



**CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION**  
**4500 KNOX ROAD COLLEGE PARK, MARYLAND 20740**  
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**ADVISORY PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**May 7, 2009 – 7:30 P.M.**

**PRESENT:** Advisory Planning Commission – Robert Day, Lawrence Bleau, James McFadden and Timothy Dennee; Planning Staff – Terry Schum, Elisa Vitale, Dorothy Friedman and Tershia Williams; Attorney – Deanna Adams

- 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 April 2, 2009. Timothy Dennee seconded. The motion carried 3-0-1, with James McFadden abstaining.
- 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-2009-03: Variances to validate existing buildings**  
**Applicant: Harman’s Fabric & Furniture Shoppe**  
**c/o Duane R. Gooch, etal Trustees**  
**Location: 4900 Greenbelt Road**

Robert Day explained the hearing procedures and placed witnesses under oath. Elisa Vitale summarized the staff report. The applicants are requesting a variance of 2.44 feet from the required 10-foot setback to validate the existing building; a variance of 12.74 feet from the required 25-foot setback from the rear property line; a variance of 9.45 feet from the required 12-foot side yard setback for the storage buildings and a variance of 21 feet from the required 25-foot rear yard setback. This property is zoned C-S-C and the Zoning Ordinance requires that all structures in commercial zones be set back 10 feet from the street, 12 feet from the side lot line and 25 feet from the rear lot line. The property is a corner lot and is irregular in shape. The legal front of the property is 49<sup>th</sup> Avenue but there is also frontage along Greenbelt Road. The subject property has an area of 12, 807 square feet. The property is improved with a two-story structure that fronts 49<sup>th</sup> Avenue (8901 49<sup>th</sup> Avenue), a one-story structure (4900 Greenbelt Road), 7 parking spaces, driveways providing access to 49<sup>th</sup> Avenue and two storage containers. The property is bordered to the north by the Branchville Volunteer Fire Station, to the east by a 10-foot public alley and the Meineke auto service facility, to the south is Greenbelt Road and the Village Pump Liquors and to the west is 49<sup>th</sup> Avenue and the Board of Education property. The subject buildings dates to 1950. The storage containers are a more recent addition. The applicant sited the storage containers in 2001 and 2006, respectively. The container adjacent to the alley replaced a shed in the same location. The applicant did not obtain permits for the storage containers.

The applicant had previously rented the property at 8901 49<sup>th</sup> Avenue, but took over use of the building for her business at which time she was required to obtain a new use and occupancy permit. The applicant applied for the County use and occupancy permit for the property on May 23, 2008, at which time the new structures on the property were identified. The applicant also received a violation notice from the City on May 28, 2008, indicating that the applicant should cease use of the containers.

In addition to the need to meet the requirements of the Zoning Ordinance, with respect to setbacks, the site is subject to Section 4.2 of the Landscape Manual, Commercial and Industrial Strip, along the site's frontage along Greenbelt Road, 49<sup>th</sup> Avenue and the public alley, which requires a 10-foot wide landscape strip. The site is also subject to section 4.3(b), Parking Lot Requirements, where the parking facility is adjacent to the north property line. The applicant is pursuing Alternative Compliance through the Maryland-National Capital Park and Planning Commission, at which time landscaping to buffer the storage containers will be addressed.

The property is in the North College Park Citizens Association, and their sub-committee reviewed the application and voted as follows in reference to the requested variance; 1 abstained, 1 opposed, 1 approved, 1 had no response. They suggested that the applicant can be given a temporary 6-month variance to make other arrangements to store their items that are contained in the storage containers and then move out of the storage bins and build out their current building to accommodate their storage needs.

Staff is recommending approval of the requested variances. Staff also recommends that the APC provide any appropriate recommendations regarding landscape materials and placement to the Alternative Compliance review committee.

James McFadden asked how many parking spaces are required?

Elisa Vitale stated that seven spaces are required, which the applicant has provided.

Timothy Dennee asked if a permit is required for storage?

Elisa Vitale stated that a building permit is required.

