



**CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION**  
**4500 KNOX ROAD COLLEGE PARK, MARYLAND 20740**  
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**ADVISORY PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**April 1, 2010 – 7:30 P.M.**

**PRESENT:** Advisory Planning Commission – Robert Day, James McFadden Charles Smolka and Timothy Dennée; Planning Staff – Terry Schum, Elisa Vitale, and Theresheia Williams; Attorney – Susan T. Ford

**I. Call to Order:** Robert Day called the meeting to order at 7:35 p.m.

**II. Approval of Minutes:**

Timothy Dennée moved to accept the minutes of December 3, 2009. Charles Smolka 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 Hearings – Zoning Applications**

**CEO-2010-01: Variance to construct a 6' fence along the side lot line that is a continuation of the front lot of the adjacent property**

**Applicant: William Cann**

**Location: 8611 Rhode Island Avenue**

Robert Day explained the hearing procedures and placed witnesses under oath. Elisa Vitale summarized the staff report. The applicant is proposing to construct a six foot (6') wood fence at the property line in the side yard where the side lot line is a continuation of the front yard of the front yard line of the adjacent lot. The subject property has an area of 13,512 square feet. It is a corner lot and is irregular in shape. The legal front of the property is Rhode Island Avenue, but it is not improved along the subject property's frontage. The vehicular access to the property is from Roanoke Place. The front property line measures 103.34 feet, the north side property line measures 135.52 feet, the south side property line measures 128.4 feet and the rear property line measures 107.8 feet. The property is improved with a two-story single-family home. The driveway that provides access to Roanoke Place has a two-story garage. The subdivision dates to the 1900's and the structure dates to 1887. The subject property is located in a single-family residential area, which is adjacent to the Berwyn Commercial District. The trolley trail runs along the front property line, along the Rhode Island Avenue right-of-way. The south side of Roanoke Place, opposite the subject property, features through commercial lots that front on Berwyn Road. The property has an existing hedge that is 5 to 6-feet in height and runs along the property line at Rhode Island Avenue and Roanoke Place Property line. The adjoining property at

8615 Rhode Island Avenue has a combination of a 4-foot picket fence and a 3-foot chain link fence along its side property line that expands onto the front property line at Rhode Island Avenue. The adjoining property at 5002 Roanoke Place has a 4-foot wire fence along the side property line that extends to Roanoke Place. The applicant has indicated that he would like to install the fence because he has witnessed individuals trespassing on his property. The applicant has applied and obtained a Prince George's County building permit for the new fence, that was issued in error. The applicant applied for a City permit on March 12, 2010, at which point the need for a variance was identified. There has been no response from adjoining neighbors or the civic association. Staff recommends approval of the requested waiver of the requirements of City Code §87-23.C to allow the applicant to construct a 6-foot wood fence in the side street yard along the southern property line.

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

William Cann, applicant, testified that he would like to install a 4-foot fence with a 2-foot lattice, which will provide openness. He stated that there is a lot of traffic that comes through his yard from the Trolley Trail and the Berwyn Commercial District. There is also a lot of bushes at the corner of the yard where groups of people hangout and he is concerned about his family safety.

Timothy Dennée asked what was his need for a taller fence?

William Cann stated that it would give him more security, and there is so much traffic on the bike path.

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

- 1) There is an extraordinary condition that supports the request for the variance. Given the location of the property in close proximity to a commercial district and a public hiker-biker trail, the applicant has experienced a greater incidence of trespassing than would normally be expected in a residential neighborhood. Furthermore, the applicant's side street yard is opposite the rear property lines of a number of commercial businesses, which further increases the need for screening.
- 2) Denial of the variance would result in a peculiar and unusual practical difficulty to the applicant. The applicant's property has been the target of trespassers. The applicant has shrubs on the property, which do not serve as a deterrent for trespassers.
- 3) The APC concludes that the construction of a 6-foot wood fence in the side street yard will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. The property is effectively fenced by the existing hedge and existing fences on the adjoining properties. Fences in the side yard are characteristic of the neighborhood.

- 4) The appeal is consistent with the design guidelines adopted for the historic district, if applicable. Not applicable.
- 5) Granting the appeal will not adversely affect the public health, safety, welfare or comfort. The proposed fence will not block visibility to the Property.
- 6) The proposed fence is a 6-foot wood fence. The applicant is proposing a four-foot fence with a 2-foot lattice section above, which incorporates openness and visibility.
- 7) The proposed fence, a 6-foot wood fence, is consistent in setback with other fences in the neighborhood.

James McFadden moved to approve the variance because the request meets the seven criteria for granting the variance for the reasons stated above. Robert Day Seconded. Motion carried 4-0-0.

**VI. Status of Central US 1 Corridor Sector Plan and SMA:**

The City Council has taken a position on support for some of the County Council amendments. The City is opposing some amendments that have to do with zoning changes, removing some of the illustrative drawings out of the document and revising certain strategies and policies. Copies of the Central US 1 Corridor Sector Plan and the 20 amendments that the County Council has proposed are available in the planning department. The last chance to comment is Tuesday, April 6, 2010 at 7:00 p.m. in Upper Marlboro.

**VII. Update on Development Activity** Terry Schum reported on the following:

**#1 Liquors** – The City Council voted to try to acquire the property with Program Open Space (POS) funds. If acquired, the City is proposing to build a pocket park or something along those lines on the property.

**Koons Ford** – Koons Ford will be relocating and going out of business at their current location. The property will be vacant and there is no buyer at this time.

**Maryland Book Exchange** – The entire property from Rt. 1 to Yale Avenue is on the market for sale. The Book Exchange has another 5 years left on their lease.

**Starview** – Planning Board approved their Detailed Site Plan to phase their project. They will be revising their permits and starting construction as soon as possible.

**Domain Project Area Charrette** – There will be a 3-day workshop April 28-30 focused around the proposed mixed use Domain project located in the vicinity of Campus Drive and Mowatt Lane. It will be held in the City Hall Council Chambers.

**Mosaic at Turtle Creek** - The developer was in last week to discuss the status of the project. At the present time, he has no financing, but will be holding onto his plans. The County Council has a bill pending that would further extend the life of already approved detailed site plans.

**VIII. Other Business:** There was no Other Business

**IX. Adjourn:** There being no further business, the meeting was adjourned at 8:25 p.m.

Minutes prepared by Theresheia Williams