



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
January 3, 2008 – 7:30 P.M.

PRESENT: Advisory Planning Commission – Robert Day, Vice-Chair, James McFadden, Lawrence Bleau, Heidi Jones-Huffman and Barbara Aldrich; Planning Staff — Elisa Vitale and Dorothy Friedman; City Attorney – Deanna Keyes

I. Call to Order: Robert Day called the meeting to order at 7:40 p.m.

II. Approval of Minutes: Lawrence Bleau moved to accept the minutes of October 25, 2007. James McFadden seconded. The motion carried unanimously

The November 1, 2007 minutes should be amended to reflect the following changes:

- Page 7 – paragraph 1, the last sentence should read, “Mr. Robertson stated that *in his opinion*, the citizens association would never be against any driveway improvements that are no more than two cars wide”.
- Page 7 – paragraph 3, Mr. Robertson stated that he was testifying on behalf of the North College Park Citizens Association, but the commissioners determined that he was not authorized to speak on behalf of the association.
- Correct the spelling of “Robertson” where needed throughout the minutes.

Lawrence Bleau moved to accept the minutes of November 1, 2007 as amended. Barbara Aldrich seconded. Motion carried 5-0-0.

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 Hearing – Zoning Applications

CPV-2007-23:	Variance to construct a deck
<u>Applicant:</u>	Mark & Karen Banks
<u>Location:</u>	9204 St. Andrews Place

Robert Day explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicants are requesting a variance of four feet (4') from the required minimum rear yard depth of twenty feet (20') to construct a 19.5' x 16' deck. The property has an area of 9,946 square feet and is improved with a one-story single-family structure. The property is wedge-shaped and backs up to property owned by the University of Maryland, which is wooded. The front property line is approximately 154 feet in length, the side property lines both have a length of 109 feet, and the rear property line is v-shaped and the two segments added together measure approximately 34 feet in length. The surrounding neighborhood is single-family residential consisting of one- and two-story dwellings. Construction of the deck has started and the applicants received a stop work order for failure to obtain building permits. Staff recommends that the requested variance be denied.

Dorothy Friedman submitted the staff report and Exhibits 1-7 into the record. Commissioners accepted unanimously.

Lawrence Bleau asked whether the civic association had provided comments on the requested variance?

Dorothy Friedman stated no.

Mark and Karen Banks, applicants, testified that they have a large family and entertain a lot so they wanted a deck big enough to accommodate their guests, tables and a grill. They did not want to build the deck above their basement bay window or to the right of the window because there is a slope there that would present a security risk. There is a patio under the deck that is 14.5' deep. She stated that based on field measurements and the location of the survey pin the required variance is for twenty inches (20") rather than four feet (4').

The applicants submitted the following exhibits:

Exhibit 8 – letter from the applicants, which outlines the reasoning for the variance.

Exhibit 9 – plan showing the area requiring the variance.

Exhibits 10 & 11 – letters from Merlene Weir owner of 9202 St. Andrews Place and Vinh Luoug, owner of 9206 St. Andrews Place, stating that they have no objection to the variance request.

Exhibit 12 – Plan showing where the survey pin is located.

Commissioners accepted the exhibits unanimously.

Lawrence Bleau asked whether the patio ended at the posts?

Karen Banks stated that the patio ends a little beyond the post, at 14.5'. The posts are anchored into the patio.

James McFadden asked if the County gave them any paperwork?

Karen Banks stated that the County told them they needed a variance and indicated that the rear yard setback was 1.5' short.

Lawrence Bleau asked if the County came on site to make the measurement?

Karen Banks stated no, the County measured the scaled site plan.

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

- 1) The applicant's property has an exceptional shape. The property is wedge-shaped with a v-shaped rear property line, which limits the depth of the rear yard and the area available for construction of the deck. The property backs up to land owned by the University of Maryland.

