



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
October 7, 2010 – 7:30 P.M.

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

- I. Call to Order:** Lawrence Bleau called the meeting to order at 7:45 p.m.
- II. Approval of Minutes:**
James McFadden moved to accept the minutes of September 2, 2010. Mary Cook seconded. The motion carried 4-0-0.
- III. Amendments to Agenda:** Item VI, Update on Development Activity, was moved to the beginning of the agenda.
- IV. Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.
- V. Public Hearing – Zoning Application**
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| CPD-2010-01: | Departure from Parking and Loading Standards |
| <u>Applicant:</u> | Chinese Bible Church |
| <u>Location:</u> | 9618 Autoville Drive |

Chinese Bible Church was before the APC last month for a Departure from Parking and Loading Standards and the commissioners voted unanimously to continue the hearing until tonight's meeting to give the applicant time to meet with adjoining property owners to discuss parking issues. Staff and legal counsel has since obtained additional information in reference to the case and are recommending that the departure application be continued until the November 4, 2010 meeting.

Charles Smolka moved to continue the hearing until November 4, 2010. James McFadden seconded. Motion carried 4-0-0.

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| CPV-2010-10: | Variance to construct a roof to cover exterior stairs |
| <u>Applicant:</u> | Sara Jane Wagner |
| <u>Location:</u> | 5114 Hollywood Road |

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Elisa Vitale summarized the staff report. The applicant is requesting a variance of an additional 2% for a total of 18% from the maximum allowable lot coverage, a variance of 6 feet from the 25-foot required front yard setback, and a variance of 6.5 feet from the 8-foot side yard setback and 17-foot combined minimum side yard setback to construct a roof to cover exterior stairs. The property is zoned R-55 and is in a single-family residential neighborhood. The property is located in the Hollywood subdivision, which dates to 1949.

The property has an area of 5,907 square feet. The property was built in 1956 and is improved with a one-story brick and frame single-family house, detached garage, and a driveway which provides access to the garage. The prior owners applied to the Prince George's County Board of Zoning Appeals for a variance to construct a 14-foot by 28-foot addition on the rear of the house. The Board approved the appeal on November 18, 1996, and granted a variance of 670 square feet from the lot coverage, which allowed the owners to exceed the 30-foot maximum allowable lot coverage. Staff reviewed the site plan and calculated lot coverage and determined that the property owner would require 16% to construct the addition. The exterior stair that the applicant is proposing to cover is located at the southeast corner of the property and provides access to the basement. It was permitted and constructed in 1996 prior to the current applicant purchasing the property. The applicant has not constructed any improvements on the property since she purchased it. There was a small shed that has since been removed. There are two large trees in the front yard, and the applicant has indicated that leaves from these trees accumulate in the stairwell and block the drain, and she has had problems with water coming over the threshold and entering her basement. The adjacent properties at 5112 and 5116 Hollywood Road have covered front entries that encroach into the required front yard setback. Staff did not hear from any adjoining property owners or from the North College Park Civic Association Variance Subcommittee. Staff recommends approval of the variance of 1,063 square feet from the maximum allowable lot coverage, a variance of 6 feet from the 25-foot required front yard setback, and a variance of 6.5 feet from the 8-foot and 17-foot combined minimum side yard setback be granted to permit the applicant to construct a roof over the open stairs.

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

Lawrence Bleau asked if the stairwell was not being covered, would a variance be required?

Elisa Vitale stated that stairs can encroach nine feet into the front yard without a cover, but staff would seek guidance from Prince George's County in reference to the side yard.

Sara Wagner, applicant, testified that the stairwell begins along the front of the house, turns the corner at a landing, and continues further down to the basement entry door. She stated that debris enters the stairwell at the beginning of the stairs. She purchased the house four years ago and has had this problem ever since she moved in. She stated that leaves and other debris constantly accumulate and block the drain and it is impossible to keep the area clean especially in autumn when leaves start to fall. She stated that when there is a heavy rain, the water backs up even if the drain is clear of leaves and debris.

Lawrence Bleau asked what will the shape of the covering be like?

Sara Wagner stated that the roof would be slanted away from the house with gutters and four posts at each corner. She passed around a drawing from her contractor showing the diagram of the proposed cover. It was entered into the record as Exhibit 7.

