



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
7401 BALTIMORE AVENUE, COLLEGE PARK, MARYLAND
ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
December 1, 2022

| <u>Members</u> | <u>Present</u> | <u>Absent</u> |
|------------------------------|----------------|---------------|
| Stephanie Stulich, Chair | x | |
| Santosh Chelliah, Vice-Chair | x | |
| Daejauna Donahue | x | |
| Vernae Martin | x | |
| Kiersten Johnson | x | |
| Malaika Nji-Kerber | x | |
| Michael Meadow | | x |

Also Present: Planning Staff – Terry Schum, Miriam Bader and Erik Valentine; Attorney – Suellen Ferguson

- I. **Call to Order and Amendments to Agenda:** Stephanie Stulich called the meeting to order at 7:36 p.m.
- II. **Approval of the Agenda:** Santosh Chelliah moved to approve the agenda as posted. Malaika Nji-Kerber seconded. Motion carried 6-0-0.
- III. **Approval of Minutes:** Vernae Martin moved to approve the minutes of November 3, 2022. Daejauna Donahue seconded. Motion carried 6-0-0.
- IV. **Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.
- V. **CPV-2022-05** **Variance to convert an attic into livable space making it a 2.0-story dwelling**
Applicant: **Quintin and Charlota Jones**
Location: **4806 Harvard Road**

Stephanie Stulich explained the hearing procedures and placed witnesses under oath. Miriam Bader presented a PowerPoint and summarized the staff report. The Applicant wishes to improve a bedroom located on the second floor by enlarging it, adding a closet and a bathroom to create a master bedroom. The footprint of the house will not change. Currently, the house is 1.5 stories. The improvements will expand the second floor to make it a full 2-story dwelling.

Ms. Bader stated that the applicants are requesting three variances: 1. A variance of 1-foot from the minimum 25-foot front yard setback in the RSF-65 zone for attic conversion to a second story; 2. A variance of 9-feet from the minimum 25-foot front yard setback in the RSF-65 zone to validate the existing roofed porch; and 3. A variance of 4-feet from the minimum 8-foot side yard setback in the RSF-65 zone for attic conversion to a second story. Ms. Bader submitted the staff report, Exhibits 1-9, an e-mail from an adjoining property owner and the PowerPoint presentation into the record.

Following the presentation, commission members asked questions of the planning staff regarding the property and proposed variance. Stephanie Stulich asked questions about current and proposed building height, which would remain under the zoning ordinance limit of 35 feet. Questions were asked about the footprint of the building, which would remain unchanged if the variance were to be granted. Additional questions were asked about the “bump out” on the east side of the dwelling, which appears to have been in place since the earliest aerial imagery available, 1965.

The applicant, Quintin Jones, testified that the project was intended to provide him and his wife with more space to make their bedroom more comfortable and functional. He stated that they plan on this dwelling being their primary residence for the foreseeable future. Currently, there is no bathroom on the same floor as this bedroom. The improvements would include a bathroom and closet to create a master bedroom. Further emphasis was placed on the existing building footprint not being changed in any way. Members of the commission asked Mr. Jones about the setbacks on the sides of the dwelling, particularly the one with the “bump out.” It was restated that these setbacks would not be changed, and only the building height would undergo change.

During public comment, Stephanie Stulich asked Ms. Bader to read an email message submitted by Karen Klapac, 4805 Harvard Road, who could not be in attendance. The email stated opposition to the variance due to the chance that it would increase the property’s value as a rental unit and ruin the overall look of the neighborhood. After this, Martin Klapac, 4805 Harvard Road, read a prepared statement, stating his opposition to the proposed variance on the grounds of rental potential. He also mentioned that he was concerned about whether the additional height on the dwelling would impact access to sunlight on neighboring properties. He then asked the commission if he could ask questions of the applicant, which the commission allowed. Mr. Klapac asked Mr. Jones if he had done any previous work on his house, to which Mr. Jones asked for clarification. Ultimately, Mr. Klapac was referring to a time when Mr. Jones’ made repairs after a house fire.

Mr. Klapac had further questions for Mr. Jones, primarily regarding Mr. Jones’ previous assertion that he would be permanently residing in this dwelling. Mr. Jones pronounced definitively that he would be living in this property permanently. Mr. Klapac called Mr. Jones a “great absentee landlord,” to which Mr. Jones objected. He stated that his sons had been living in the house previously, and that he was always present to perform property maintenance. City Attorney Suellen Ferguson informed Mr. Klapac that the Commission could not consider whether or not Mr. Jones would rent the property when determining if they would support the request for a variance or not. Mr. Klapac asked if there was any way that they could enforce or monitor this, to which Suellen Ferguson said that “we are not here for code enforcement.” Another commissioner spoke and said that there were appropriate ways to follow up with that concern, but that it was not through the Advisory Planning Commission.

Mr. Klapac added that he greatly enjoyed having Mr. Jones as a neighbor, and that he liked him very much as a person. Mr. Jones replied in kind, saying that he too appreciated having Mr. Klapac as a neighbor. He mentioned that whatever he does to improve his property will also improve the value of Mr. Klapac's property. Stephanie Stullich closed this part of the discussion by acknowledging their sentiments.

Commissioners reviewed the criteria that need to be met before the variance can be granted and made the following conclusions of law based on the staff recommendation:

- 1) The property has an extraordinary situation because the property was developed in 1940 prior to zoning regulations and was built before setback standards applied. The existing house, including the roofed front porch, does not comply with current required minimum front and side yard setbacks. The roofed porch has existed for many years and may be original to the house.
- 2) The strict application of the Zoning Ordinance will result in a practical difficulty for the property owners by preventing them from making reasonable improvements to their property that won't expand noncompliance from what exists today.
- 3) Granting the front and side yard setback variances will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan because the house has been at its present location for over 82 years.

Based on the evidence and testimony presented, Ms. Martin moved to recommend approval of variance CPV-2022-05 for reasons stated in the Staff Report, including that the footprint would not change, and proposed improvements would not encroach or overhang beyond any existing condition. Ms. Kerbers seconded the motion. Motion carried 6-0-0.

VI. Approve Draft 2022 Annual Report

Stephanie Stullich reviewed the Draft 2022 Annual Report with the commission and proposed adding language requesting that the City research ways to improve the meeting experience using the hybrid format. Santosh Chelliah moved to approve the Draft 2022 Annual Report with this addition, Vernae Martin seconded, and the motion carried 6-0-0.

VII. Update on Development Activity

Terry Schum presented the commission with a brief update on development activity around the City and answered questions. Ms. Stullich inquired about the status of the Meor project in Old Town and Ms. Schum said that she would follow up.

VIII. Other Business:

There was no other business.

IX. Adjourn:

There being no other business, Ms. Johnson moved to adjourn the meeting, seconded by Mr. Chelliah. The meeting was adjourned at 8:43 PM.