



**CITY OF COLLEGE PARK
ADVISORY PLANNING COMMISSION
7401 BALTIMORE AVENUE, COLLEGE PARK, MARYLAND
Draft Minutes of Meeting
October 5, 2023
7:30 p.m.**

Commissioners:	In-Person	Absent	Zoom
Stephanie Stullich, Chair	X		
Santosh Chelliah			X
Daejauna Donahue			X
Kiersten Johnson			X
Vernae Martin		X	
Michael Meadow	X		
Malaika Nji-Kerber			X
Staff Members:			
Miriam Bader, Planning Director	X		
Bob Ryan, Director of Public Services			X
Jim Miller, Parking Enforcement Manager	X		
Erik Valentine, Community Planner	X		
Moira Abernethy, Executive Assistant	X		
Stephanie Anderson, City Attorney	X		
Nate Forman, City Attorney	X		

Also Present: Applicants – Gregory D. Salers and Laura Salers (9727 Wichita Avenue); Applicant – Luis Obduli Bojorquez Catalan (9022 48th Place); Catalan’s Nephew – John Interiano; Catalan’s Interpreter – Edward Najjar; and Mei Liu, neighbor (next to Mr. Catalan on 48th Place).

- I. **Call to Order** – Ms. Stullich called the meeting to order at 7:40 p.m.
- II. **Amendments to the Agenda** – There were no amendments to the agenda. Mr. Meadow moved to approve, and Ms. Nji-Kerber seconded.
- III. **Approval of the Agenda** – Agenda was approved, but when it came time for the cases to be called, Ms. Bader asked if the Salers’ case could be heard first, as their case was originally heard in September. Ms. Stullich said this should have been an amendment to the agenda and allowed it.
- IV. **Approval of Minutes** – Mr. Santosh asked for a change to the September 2023 minutes to correct the spelling of Ms. Nji-Kerber’s name. Mr. Meadow moved to approve the minutes with this correction, and Ms. Nji-Kerber seconded. **Motion carried 6-0-0.** The agenda was approved.
- V. **Public Remarks on Non-Agenda Items** – There were no public remarks.

VI. Prohibited Vehicle Exemption Request

Applicants: Gregory D. Salers and Laura Salers

Location: 9727 Wichita Avenue

Mr. Miller (Staff) was sworn in and presented a recap of the Applicants' request for a Prohibited Vehicle Exemption. Chapter 184-8b of the City Code prohibits parking a trailer on the street 24/7. Mr. Miller provided the exact measurement of the trailer; it is 10' length, 6' wide and 368' cubic load space. The Applicants are requesting to park it on the street 24/7.

Ms. Stullich noted that the code requirement for waiver requests under 184-8b ("certain vehicles") to be heard first by the APC, with a recommendation to the City Council for final action, does not apply for 184-8a (trailers). City Attorney Nate Forman responded that this was correct, but said that since Staff had brought the case to the APC, it may be helpful for the Commission to hear the case and make a recommendation.

Ms. Stullich suggested that the City Council may want to consider revising the code to clarify the procedure for future cases. Ms. Stullich also noted that under Chapter 184-8a, the size of the trailer was not relevant to the case, and Mr. Miller confirmed that. Ms. Stullich summarized the two criteria that must be met: that parking the trailer on the street 1) is necessary, and 2) does not present a safety hazard or an obstruction.

Gregory and Laura Salers were sworn in. Mr. Salers stated that the trailer was the same size as his wife's car; it would not stick out in the street, and would present no safety or obstruction issues. Ms. Salers spoke next addressing her safety as the main concern for the trailer being in the street. She stated she would feel much safer parking in her driveway. She comes home late some evening from babysitting their grandchild and it would also be safer to take the children to and from the car if it were parked in the driveway rather than on the street. She stated their street is very busy at all hours of the day and night; because it is near the College Park Metro, there are many unknown people walking on their street. Ms. Salers said her neighbors across and on the side of her have no issues with them parking the trailer on the street. It won't block anyone or obstruct emergency vehicles from getting down the road.

