

John Krouse moved to approve variance CPV-2008-03 accepting staff recommendation to enable the applicant to cover the existing concrete stoop only. Heidi Jones-Huffman seconded. Motion carried 4-0-0.

Public Hearings – Fence Ordinance

CEO-2008-01: Variance to replace an existing 5' fence with a 5' fence
Applicant: Robert & Theresa Hornung
Location: 4909 Hollywood Road

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicant's are requesting a variance to replace their existing five-foot (5') wood fence with a five-foot (5') fence of the same style. The subject property is a corner parcel on the corner of 49th Place and Hollywood Road. The width of the property is 75', the length is 125'. The property is improved with a 1-½ story single family home, which faces Hollywood Road. The home has an existing five foot (5') stockade fence that runs along the property line along the length of 49th Place, from the rear of the house to the rear property line. The North College Park Citizens Association variance committee recommends granting the variance. The surrounding neighborhood is single family residential and many houses in the neighborhood have fences. The property that abuts the applicant's property at the rear that faces 49th Place has a six foot (6') stockade fence in their northern side yard that backs up to the applicant's fence. Staff recommends approval of the requested variance.

Dorothy Friedman submitted the staff report and Exhibits 1-5 into the record. Commissioners accepted unanimously.

John Krouse asked if the fence were relocated, how far would it have to be from 49th Place?

Dorothy Friedman stated it would have to be set back 25'.

Theresa Hornung, applicant, testified that the fence is falling apart. She stated that a four-foot (4') fence is not high enough to prevent her dog from getting out or other dogs from getting in. She stated that they could only afford a stockade fence. The applicant submitted a petition signed by neighboring property owners who indicated that they had no objection to the variance and a photo of what the proposed fence would look like, which was entered into the record as Exhibits 6 and 7.

Lawrence Bleau asked if the replacement fence would be wood or vinyl?

Theresa Honung stated that the fence would be wood; they could not afford the vinyl.

Lawrence Bleau asked if the variance was denied and the fence had to be moved back, what would the practical difficulty be?

Theresa Hornung stated that it would cut down the space of the yard, but she probably would not replace the fence, she would just repair it.

John Krouse asked how far does the back yard fence have to be set back from the property line?

Dorothy Friedman stated that for the back yard, it can be on the property line, but since it is a corner lot, the fence would need to be set back 25'.

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

- 1) The property has an extraordinary situation. The extraordinary situation or condition is that the applicants' neighbor at the rear of their property (9518 49th Place) has an existing 6-foot stockade fence in the front yard that backs up to the applicants' fence along the rear property line.
- 2) The denial of the variance would result in peculiar and unusual practical difficulty to, or exceptional or undue hardship to the property owner. Denial of the variance will result in a peculiar and unusual practical difficulty for the applicants because their dog can jump over a 4-foot fence and they are concerned that another dog could jump into their yard.
- 3) Granting the variance will not impair the intent, purpose or integrity of the Fence Ordinance. Granting the variance will not impair the intent, purpose or integrity of the Fence Ordinance, which was enacted to protect neighborhood aesthetics. The 6-foot side yard fence that abuts the applicants' rear yard would remain even if a 4-foot fence was installed.

- 4) The variance is consistent with the design guidelines adopted for the historic district, if applicable. The property is not located in the historic district.
- 5) The variance will not adversely affect the public health, safety, welfare or comfort. The replacement of the existing 5-foot stockade fence, in-kind, will not have an adverse impact on the public health, safety, welfare or comfort. A 5-foot fence will prevent the applicants' dog from escaping from their yard.
- 6) The fence for which an appeal is requested incorporates openness and visibility as much as is practicable, provided however, that it shall not be constructed of chain link unless this material is consistent with the surrounding neighborhood. The replacement fence proposed by the applicants is the same type and material as the existing fence; other styles are not practical for the applicants' dog and the applicant testified that she and her husband could not afford to replace the fence with anything other than a stockade fence.
- 7) The proposed construction, including setbacks, is characteristic of and consistent with the surrounding neighborhood. In neighborhoods where chain link is a characteristic material, alternate materials incorporating openness and visibility, may be permitted. The proposed construction materials are the same as the adjoining property to the rear of the property and consistent with the character of the neighborhood

Chuck Smolka moved to approve variance CEO-2008-01 because the request meets the seven criteria for granting the variance for the reasons stated above. Heidi Jones-Huffman seconded. Motion carried 3-1-0, with Lawrence Bleau voting Nay.

CEO-2008-02: Variance to extend an existing 6' stockade fence along the street line for a distance of 32'

Applicant: Richard Schefer
Location: 5004 Kenesaw Street

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicant is requesting a variance to construct a gate and two sections of 6' x 8' stockade fencing as a continuation of an existing stockade fence. The subject property is at the corner of Kenesaw Street and Rhode Island Avenue. The property has an area of 18,344 square feet. The width of the property along Rhode Island Avenue is 98 feet the width along Kenesaw Street is 123 feet. The property is "L" shaped. The legal front is Rhode Island Avenue, but the house faces Kenesaw Street. The property is improved with a 1-½ story single family home and a 24' x 24' garage. An existing 6' stockade fence runs along the northern property line with an attached 6' x 8' panel facing Rhode Island Avenue. The applicant has woodpiles on the property for seasonal sales business. There is also a driveway apron on Rhode

Island Avenue adjacent to the one section of fencing. The surrounding neighborhood is single-family residential. The applicant has submitted photos of other fences in the neighborhood. The North College Park Citizens Association variance committee recommended granting the variance. Staff recommends approval of the requested fence variance.

