



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
November 5, 2009 – 6:30 P.M.

PRESENT: Advisory Planning Commission – Robert Day, Lawrence Bleau, Charles Smolka, and Timothy Dennée; Planning Staff – Terry Schum, Elisa Vitale, Dorothy Friedman and Theresheia Williams; Attorney – Susan T. Ford

I. Call to Order: Robert Day called the meeting to order at 6:35 p.m.

II. Approval of Minutes:

Lawrenced Bleau moved to accept the minutes of October 15, 2009. Timothy Dennée 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

CPV-2009-09: Variance to validate a carport and two sheds
Applicant: Anthony & Theresa Sefcik
Location: 9502 50th Place

Robert Day explained the hearing procedures and placed witnesses under oath. He stated that this application is continued from the October 15, 2009 meeting and asked the applicants if they had any additional information that they would like to present to the commissioners pertaining to their application.

Anthony Sefcik stated that he went through the surrounding neighborhoods and noticed that there were a lot of carports.

Lawrence Bleau asked if the carports he observed were close to the property line?

Anthony Sefcik stated yes, very close to the street and property line.

Timothy Dennée asked if the carport roof count toward lot coverage?

Elisa Vitale stated no.

Charles Smolka asked if the sheds are being used because of the lack of space in the house?

Anthony Sefcik stated that he stores his lawn mower, table saw, rake and tools in the sheds.

Elisa Vitale stated that if all the sheds were removed, the applicant would still need a variance for lot coverage.

Robert Day asked the applicant if he would be willing to eliminate one of the sheds?

Anthony Sefcik stated that he would be willing to remove the 6' x 7' green metal shed next to the carport.

Elisa Vitale stated after eliminating the one shed, the variance would be 2.6%.

Anthony Sefcik asked if they have to remove the shed, could they have a reasonable time line to remove it?

Timothy Dennée asked if there was a lot of stuff that had to be removed from the shed?

Anthony Sefcik stated yes, his weed-wacker, edger, salt, lawn mower and other yard tools.

The commissioners voted to separate the variance request into three parts and to revisit the lot coverage issue voted on at the last meeting. Charles Smolka moved to approve the variance for lot coverage. Robert Day seconded. Motion carried 2 -2-0, with Lawrence Bleau and Timothy Dennée voting nay. The motion failed.

Lawrence Bleau moved to grant the lot coverage variance because the request meets the three criteria for granting the variances for the reasons stated below with the condition that the applicant remove the 6 foot by 7 foot shed within 6 months. Robert Day Seconded.

Commissioners reviewed the criteria that need to be met before the variance of 3% or 176.78 square feet from the maximum allowable lot coverage of 30% or 1,862 square feet to validate the existing one-story single-family home, driveway, carport, 8.5 foot by 10-foot shed, 6-foot by 6-foot shed and basement stairwell cover rear porch be granted and determined that:

- 1) The property has an extraordinary situation in that the improvements to the property are existing conditions that have been in place for a number of years and the shape of the property is unusual as well as being exceptionally shallow compared with other properties in the nearby vicinity.
- 2) The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to the applicant because the improvements were constructed in the 1970s. It would

- 3) be a practical difficulty for the applicant to reduce the size of the carport to meet the lot coverage requirement and to have to remove all three sheds on the property. A lesser variance than requested would do substantial justice and provide substantial relief to the applicant however, and therefore one shed, the 6 by 7 foot shed, shall be removed from the property entirely.
- 4) Granting the requested 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. The 3% variance for lot coverage is de minimus. The applicant agreed to remove the 6-foot by 7-foot shed within 6 months.

Motion carried 3-1-0, with Timothy Dennée voting nay.

Lawrence Bleau moved to grant the variance of .5 feet from the combined side yard depth of 17 feet to validate the existing carport because the request meets the three criteria for granting the variance for the reasons stated below. Robert Day Seconded.

- 1) The property has an extraordinary situation in that while the carport was constructed in 1972, the lot is unusually shaped and exceptionally shallow compared with other lots in the vicinity. Although the applicant may have chosen to construct a smaller carport in 1972 had he applied for a building permit, the unusual shape of the lot would have been the same then, and it is not feasible for the applicant to reduce the size of the carport to meet the side yard and lot coverage requirements at this time.
- 2) The strict application of the County Zoning Ordinance will result in practical difficulties for the Applicant because the carport was constructed in 1972 on an oddly shaped lot. It would be a practical difficulty for the applicant to reduce the size of the carport to meet the side yard setback requirements.
- 3) Granting the requested variance will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan because a variance of .5 feet is de minimus.

Motion carried 4-0-0.

Lawrence Bleau moved to grant the variance for the rear lot line setback for the 8.5' shed because the request meets the three criteria for granting the variance for the reasons stated below. Robert Day seconded.