Ms. Stullich restated the two criteria to be considered, which include "Parking on the street is necessary" and asked whether parking the trailer on the street is actually "necessary". Ms. Salers responded, "if you consider my safety necessary, a lot of people we don't know are walking the street... Parking the trailer in the street is necessary to park the car in the driveway. We can't put the trailer in the backyard, as that would require more requests and exceptions." She stated they have room for two cars in the front now that their daughters have moved. They will not be taking away parking spaces from neighbors. Mr. Sales mentioned that there is a fire hydrant across the street, so no one parks there, making it easy for emergency vehicles to get by. Ms. Salers stated she sent pictures in so that the Commission could see their street.

Ms. Nji-Kerber asked to see the pictures on screen, but was told that the Public Service Department did not provide this information via PowerPoint, but that it was in the information sent to Commission members prior to the meeting. Ms. Stullich requested that Public Services staff provide a PowerPoint for future cases relating to Code Enforcement cases.

The hearing was then closed, and Ms. Stulich asked for a motion. Mr. Meadow motioned to approve, and Mr. Chelliah seconded. Mr. Meadow stated that the “good cause” criteria were met because parking the trailer on the street was necessary to provide for Ms. Salers’ safety and the trailer wouldn’t create a safety hazard. Mr. Chelliah commented that he had no issues with this request. Ms. Stulich commented that she agreed the waiver request was reasonable, but that in the first criterion under good cause, the term “necessary” seems vague; she suggested that Staff bring this to the City Council’s attention for potential consideration of criteria that would be more useful. She said the Commission tries to follow both the letter and spirit of the law, and though the term “necessary” may sound reasonable, it may be awkward to apply in some cases.

Ms. Stulich called for a vote on the motion to recommend to the City Council the approval of the prohibited vehicle exemption. All Commissioners were in favor; **motion carried 6-0-0**. This waiver request will be referred to the City Council. Mr. Forman, City Attorney, wanted to clarify that the Salers would not have to submit any further paperwork, as Staff will forward to the City Council. He also noted that the Commission does not have the final say, and that the Council does, and if approved, the Salers will receive a sticker to put on their trailer that will permit them to park and not be ticketed.

VII. CPV-2023-04:

1. A variance of 6.59% (377 square feet) from Section 27-11002 prescribing a maximum lot coverage of 35% in the RSF-65 zone.
2. A validation of a 5,725-square feet lot area in the RSF-65 zone.
3. A validation of a 50-foot lot width in the RSF-65 zone.

Applicant: Luis Obduli Bojorquez Catalan
Location: 9022 48th Place

Mr. Valentine (Staff) was sworn in and presented a PowerPoint presentation, including 9 exhibits, and a summarized the findings, conclusions, and recommendations in the Staff Report. The Applicant is requesting approval to build a concrete driveway to park Mr. Catalan’s 5 cars. Mr. Valentine presented Staff’s conclusions regarding each of the criteria are met in this case.

STAFF CONCLUSIONS AND EVALAUTION OF CRITERIA FOR GRANTING A VARIANCE

1. **A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features).**

The property is physically unique to the City in that it is smaller than most other lots, and smaller than the standard set forth by the Zoning Ordinance. However, lots of this size are common in this neighborhood. Another unique feature is the 20-foot right-of-way on the property’s eastern edge. This trait is common to all other houses on the street, but is encroached upon in varying degrees. Neighboring properties have constructed fences around the right-of-way, while others have sheds contained in p^ortions of it with no fence. Another uniqueness

is that the property borders a different residential zoning category, RSF-A, which allows for higher density. This might impact street parking in the neighborhood.

- 2. The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.**

Standard driveways are generally designed to park one or two cars on a property, which the Applicant has the current capability to do. The strict application of the Zoning Ordinance would prevent the occupants from parking 5 cars on a concrete driveway, which is above what is typical.

- 3. Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.**

The Applicant's goal is to park all 5 of his family's cars on their property, and off the street. A midsize car has an average length of 14 to 16 feet. Using the high value, the Applicant would need a driveway of at least 85 to 90 feet to provide enough space for 5 vehicles and enough room to maneuver between them. The proposed driveway extension brings the total length of the driveway to about 90 feet. Thus, depending on the length of the Applicant's vehicles, there may be a small amount of room to spare. Regardless, a 5-car driveway is above what is normally expected of a driveway in the RSF-65 zone.