Dorothy Friedman submitted the staff report and Exhibits 1-7 into the record. Commissioners accepted unanimously.

John Krouse moved to go into executive session to meet with counsel to discuss legal matters. Lawrence Bleau seconded. Motion carried unanimously.

Commissioner John Krouse recused himself from this case.

Richard Schefer, applicant, testified that he obtained a County and City permit for the existing fence in 2003. He has owned the property for forty years and maintained a park-like setting on his property. He stated that there has been several incidents of dumping of wood and other trash on his property. A six-foot fence will prevent people from just pulling up and dumping on his property. He has had to pay \$500 to clean up after a recent dumping. He stated that the fence will look nice and will not impair any view of traffic. The applicant submitted a plan showing the existing and proposed fence which was entered as Exhibit 8 and letters from Kristen Shekikh, 5005 Kenesaw Street, and Thomas Thul, 5005 Kenesaw Street, supporting granting of the variance, which were entered as Exhibits 9 and 10.

Lawrence Bleau asked if the gate would be opposite the curb cut as shown in Exhibit 6A?

Richard Schefer stated yes, it is where the apron is.

Chuck Smolka asked if he has had any problem with theft of the wood?

Richard Schefer stated no, just dumping.

Chuck Smolka asked what is the width of the apron?

Richard Shefer stated that it is 6' wide.

Donna Carlene of 10105 Chickadee Lane in Adelphi testified that she is a friend of the applicant and she thinks the fence will look nice and be functional and the neighbors support the variance. It will also keep trash off of his property.

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

- 1) The property has an extraordinary situation. The extraordinary situation or condition is that there are woodpiles maintained on the property that are part of the applicant's seasonal business that are clearly visible from Rhode Island

- 2) Avenue, that attract dumping of wood and other debris without the applicant's permission. There is also an extraordinary situation in that the location of the dumping is hidden from the view of the applicant and neighbors by trees or fencing making it difficult to prevent.
- 3) The denial of the variance would result in peculiar and unusual practical difficulty to, or exceptional or undue hardship to the property owner. Denial of the variance will result in a peculiar and unusual practical difficulty for the owner because of the dumping that has occurred repeatedly.
- 4) Granting the variance will not impair the intent, purpose or integrity of the Fence Ordinance. Granting the variance will not impair the intent, purpose or integrity of the Fence Ordinance in that the construction of the additional 32 feet of fencing will help to screen the woodpiles from public view from Rhode Island Avenue and is the minimum necessary to prevent the dumping activity.
- 5) The variance is consistent with the design guidelines adopted for the historic district, if applicable. The property is not located in the historic district.
- 6) The variance will not adversely affect the public health, safety, welfare or comfort. The construction of the additional sections of fencing will help discourage dumping and will help screen the woodpiles.
- 7) The fence for which an appeal is requested incorporates openness and visibility as much as is practicable, provided however, that it shall not be constructed of chain link unless this material is consistent with the surrounding neighborhood. The proposed fence is an extension of an existing stockade fence, with its primary purpose to prevent the dumping of wood and other debris on the Property.
- 8) The proposed construction, including setbacks, is characteristic of and consistent with the surrounding neighborhood. In neighborhoods where chain link is a characteristic material, alternate materials incorporating openness and visibility, may be permitted. The proposed fence is consistent with other fences in the neighborhood.

Heidi Jones-Huffman moved to approve variance CEO-2008-02 because the request meets the seven criteria for granting the variance for the reasons stated above. Chuck Smolka seconded. Motion carried 2-1-1, with Lawrence Bleau voting Nay and John Krouse recusing himself from the voting.

VI Update on Development Activity: Terry Schum reported on the following:

- 1) City Council took a position on the Starview Plaza Student Housing Detailed Site Plan at their last meeting and supported it with several conditions. It will go to the Planning Board at the end of July and is expected to open in fall of 2009.

- 2) The City Council will make a decision on Town Place Suites, which is located at Route 1 and Hollywood Road in August. It will go before the Planning Board in the fall.
- 3) The property at the corner of Mowatt Lane and Campus Drive is under contract by a multi-family development company. They are proposing a mixed-use project and have filed for a Zoning Map Amendment.
- 4) Mosaic at Turtle Creek is proposing a multi-family project with no commercial component. It will be marketed to retired faculty or tenants who want to be close to the university. It will go to the Planning Board in the fall.
- 5) The University is proposing to submit their pre-application for the East Campus Town Center Project. The developers will be presenting their plans for this project at the University of Maryland Student Union on July 14, 2008 at 7:30 p.m.

VII. New Planning Activities:

ULI Technical Assistance Panel for College Park Metro Area – In May, the Urban Land Institute had a mini charrette where a team of experts looked at the area north of Paint Branch and south of the College Park Airport for possible redevelopment scenarios. The final report is being written and will be presented to the City Council in September or October. The PowerPoint presentation is available on the City's FTP site.

Central US 1 Corridor Sector Plan – The city requested an amendment to the Sector Plan to channel better quality development. Park and Planning decided to initiate a new Sector Plan and Sectional Map Amendment Process. It will be called the Central US 1 Corridor Sector Plan. The southern boundaries will stay the same, but it will include the IKEA property and may also include Seven Springs Village on Cherry Hill Road. A consultant and a nationally known team will be having a charrette to get the process underway sometime in the fall.

VIII. Other Business: There was no other business.

IX. Adjourn: There being no further business, the meeting was adjourned at 10:15 p.m.

Minutes prepared by Tershia Williams