- 2) The strict application of the Zoning Ordinance will cause the applicants practical difficulties because a smaller sized deck cannot adequately accommodate the needs of their extended family.
- 3) Granting the variance will not substantially 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

James McFadden moved to approve variance CPV-2007-23 because the request meets the three criteria for granting the variance for the reasons stated above. Barbara Aldrich seconded. Motion carried 3-1-1, with Lawrence Bleau voting nay and Heidi Jones-Hoffman abstaining.

CPV-2007-24: Variance to construct a 10' x 21'9" carport
Applicant: Israel & Byron Cordon
Location: 9812 49th Avenue

Robert Day explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report and indicated that the staff report should read a variance of seven feet (7') from the required eight-foot (8') instead of ten feet (10') from the required side yard setback. The applicants are requesting a variance of seven feet (7') from the required side yard setback for the northern yard to construct a carport. The property has an area of 7,200 square feet and is improved with a one- and one-half story single-family home, a shed and an in-ground swimming pool. The width of the property is 60 feet and the length is 120 feet. There is a circular driveway in addition to a rectangular driveway. There is sufficient off-street parking for two vehicles, which satisfies the requirements of the Zoning Ordinance. The surrounding neighborhood is single-family residential, mainly consisting of one- and two-story dwellings. Hollywood Elementary School is across the street. There are other properties in the surrounding neighborhood that do have carports that extend into the required side yard setback. Staff recommends that the requested variance be denied.

Dorothy Fridaman submitted a fax from Xiaoui Li and Lei Fan, property owners of 9814 49th Avenue, which was entered into the record as Exhibit 7. The owners were concerned about the construction of the carport because it would be less than ten feet (10') from their bedroom window. They would also like conditions to be placed on the variance, if granted, requiring the applicants to refrain from trespassing on their property when accessing their back yard and store their trash and recycling bins in back of their house.

Dorothy Friedman submitted the staff report and Exhibits 1-7 into the record. Commissioners accepted unanimously.

Barbara Aldrich asked whether the existing driveways were validated?

Dorothy Friedman stated that she did not explore that; they were indicated on the site plan. They existed for some time and the property did not exceed lot coverage.

James McFadden asked if pools counted towards lot coverage?

Dorothy Friedman stated no, pools and patios do not count towards lot coverage.

Israel Cordon, applicant, testified that he wanted to install the carport to protect his new car from the weather. He stated that he has talked with his neighbors and they do not object to the construction of the carport. He also stated that there are many other carports in the surrounding neighborhood. He stated that he already purchased the materials for the carport and that the same contractor doing his kitchen addition will be installing the carport.

Lawrence Bleau asked if his property had any unusual shape of extraordinary condition?

Israel Cordon stated no.

Lawrence Bleau asked whether it would be a hardship to the applicant if the variance were not granted?

Israel Cordon stated that his neighbors have a carport and he wanted to install a carport to protect his new car from the weather. He testified that he already purchased the materials for the carport.

Arthur Eaton, 9012 51st Avenue, testified that he is the president of the North College Park Citizens Association and that he was testifying on behalf of a subcommittee established by the Association. All three members of the committee are opposed to the variance. The reasoning is that it will leave only one foot (1') of setback on one side of the house and when you add the setback on both sides of the house, instead of the total being seventeen feet (17') it is eight feet (8').

Robert Day asked the applicant the widths the existing driveway?

Israel Cordon stated that it is eleven feet (11'), but he can reduce it to ten feet (10') if necessary.

Robert Day asked where the posts would be located?

Israel Cordon stated they would be inside the driveway.

Heidi Jones-Huffman asked where the existing driveway stopped?

Dorothy Friedman stated that it goes all the way to the back of the house.

Heidi Jones-Huffman asked if the existing paved area would be covered?

Dorothy Friedman stated yes, and a paved area doesn't count towards lot coverage.