Lawrence Bleau asked how high is the wood fence on the north end of the property?

Elisa Vitale stated that she didn't measure it, but it looks like a six-foot fence.

Marie Gooch, applicant, testified that she met with her neighbors and they signed a petition indicating that they approved of the requested variance. It was entered into the record as Exhibits 7a-7d. She stated that her storage containers are mandatory for running her business. They are made of steel, are stackable and her insurance company has no problem with them. She stated that she added an addition in 1995 to the 4900 Greenbelt Road building and could not expand further without requesting a variance.

Timothy Dennee asked if the property were built upward, would the applicant still need a variance?

Elisa Vitale stated yes the applicant would have to obtain a variance to enlarge the upper level.

Lawrence Bleau asked the applicant if she had requested estimates for expanding the smaller building on 49<sup>th</sup> Avenue?

Marie Gooch stated that she had not thought about expanding because business has not been that good.

Lawrence Bleau asked how much did it cost in 1995 when they expanded the building on Greenbelt Road.

Marie Gooch stated that it cost about \$125,000 or \$130,000.

James McFadden asked if all the variances requested apply to 4900 Greenbelt Road and the 40' container behind 4900?

Elisa Vitale stated that a variance is also required for the other container north of the 8901 building because it is too close to that side property line.

Lawrence Bleau asked if staff could explain the Alternative Compliance procedure?

Elisa stated that Prince George's County has a document called the Landscape Manual that goes tandem with the Prince George's County Zoning Ordinance, which sets out requirements for buffering incompatible uses. Through the Alternative Compliance procedure, there is an opportunity to further screen with additional landscaping.

Commissioners reviewed the criteria that needs to be met before the variance can be granted and in reference to the variance of 2.44 feet from the required 10-foot setback from Greenbelt Road and a variance of 12.74 feet from the required 25-foot setback from the rear property line to validate the existing building at 4900 Greenbelt Road determined that:

- 1) The property has an extraordinary situation. 4900 Greenbelt Road is an existing building that predates zoning and the addition, constructed in 1995, was legally permitted.
- 2) The strict application of the County Zoning Ordinance will result in practical difficulties for the applicant because the building is an existing condition. Furthermore, the setback from Greenbelt Road may have been reduced over time due to road widening. It would be a practical difficulty for the Applicant to move or remove the existing building to meet the setback requirements.
- 3) Granting the variance will not 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 requested variances will validate an existing building that predates zoning and a legally permitted addition.

Timothy Dennee moved to approve variance CPV-2009-03 in respect to validating the existing main building at 4900 Greenbelt Road because the request meets the three criteria for granting the variance for the reasons stated above. Lawrence Bleau seconded. Motion carried 4-0-0.

Commissioners reviewed the criteria that needs to be met before the variance can be granted in reference to the variance of 9.45 feet from the required 12-foot side yard setback for the storage buildings and a variance of 21 feet from the required 25-foot rear yard setback for the storage building behind 4900 Greenbelt Road and determined that:

- 1) The property has an extraordinary situation. The placement of the existing buildings on the property limits the Applicant's ability to site the storage containers in a visibly unobtrusive location without the need for a variance.
- 2) The strict application of the County Zoning Ordinance will result in practical difficulties for the Applicant because the inability to site the storage containers on the property would be a detriment to the applicant's business. Furthermore, the existing building at 4900 Greenbelt Road cannot be expanded without the need for additional variances. The applicant could expand the building at 8901 49<sup>th</sup> Avenue or site the storage containers to the south of the building; however, this would be a visually disruptive solution.
- 3) Granting the variance will not 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 storage containers are sited in such a way as to minimize the visual impact from Greenbelt Road and 49<sup>th</sup> Avenue.

Lawrence Bleau moved to approve variance CPV-2009-03 in respect to the sideyard setbacks for the storage buildings and the rear yard setback for the storage building located behind 4900 Greenbelt Road because the request meets the three criteria for granting the variances for the reasons stated above. Mark Cook seconded. Motion carried 3-1-0, with Lawrence Bleau voting nay.