- 1) The property has an extraordinary situation in that the shed is an existing condition that has been in place for a number of years on an oddly shaped lot with exceptional shallowness about six inches from a six foot privacy fence. The applicant stores equipment in the shed, including a table saw, that he would prefer not to store in his home.

- 2) The strict application of the County Zoning Ordinance will result in practical difficulties for the applicant because the shed is an existing condition. It would be a practical difficulty for the applicant to move the shed .5 feet to meet the rear yard setback requirement without potentially damaging the shed.
- 3) Granting the requested variance will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan because a variance of .5 feet is de minimus. The height of the shed relative to the fence on the adjoining property is low and the shed does not block the light and air at the adjoining property, not does it infringe on the neighbor's enjoyment of their property.

Motion carried 4-0-0.

CPV-2009-11: Variance to permit construction of a 10.5' x 20.0' driveway partially in front of the house and to validate the existing front and side yard setbacks

Applicant: Christopher Martin
Location: 5027 Muskogee Street

Robert Day explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicant is requesting a waiver to construct a 10.5' x 20' driveway in the front yard of his home. In addition to the requested waiver, the applicant needs a variance of 3 feet from the minimum required side yard setback and a variance of 2 feet from the minimum required front yard setback to validate the existing property. The property is located in the Hollywood neighborhood. The area of the property is 5,750 square feet and is rectangular in shape. The property has a width of 50 feet and a depth of 115 feet. It is improved with a one-story single-family home that was constructed in 1950. There is a covered entryway in front of the home and a 3 foot wide lead way. The applicant purchased the property in 2003 with an existing curb, but no driveway.

During recent work on Muskogee Street, the City upgraded an existing 10-foot wide depressed curb in front of the property. The surrounding neighborhood is single-family residential with lots of various sizes. Four of the homes on this street are two-story dwellings. They occupy less street frontage than the one-story homes. The property at 5023 Muskogee Street has a double-wide driveway in the front yard. Many properties in the surrounding Hollywood neighborhood have driveways in the front yard. The Prince George's County Zoning Ordinance dimensions for a standard nonparallel parking space is 9.5 feet x 19 feet. The North College Park Citizens Association unanimously recommended granting the applicant's request. Staff recommends granting construction of a 9.5 foot wide driveway, which is the minimum necessary to construct a driveway and a variance of 2 feet from the minimum required front yard setback and 3 feet from the minimum side yard setback to validate existing conditions.

Dorothy Friedman submitted the staff report and Exhibits 1-5 into the record. Commissioners accepted unanimously.

Christopher Martin, applicant, testified that he would like to construct a 10.5 foot wide driveway in front of his house. He stated that a 9.5 foot driveway would not give him enough space. Mr. Martin stated that he has a newborn and they need space to remove the car seat and other stuff from the truck. He stated that when they open the doors of the vehicles they hit against the hedges. The applicant submitted a CD containing photographs of his vehicles parked at the location of the proposed driveway, showing grass strips measuring one, two and three feet wide, which was entered as Exhibit 6 and a print out showing the dimensions of his two vehicles, a Toyota Tacoma and Honda Pilot, which was entered as Exhibit 7.

Lawrence Bleau asked how far does the passenger door open to allow egress?

Christopher Martin stated that the bigger truck has a wider door span than the smaller truck.

Terry Schum stated that the standard width of a City curb cut is 10 feet wide, so typically a driveway would be 10 feet wide with two feet on either side for the ramping up to the sidewalk.

Lawrence Bleau asked the applicant if he had thought about connecting the lead walk to the driveway?

Christopher Martin stated that he had thought of that, but didn't know how far the connection would have to be to the driveway.

Dorothy Friedman stated that it would not affect lot coverage.

Lawrence Bleau asked if there are any supports to the awning, or are they just attached to the house?

Christopher Martin stated that there are no poles or columns coming down, it just covers the doorway.

Christopher Martin asked what type of material would the grass strip have to be?

Dorothy Friedman stated that grass would be preferred, because it would show more green appearance.

Lawrence Bleau asked what would be the hardship if the variance were not granted?

Christopher Martin stated that he would have to continue to park on the street and with there being no speed bumps, traffic is always speeding down the street.

Commissioners reviewed the criteria that need to be met before the variance for the parking area requirement is granted to allow construction of a 10-foot by 20-foot driveway and determined that:

- 1) The property has an extraordinary situation in that the lot is exceptionally narrow and was purchased with a depressed curb and the City maintained and improved the curb cut during recent street work in the area.
- 2) The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to the applicant by not allowing them to construct a driveway of adequate size to meet a curb cut the City has provided. A lesser variance than that requested by the applicant will provide substantial relief. The APC recommends a driveway width of 10 feet be granted instead of 10.5 feet to match the width of the curb cut.
- 3) Granting the requested variance, but with a dimension of 10 feet in width instead of 10.5 feet, 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.