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

- 1) The property is rectangular. The width of the property and the size and placement of the house on the property, preclude construction of a carport without a variance. However, although the property is somewhat narrow, it is the same width as neighboring properties.
- 2) The strict application of the Zoning Ordinance will not cause the applicant practical difficulties because there is sufficient off street parking for two vehicles, which satisfies the requirements of the Zoning Ordinance.
- 3) Granting the variance will not substantially 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.

Lawrence Bleau moved to deny variance CPV-2007-24 because the request does not meet the three criteria for granting the variance for the reasons stated above.

Barbara Aldrich seconded. Motion carried 4-1-0, with James McFadden voting nay.

CPV-2007-25: Variance to validate an existing home to allow the enclosure of a carport

Applicant: Luz Herrera
Location: 7508 Wellesley Drive

Robert Day explained the hearing procedures and placed witnesses under oath. Elisa Vitale summarized the staff report. The owner is requesting a variance of five feet (5') from the required rear yard set back of twenty feet (20') to validate the existing single-family home. The property is a corner property and the legal front is Wellesley Drive. The property has an area of 9,414 square feet, the northern property line measures 75 feet, the rear property line measures 95 feet, the eastern property line is 80 feet and the western property line is 100 feet. The property is improved with a one-story structure as well as the existing carport. The subdivision dates to 1958 and the house dates to 1959. The property is located in College Park Estates. The surrounding neighborhood is single-family residential. There are other properties in the neighborhood that have enclosed carports that are functioning for other uses. The applicants would like to use the additional space for storage. The applicants already started the work. They received a violation notice and stop work order dated December 17, 2007. Staff is recommends that the requested variance be granted.

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

Veronica Herrera, speaking on behalf of the applicant, testified that they were not aware that a permit was required and apologized for starting the work without the permit. She stated that the carport would be used for additional storage. Ms. Herrera submitted two letters from neighbors at 7506 and 7520 Wellesley Drive supporting the variance request. They were entered into the record as Exhibits 7 and 8.

Jean McDevitt, 7510 Wellesley Drive, testified that she did not object to the requested variance, but she was concerned that the additional space was not going to be used as an additional bedroom, since there is already overcrowding in the neighborhood.

Richard Hessinger, 7509 Wellesley Drive, testified that he was not opposed to the requested variance request, but was concerned about the number of vehicles that would be parked at the property if it was used as additional living space. He stated that the construction and design of the addition appears to be an improvement to the property.

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

- 1) The property is generally regular in shape; however, it is a corner property and the existing house was sited such that it does meet the required rear yard setback. The property has an extraordinary condition in that the house is an existing condition.
- 2) The strict application of the Zoning Ordinance will result in a hardship on the applicant because the house is an existing condition, which did not meet the required rear yard setback at the time it was constructed. It would be a hardship to require the applicant to relocate the house. The carport meets the setback requirements and the applicant will not be expanding the existing home into the required rear yard setback.
- 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. Enclosed carports are characteristic of the neighborhood.

Lawrence Bleau moved to approve variance CPV-2007-25 because the request meets the three criteria for granting the variance for the reasons stated above. Heidi Jones-Huffman seconded. Motion carried 5-0-0.

VI. Election of Chair and Vice-Chair

Commissioners nominated and voted on the following members for Chair and Vice Chair for the coming year:

Lawrence Bleau nominated Robert Day as Chair. Barbara Aldrich seconded. The motion carried unanimously.

Barbara Aldrich nominated Lawrence Bleau as Vice Chair. Heidi Jones-Huffman seconded. The motion carried unanimously.

VII. Update on Development Activity

Towne Place Suites will be on the Mayor and Council agenda for January 15 and 22.

Buffalo Wild Wings is the new tenant at the IKEA site. It will be on the Mayor and Council agenda in February.

VIII. Other Business: There was no other business.

IX. Discussion of Variances with Mayor Stephen A. Brayman
Deferred until the February 7, 2008 meeting.

X. Adjourn: There being no further business, the meeting was adjourned at 9:30 p.m.

Minutes prepared by Tershia Williams