**Public Hearing – Zoning Application**

**CPV-2009-04:           Variances to widen an existing driveway and  
validate an existing carport**

**Applicant:           Jose Ortega-Mendez**

**Location:           5020 Nantucket Road**

Robert Day explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicants are requesting a variance of 7 feet from the required minimum side yard width of 8 feet; a variance of 5 feet from the required minimum combined side yard width of 17 feet and both are to validate an existing carport for which there is no supporting permit or variance. Also requested is a waiver of the parking area requirement to widen the driveway in front of the house. The work has already been done, and the applicant received a violation notice for failure to obtain county and city building permits. The width of the property is 55 feet, the length

is 100 feet and the area is 55,500 square feet. The property is improved with a two-story house, shed, driveway and carport. The surrounding neighborhood is single-family residential, consisting of primarily one- and two-story dwellings. Nantucket Road is one-way going west, and parking is on both sides of the street. The driveways on the street are single-wide driveways that accommodate one or two vehicles. There are seven properties in the neighborhood that do not have driveways at all, and must park on the street. Eleven of them have carports, screened porches and other enclosed structures that encroach within the required side yard setback. There are no records of the other properties having received building permits or variances for construction of additions in the side yards. The property at 5010 Nantucket Road, received county permits in 2005 and 2006 to construct and expand a driveway in the front yard.

The applicants have six vehicles, and their vehicles have been damaged a number of times when they park in the street. The applicants original single-wide driveway which is 9' x 58' can accommodate 3 vehicles and could be lengthened by an additional 20-feet without exceeding the lot coverage and accommodate 4 vehicles. We received comments from the North College Park sub-committee in reference to the variances requested: 1 abstained; 1 approved; 1 opposed and 1 gave no response.

Staff recommends denial of the requested waiver of the parking area requirement, the request for a variance from the maximum allowable lot coverage and the requested variances to validate the existing carport. The applicant should also be required to remove the expanded driveway and the existing carport.

Timothy Dennee asked if staff could explain the parking area waiver?

Dorothy Friedman stated that unless there is an existing carport or garage, you can not park in front of the structure of the house.

Dorothy Friedman submitted two photos into the record as 8a showing the side yard and length of the carport and 8b, which shows a close-up of the carport.

Robert Day asked if any permits were obtained?

Dorothy stated two County permits in 2005 and 2006.

Robert Day asked was there any permits from the City.

Dorothy Friedman stated that she did not check that.

Jose Mendez, applicant, testified that they have 6 vehicles and when they park on the street, the car windows have been broken twice. They stated that cars speed down the street all the time. Most of the residents do not have driveways so they park on the street. After 7:00 p.m. it is extremely hard to find a parking space on the street

Timothy Dennee asked when was the carport structure built?

Jose Mendez stated that he did not know.

Timothy Dennee asked was the structure there when they moved into the house?

Jose Mendez stated yes.

Timothy Dennee asked if the structure was altered after they moved in?

Jose Mendez stated yes

Timothy Dennee asked if the structure is used for parking cars?

Jose Mendez stated only when they need the space, when they have visitors.

Timothy Dennee asked when are accessory structures permitted in side yards?

Dorothy Friedman stated that accessory structures are structures that are not attached and are permitted in the rear yard, not closer than two feet to the rear and two feet to the side.

Timothy Dennee asked if they need the roof structure?

Jose Mendez stated yes, that they have a drainage issue where water comes into the basement. The roof stops some of the water from coming into the basement.

Lawrence Bleau asked what would be the difficulty if they had to remove the driveway?

Jose Mendez stated that they are unable to find parking on their street.

Dorothy Friedman stated that she received a call from a resident who did not want to be identified indicating that there is a parking problem with parking on Nantucket Road.