Lawrence Bleau moved to approve the variance because the request meets the three criteria for granting the variance for the reasons stated above. Charles Smolka seconded. Motion carried 3-1-0, with Timothy Dennée voting nay.

Commissioners reviewed the criteria that need to be met before the variance of 2 feet from the required 25-foot front yard setback and a variance of 3.2 feet from the required 7-foot side yard setback to validate the existing structure can be granted and determined that:

- 1) The property has an extraordinary situation in that the encroachments of the structure are existing and the variance is being requested to validate the existing property. The house, although constructed in 1950, was likely to have been permitted prior to zoning.
- 2) The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to the applicant in that the structure cannot be moved. The front entryway and the side yard awning are reasonably sized and existed when the applicant purchased the property. Removal of the awning will provide the applicant no protection from the weather when entering or exiting from the side yard door. To deny the applicant the variances will deprive him of amenities that have been enjoyed by the applicant since he purchased the property.
- 3) Granting the requested variances 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

Timothy Dennée moved to approve the variance of 2 feet from the required 25 foot front yard setback because the request meets the three criteria for granting the variance for the reasons stated above. Robert Day seconded. Motion carried 4-0-0.

Lawrence Bleau moved to approve the variance of 3.2 feet from the required 7 foot side yard setback to validate the existing structure because the request meets the three criteria for granting the variance for the reasons stated above. Robert Day seconded. Motion carried 4-0-0.

CPV-2009-06: Variance to construct a 34' x 30.6' addition
Applicant: James Song
Location: 9030 Rhode Island Avenue

Robert Day explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicant is requesting a variance of 12 feet from the 25 foot minimum required setback and nine feet from the 20 foot minimum required rear yard depth to construct a 34 foot by 3.5 foot addition in the northern side yard. The property is improved with a 1-story structure, which was constructed in 1917 before zoning. The property is located in Locust Spring subdivision. It has an area of 7,140 square feet. The entrance of the house faces south, the tip of the triangle. The rear yard abuts unimproved Pine Street. The surrounding neighborhood is single-family residential, consisting of one- and two-story dwellings. The front yard setback of other structures on the street range from 15 feet to 27 feet in depth. The property is in close proximity to a commercial area in the area of Rhode Island Avenue and Greenbelt Road. North College Park Citizens Association supports granting the variances. Staff recommends that a variance of 9 feet from the required 20-foot minimum rear yard depth and a variance of 5 feet from the 25 foot minimum front yard depth be granted. As far as the 12, foot variance for front yard setback, the applicant has other options to increase the available living space.

Dorothy Friedman submitted the staff report and Exhibits 1-5 into the record. Commissioners accepted unanimously.

Lawrence Bleau asked if the addition is for approximately 1,040 square feet?

Dorothy Friedman stated yes.

James Song, applicant, testified that he would like to construct the addition to accommodate his large family and for privacy.

Timothy Dennée asked if he had any architectural drawings of the addition?

James Song stated that he had a drawing that he prepared himself, which was entered into the record as Exhibit 7. Mr. Song also submitted a petition of 29 names testifying that the owners have no objection to the proposed variance, which was entered into the record as Exhibit 8.

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

- 1) The property has an exceptional, triangular shape.
- 2) The exceptional shape of the property will cause strict application of the County Zoning Ordinance, specifically the Zoning Ordinance's front and rear yard setback requirements, to result in peculiar and unusual practical difficulties for the applicant in the construction of a reasonably-sized addition. The side yard setbacks are respected in the applicant's proposal.
- 3) Granting the requested variances will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan because they will not change the character of the neighborhood or cause adverse impacts. Unimproved Pine Street provides additional light and air for the subject property.

Timothy Dennée moved to approve variance CPV-2009-06 because the request meets the three criteria for granting the variances for the reasons stated above. Lawrence Bleau seconded. Motion carried 4-0-0.