- 4. Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.**

Lot coverage restrictions are designed to manage storm water runoff from properties, reducing the amount of impermeable surface present on a site. The addition of concrete to this property in excess of the lot coverage maximum will impair the intent of the Zoning Ordinance. If the proposed driveway were to be constructed out of a permeable surface, this negative effect could be mitigated.

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

The variance as requested will bring potential impairments to the use and enjoyment of adjacent properties if storm water is directed away from the property and onto neighboring lots. If the proposed driveway were to be constructed out of permeable surfaces, this effect could be mitigated.

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

The practical difficulty of the small lot size is not self-inflicted by the property owner, however, the Applicant's desire to park 5 cars on the property is a self-inflicted difficulty.

Staff recommended denial of the requested variance. If the APC would like to recommend approval of the requested variance, Staff recommended such approval with a condition, being that the Applicant constructs the proposed driveway with permeable materials. Examples of these materials are pervious concrete, interlocking pavers, or plastic grid pavers. The Applicant could also keep the ribbon design of the current driveway, using concrete and incorporating a permeable surface in between. These materials would mitigate the negative impacts of storm water runoff on adjacent properties. Prince George's County offers a program called the Rain Check Rebate Program, which provides property owners with the incentives to install eligible storm water management practices on their properties. More information can be found here: <https://www.princegeorgescountymd.gov/313/Rebates>. If the APC recommends approval, the validations would also be approved.

Ms. Stullich accepted the Staff Report into the record and opened the floor to the Commissioners for questions to Staff.

Mr. Meadow had questions about the existing driveway, as it didn't show as permeable. He saw gravel in the ribbon and had been told by the County that gravel was considered impervious. He asked Staff if the existing driveway was impervious, are they allowed to by Code or law to keep the impervious driveway and replace it with an impervious driveway material (concrete in this case) when over 35%. Mr. Forman stated that the goal of the program is to reduce and manage storm water and that he believes the County would look negatively on this.

Mr. Chelliah had questions about self-inflicted practical difficulties. He wanted to know how the Commission should determine whether a difficulty is self-inflicted. Mr. Forman responded that self-infliction is related to the purpose or the need, whether it is something about the property that makes it difficult to do what the Applicant needs, or just something that he wants. In this case, the number of cars is not related to need. Ms. Stullich discussed the example of owning a dog: owning a dog is normal and is not a self-imposed difficulty, while making the choice to park 5 cars on the property is not usual in this neighborhood and therefore is self-inflicted.

Ms. Bader stated that the zoning ordinance requires parking be available for 2 cars per dwelling, and this request goes above that. If the lot were large enough they could park them, the difficulty here is that the lot is small and it greatly exceeds the lot coverage by 6.59%, making the total lot coverage 41%. If Mr. Catalan reduced the length of the driveway, he would meet the lot coverage. The existing driveway meets that; it's the expansion that is the problem. His current lot coverage is 1,571 square feet and is within the requirements. He wants to increase the coverage by 810 square feet using concrete.

Mr. Forman suggested that they move the shed from the right-of-way to the property so the driveway wouldn't have to be as long, as the shed is beyond the property line.

Mr. Forman's suggestion prompted Ms. Stullich to ask if the shed needed to be validated, and she asked when it was constructed. Mr. Forman stated he looked into that and saw in 2000 it was not there and in 2005 it was. Unfortunately, the Applicant has inherited this issue.

Ms. Johnson had concerns about approving a permeable material rather than concrete that it would that create and enable the condition in the future. She also was concerned about the drainage.

Ms. Nji-Kerber stated the aerial photograph shows that it appears that all 5 cars can be accommodated and wanted clarification that the Commission was deciding on a permeable surface rather than the new footprint. Mr. Valentine stated the footprint stays the same, just overlaid with concrete and said the Applicant could address this.

Ms. Stullich expressed concerned about violations when lot coverage over the prescribed percentage questioning does the Commission just say it's ok because the homeowner is already doing it.

