



**CITY OF COLLEGE PARK ADVISORY PLANNING
COMMISSION
7401 BALTIMORE AVENUE, COLLEGE PARK,
MARYLAND
Minutes of Meeting
April 13, 2023**

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Stephanie Stullich, 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 – Miriam Bader; Attorney – Suellen Ferguson; Executive Assistant – Moira Abernethy.

- I. **Call to Order and Amendments to Agenda:** Stephanie Stullich called the meeting to order at 7:35 p.m.
No amendments to agenda.
- II. **Approval of the Agenda:** The agenda was approved 5-0-0.
- III. **Approval of Minutes:** Michael Meadow moved to approve the March 2, 2023, minutes. Malaika Nji-Kerber seconded. Motion carried 5-0-0.
Minutes approved.
- IV. **Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.
- V. **CEO-2023-02:** **Variance to allow a 6-foot fence along 49th Place, the street side yard**
Applicant: **Sylvester Mondal**
Location: **4910 Hollywood Road**

Stephanie Stullich explained the hearing procedures and placed witnesses under oath. Miriam Bader presented a PowerPoint presentation, including Exhibits 1-6, and summarized the conclusions and recommendations in the staff report. The applicant is requesting a variance to erect a 4.5-foot to 6.0-foot-high wooden fence that incorporates openness. The top 1.0-foot is proposed to be lattice. The fence is behind the front plane of the house along the street side yard, 49th Place.

The City Code Chapter 87, Section 23, paragraph C prohibits fences in the front yard that exceed 3 feet in height and requires that fences be constructed of a material that incorporates openness such as wrought iron, split rail, or picket. The Code states that “in a through or corner lot, all yards abutting streets are front yards.”

Not applicable.

5. *The front yard fence for which a variance is requested incorporates openness as much as is practical, however, that it shall not be constructed of chain link unless this material is consistent with the surrounding neighborhood.*

The fence incorporates openness and visibility to the extent practical for its intended purpose.

The Commissioners reviewed the report to determine if all the criteria were met. Stephanie Stulich felt strongly that the City should uphold the fence ordinance and restrictions against a 6-foot fence. She said the rationale staff stated for criterion #1 is very different from the rationale looked at in the past cases, which related to the shape and topography of the land. She stated that she does not think we have ever had a case where the gardens and landscaping were considered an extraordinary situation. She feels if we approve this request then the city's fence ordinance would be meaningless because all variance requests could be approved.

There was further discussion among the Commissioners on the topography of the yard. It does have dips but nothing extraordinary. The applicants stated that they need the fence for privacy and protection because they have experienced trespassing. The Commission also discussed whether or not a fence setback is required and if the fence would be grandfathered in if the applicants wanted to replace it with a chain link fence. There was discussion on the height of the fence as it appeared close in height to the neighboring fence. The applicants confirmed the posts are 6-foot in height, but the slats were all 4-foot in length. The height of the fence varied in spots from 4 1/2 to 5 feet in height due to the fact the measurements are made from the ground up not from the bottom of the slat, adding the proposed lattice would increase the height to 6-feet. Also considered were other 6-foot fences in the area, including one caddy-corner from the property. However, it was noted that these other fences might have been erected prior to the 2005 fence ordinance.

Suellen Ferguson clarified that the Prince George's County Zoning changed regarding setbacks, therefore setback is not an issue. The fence had been down too long to be grandfathered. The main issue with the fence is strictly the height not the material or the setback.

A compromise was discussed in which the fence remains in place but the proposed lattice would not be allowed and the posts would be cut down to the height of the slats. Kiersten Johnson moved to recommend approval of variance CEO-2023-02 with the following conditions: 1. The height of the fence does not exceed 4.5 to 5-feet, with some variability within that range due to the topography of the yard; 2. The posts will be cut down to the height of the slats; and 3. Lattice may not be applied to increase the height but may be attached to the slats in an overlapping manner, on the east side of the property. Malaika Nji-Kerber seconded the motion. Motion carried 5-0-0.

VI. CPV-2023-01: Variance to allow conversion of a one-car carport to a two-car garage.

Applicant: Andrew and Diana Thomson
Location: 7501 Wellesley Drive

The planned two-car garage is not in conflict with the scale and design of neighboring properties. Since the Wellesley Drive curb is 11-feet from the property line, the street side yard will appear similar to neighboring properties. The rear yard appears as a side yard so granting this variance will not conflict with neighboring properties.

5. *Such variance will not substantially impair the use and enjoyment of adjacent properties.*

The variances from the street side yard and rear yard setback will not substantially impact adjacent properties. Due to the orientation of the construction, the variances are needed for the closest corner of the garage and then the amount of variance lessens.

6. *A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.*

The house was constructed with its current orientation over 60 years ago. The property owners bought this property less than a year ago. The property owners did not create the difficulty.

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 recommendations.

1. The unique orientation of the house
2. The location of Wellesley Drive, not centered in the right of way.
3. The fact that the curbcut would remain the same.
4. The planned two-car garage is not in conflict with the scale and design of neighboring houses.
5. The setback would not substantially impact neighboring properties.
6. The property owners did not create the difficulty.

Applicant Andrew Thompson testified that they have two cars and want to be able to park it close to the entrance of their house since they have a new baby.

Michael Meadow moved to approval CPV-2023-01 for reasons presented, Malaika Nji-Kerber seconded the motion. Motion carried 5-0-0.

VII. Update on Development Activity:

No new developments.

VIII. Other Business:

No other business

IX. Adjourn:

There being no other business, Malaika Nji-Kerber moved to adjourn the meeting at 9:44 p.m., seconded by Michael Meadow.

Minutes prepared by Moira Abernethy.