CPV-2009-13: Variance to validate an existing 10-foot fence at the property line
Applicant: Thomas Abell
Location: 4811 Muskogee Street

Robert Day explained the hearing procedures and placed witnesses under oath. Elisa Vitale summarized the staff report. The applicant is requesting an appeal from Zoning Ordinance Section 27-420(a), which requires unless otherwise provided, fences and walls more than 6 feet high shall not be located in any required yard and shall meet the setback requirement for main buildings. The applicant needs a variance of 8 feet from the minimum required side yard setback for both side yards and 17 feet from the minimum required combined side yard setback, as well as a variance of 20 feet from the minimum required rear yard setback. The property is regular in shape and has an area of 5,774 square feet. It is zoned R-55 and located in the Hollywood subdivision, which is a single-family residential neighborhood. The house was built in 1956 and the subdivision dates to 1949. The reason the applicant constructed the 10-foot fence is because his neighbor at 4806 Laguna Road constructed a second story deck that overlooked his yard. The permit for 4806 Laguna Road second story deck was obtained in 1996 and the applicant built the fence in 1997. When the applicant constructed the fence in 1997, he did not obtain County or City building permits. The applicant submitted a letter to the Department of Public Services on August 13, 2009 requesting that the permit requirement be waived however, the applicant decided to comply with the permit requirement and applied for a variance. North College Park Citizens Association did not submit any comments in reference to the variance request. Elisa stated that the public hearing notice of this hearing was provided to 4900 Laguna Road, through regular and certified mail, but the property is currently vacant. Staff recommends denial of the requested variances.

Elisa Vitale submitted the staff report and Exhibits 1-5 into the record. Commissioners accepted unanimously.

Lawrence Bleau asked how many structures in the neighborhood are two-story vs one-story?

Elisa Vitale stated that most of the homes in this neighborhood are split levels.

Lawrence Bleau asked if any of the other homes in the neighborhood had decks?

Elisa Vitale stated that staff does not go onto private property, but she could see some decks on the corner lots.

Keelah Allen-Smith, Code Enforcement Officer, testified that the Department of Public Services received a complaint from a neighbor about the applicant's fence and issued a violation notice on August 6, 2009 for construction of a 10-foot fence without a permit.

Thomas Abell, applicant, testified that twelve years ago his neighbor at 4806 Laguna Road erected a deck and sunroom on the back of his house that over looked his property. At that time he did not have any plantings to provide any screening above the six foot stockade fence, so he installed 4 feet of lattice on top of the fence that provided some screening. He submitted a letter from the property owner at 4901 Muskogee Street indicating support of the variance, which was entered into the record as Exhibit 8. He stated that the previous owner at 4900 Muskogee Street had no objection back in 1997 when he installed the fence, but they have since moved. Mr. Abell stated that the deck at 4806 Laguna Road is actually on the second level, but his house is situated higher than his back yard.

Robert Day asked if the sunroom is still at 4806 Laguna Road?

Thomas Abell stated yes, and he also submitted a photo showing the view of the adjoining property through his screening, which was entered into the record as Exhibit 9.

Timothy Dennée asked if he had considered plantings such as fast growing evergreen trees?

Thomas Abell stated that he had put in plantings. He has shrubs along the back fence that have grown up near the top of the lattice. He also planted some Leyland Cypress which has provided some screening, but not enough.

Lawrence Bleau asked what would be the hardship if the variance was not granted?

Thomas Abell stated that the labor of removing the lattice and the additional time for the plantings to grow to provide adequate screening.

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

- 1) The property does not have exceptional narrowness, shallowness, or shape, does not exhibit exceptional topographic conditions or other extraordinary situations or conditions.
- 2) The strict application of the County Zoning Ordinance does not result in peculiar and unusual practical difficulties to the applicant. Although the presence of a second story deck at 4806 Laguna Road impacts the applicant's privacy, there are other screening methods such as plant material that can be used to regain privacy.
- 3) Granting the requested variance will impair the intent and purpose of the applicable County General Plan or County Master Plan because ten-foot fences are not characteristic of single-family residential neighborhoods in College Park.

Lawrence Bleau moved to deny variance CPV-2009-10 because the request does not meet the three criteria for granting the variances for the reasons stated above. Timothy Dennée seconded. Motion carried 4-0-0.

Public Hearing – Housing Code Appeal

09-00003033: Enclose carport on side and front
Applicant: Mildred Knowles
Location: 9721 48th Place

The applicant withdrew her appeal, so the application was removed from the agenda.

VI. New Educational Requirements for Planning Commissioners

The Maryland Senate Bill 280 and House Bill 297 require members of a local jurisdiction's planning board or commission and board of appeals to complete an education course on or before July 1, 2010. The course must include education on the role of the comprehensive plan, proper standards for special exceptions and variances, zoning ordinances and other land use ordinances and regulations. The Maryland Department of Planning will be creating an on-line course for board or commission members to comply with the requirement. The State Planning Office is currently in the process of developing and preparing that on-line course. It should be available by December 31, 2009. Staff will research and provide more information about the requirements for commissioners.

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

Ledos – Still working on their plans and need to apply for permits. There will be a sign soon advertising their opening.

94th Aero Squadron – Park and Planning is seeking another tenant for the site. They have received a couple of letters of interest and will be advertising an RFP.

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

VIII. Other Business: There was no Other Business.

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

Minutes prepared by Theresheia Williams