With multiple questions that needed to be addressed by the Applicant, Mr. Catalan was sworn in, as well as his nephew, John Interiano, and his interpreter, Mr. Najjar. Mr. Interiano stated he would be speaking for his uncle. He explained that the driveway was there, and it had gravel to the shed. There is a water runoff issue with the townhomes behind Mr. Catalan's home and his neighbor's and that both will now drain. Mr. Catalan has 3 children. Each one has a car, along with him and his wife, for a total of 5 cars. He has 2 neighbors that have large cars and most park on the street. There are many houses on the street, so parking is tight. He is trying to do right by his neighbors. He did get a permit (job card) from the County, which was approved, so he started work until the job was stopped by the City. Mr. Interiano stated there was definitely a breakdown in communication. His uncle didn't realize that three different permits were needed (M-NCPPC, the City of College Park, and the County), nor did the County tell him. Mr. Catalan approached the City first and was told to go to the County. His uncle thought that the County permit was all that was needed, and once he had that, he started the work.

Mr. Forman reviewed the job card and determined that it should not have been issued, but was issued in error by the County. Ms. Stullich recommended the City's Public Service administrators review applications for permits with Applicant before directing them to the various County Departments.

Ms. Liu was sworn in. She owns the corner lot on 48th and Blackfoot Road, which is next to Mr. Catalan's home. She is worried about storm water issues and said that water already pools at the corner near her house and is fearful that Mr. Catalan's drainage system might put more water into the street. Mr. Forman asked where the sewer drains were on the street, and Mr. Catalan replied there were none. Mr. Interiano stated that Ms. Liu's property is situated higher than his uncle's and that runoff from her yard goes into his uncle's property. Ms. Bader stated that the storm drainage office for the County didn't look at the permit. Ms. Nji-Kerber requested that the City do something about this issue. At this point, the discussion was tabled, as consultation with other departments were needed.

Ms. Stullich closed the hearing and suggested a continuance for one month. Discussion among the Commissioners ensued. Ms. Johnson stated that there were a lot of cars on the street and that the street had no sidewalks.

Ms. Nji-Kerber stated that many issues had surfaced: no street drainage, which the City needs to address; the permit that was issued in error needs to be looked into; the shed is not on the property; and can all of this be brought into compliance with Code.

Ms. Stullich asked for a motion to table the case until the November meeting. She suggested that staff could look into the legal issues and building permit status and revise the staff report if needed. Mr. Meadow made the motion, and Ms. Kerber seconded. **Motion carried 6-0-0.** Ms. Stullich noted that if the planned lot coverage is reduced to 35%, no variance would be needed. Mr. Interiano stated they will do that, and Ms. Bader asked that when they get the new permit to provide a copy to her.

VIII. Update on Development Activity – Mr. Valentine and Ms. Bader provided updates on:

Terrapin House – located at Hartwick Road and Baltimore Avenue. It will be five to six stories and provide student housing, retail, and structured parking. The City Council is considering the detailed site plan now.

Maryland Hillel – is in the process of revising plans for a new Hillel Center that will be at 7505 Yale Avenue. The current Hillel, located on Mowatt Lane, is smaller than the new Hillel. Maryland Hillel is doing a land swap with the University of Maryland. They are making changes to the architecture, and their application has just been accepted.

Autoville Drive Townhomes – The City has received a natural resource inventory and this usually means the detailed site plan should be coming soon.

IX. Other Business –

Ms. Johnson inquired about an update for the space that was the former Days Inn. Mr. Valentine said that that property along with Red Roof Inn and Howard Johnson will be The Flats, a large new housing development. The detailed site plan has been approved for demolition. Mr. Valentine will provide an update at the November meeting. There are concerns about meeting zoning requirements.

RST – This project has been approved.

The Commission will hear two cases in November. One is the UMD Catholic Student Center (Guilford Road and Mowatt Lane) departure request for parking spaces. The other is a building permit code issue in which the Applicant is appealing the stop work order that was issued for building more than 150 square feet.

Oral argument for the chain link fence appeal (Applicant: Nancy A. Baker and her daughter, Teri Miller, 4907 Tecumseh Street) will be heard by the City Council on November 7.

X. Adjourn – Ms. Stullich had to leave early and asked Mr. Meadow to assume chairing the meeting. Ms. Donahue moved to adjourn the meeting, and Ms. Nji-Kerber seconded. **Motion carried 6-0-0.** Meeting adjourned at 9:43 pm.

Respectfully submitted by Lori Jarman, Contract Secretary