Commissioners reviewed the criteria that needs to be met before the variance can be granted and in reference to the variance of 3.3 or 181 square feet from the 30% maximum lot coverage requirement and a waiver of the parking area requirement determined that:

- 1) The property is typical in size and shape for the street and surrounding neighborhood.
- 2) The strict application of the Zoning Ordinance will not result in practical difficulties or exceptional or undue hardship upon the property owner to remove the expanded driveway as the applicants constructed the driveway without a permit and any hardship is self-imposed. Unlike a number of neighboring properties, the applicant can extend the existing driveway by 20 feet without exceeding lot coverage to park 4 cars on their Property.
- 3) Granting the variance to permit the applicant to exceed the maximum lot coverage by 3.3% and waiving the requirement prohibiting parking in front of the house will substantially impair the intent, purpose of the County General Plan and County Master Plan because the applicants' front yard will not provide sufficient open space, changing the character of the neighborhood.

Lawrence Bleau moved to deny variance CPV-2009-04 in respect to lot coverage and the parking area waiver, because the request does not meet the three criteria

for granting the variance for the reasons stated above. Timothy Dennee seconded. Motion carried 4-0-0.

Commissioners reviewed the criteria that needs to be met before the variance can be granted in reference to the variance of 7 feet from the minimum required 8-foot side yard depth requirement and 5 feet from the 17-foot minimum width requirement of both side yards combined and determined that:

- 1) The Property has an extraordinary situation in that there was an existing structure located within the side yard setback when the applicants purchased the Property.
- 2) It is considered a hardship for the applicants to be required to remove the carport given that the structure existed when the property was purchased.
- 3) Granting the variances to permit the existing carport to remain will not 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. Many properties on the street have structures encroaching on their side yards.

James McFadden moved to approve variance CPV-2009-04 in respect to the side yard depth requirement because the request meets the three criteria for granting the variances for the reasons stated above. Robert Day seconded. Motion carried 3-1-0, with Lawrence Bleau voting nay.

**VI. Update on Development Activity Detailed Site Plan for University View Village** – Elisa Vitale updated the commission on the status of University View. The subject property is located on the west side of US 1, near the intersection of Navahoe Street Road and Pontiac Street. The View II, which is under construction now is primarily housing for students who are accepted to the University in mid-semester. Directly north of this property are the Koons Ford Quick Lube and the 8400 office building, which will be demolished. The property is zoned M-U-I in subarea 3a of the sector plan. The property's entire site is within the floodplain, which is the case for a number of properties along the Rt. 1 corridor. This is a phased project. The applicant is proposing to build phase 1, which would be the site of Koons Ford and leave the 8400 office building in place temporarily. Phase I, is the student housing building along US 1 with ground floor retail. It is a 9-story building and a seven-story parking garage behind it. Phase II would take away the 8400 office building, add another 9-story student residential building that would connect to Phase I. The property is 2.95-acres. The applicants weren't required to submit a preliminary plan; they just had to submit their detailed site plan. They are proposing 272 units of student housing, 18,960 square feet of commercial retail. Phase I would be 104 units of housing and 10,530 square feet of retail. Phase II would be an additional 168 units and 8,430 square feet of retail. The applicants are proposing a mix of unit types; 16 one-bedroom units, 24 two-bedroom units and 232 four-bedroom units for a total of 992 beds. The applicants are proposing a primarily red brick façade accented with beige split face block at the retail level, which is similar to the existing architecture at the University View and View II buildings.

The Detailed Site Plan which approved View II stated that a total of 559 parking spaces (including a 20% reduction in the required parking) were needed to serve University View and View II. Only 450 spaces were provided on site leaving a shortage of 109 parking spaces. The agreement with the City required the applicant to enter into an agreement with the University of Maryland to address the interim parking shortage for the View II. The applicant has an existing agreement with the University of Maryland for the provision of shuttle service to the site.

The Detailed Site Plan was heard by the Mayor and Council at their May 5<sup>th</sup> worksession and they will take a position next Tuesday at their regular meeting.

Commissioners voted 4-0-0 to authorize the Chair to send a letter from the APC to the Mayor and Council addressing the following issues:

- Parking
- Storm water management
- Underground utility poles
- Architecture

**VII. Other Business:** There was no other business.

**VIII. Adjourn:** There being no further business, the meeting was adjourned at 10:30 p.m.

Minutes prepared by Tershia Williams