Ms. Wagner stated that she spoke to her neighbor at 5116 Hollywood Road because the staircase is next to where his driveway is located, and he stated that he had no objection to the variance request.

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

- 1) The property has an extraordinary condition in that the existing home is sited at the front building restriction line and does not meet the required 8-foot side yard setback on the east side. This condition does not provide the applicant an opportunity to construct a roof over the open stair without encroaching on the required front and side yard setback. With respect to lot coverage, the applicant purchased the property with the existing improvements and seeks to provide a cover over the open stairs to address a maintenance issue. The maintenance issue is the fact that the existing drain in the stairwell is inadequate to handle heavy rainfall.
- 2) The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to the property owner because the existing house was sited in such a way and the basement entry was constructed in such a location that a variance is required to construct a roof over the stairs. Without a roof the stairwell drain overflows during heavy rains and poses a flooding hazard in the basement. It is not feasible for the applicant to remove a portion of the home, driveway or garage, which are existing improvements, to minimize the lot coverage or setback variances requested. The Applicant is requesting the minimum variance necessary to provide shelter for the stairs, prevent the accumulation of leaves and eliminate a flooding hazard in the basement of the home.
- 3) Granting the requested variance will not impair the intent and purpose of the applicable County General Plan or County Master Plan because reasonably sized covers over entry stairs are not inconsistent with other properties in the surrounding neighborhood.

James McFadden 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 4-1-0, with Timothy Dennée voting nay.

Public Hearing – Fence Ordinance

CEO-2010-04: **Variance to construct a 6-foot high fence in the front yard**
Applicant: **John Downey**
Location: **9703 48th Place**

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicant is requesting a variance from the prohibition of constructing front yard fences and fences in the side yard where they are a continuation of the front yard line of the adjacent lot. The applicant wants to construct a 6-foot fence, 5-foot board-on-board topped with 1-foot of lattice in the front yard and side yards of his property. The property is a corner lot located at the southeast corner of 48th Place and Laguna Road in the Hollywood neighborhood. The area of the property is 7,600 square feet and the official front of the property is 48th Place. The property is improved with a 1½ story single-family home. The property has two curb cuts, but a single driveway. The driveway is not paved but has a small amount of gravel. The rear yard is enclosed with a 6-foot chain link fence and there is 27-feet of 3-foot chain link fence in the property's southern yard that belongs to the neighboring property. Board-on-board and stockade fences are common fence types generally located in the rear and side yards. Three-to-four-foot chain link fences are found in front yards of properties in the surrounding area. The applicant applied for and was granted a County permit for a 6-foot fence in error. The permit review indicated on the building permit application that the fence should not exceed 4 feet in height without a variance from the City. Dorothy Friedman submitted Exhibit 5A, which was a color version of the brochure showing what the proposed fence would look like. Bruce Williams, the property owner of 9702 48th Place, faxed in a signed letter indicating that he objected to granting the fence variance. It was entered into the record as Exhibit 8. The Chair of the North College Park Citizens Variance Subcommittee sent an e-mail stating that the variance committee stood in opposition to the granting of the variance. Staff recommended denial of the variance request based on failing to meet criteria 1,2,3,5,6 and 7.

Dorothy Friedman submitted the staff report and Exhibits 1-8 into the record. Commissioners accepted unanimously.

Lawrence Bleau asked what is the fence requirement for corner lots?

Dorothy Friedman stated that fences can't be in front of the house, but can be built in the side yard.

Mary Cook asked if it could still be 6-feet?

Dorothy Friedman stated no more than 4 feet.

John Downey, the applicant, testified that he chose the 5-foot high board-on-board fence with lattice for aesthetic reasons and to provide safety. He stated that they have been victimized by burglars and trespassers in the past and he thinks the fence would be a deterrent for burglars. He knows that this type of fence is not characteristic of the neighborhood, but he thinks it would be much more aesthetic than a chain link fence. He stated that his property is too exposed from the way it is situated on the lot. He stated that they considered a living fence, but it would take too much time to reach the desired height and the main floor is exposed from two sides.

Charles Smolka asked if the basis for the fence request was for safety?

John Downey stated yes, they are really concerned about safety and the amount of traffic in front of their house.

Lawrence Bleau asked what would be the hardship if the variance was denied?

John Downey stated that after being victimized, installing the fence would be a way to deal with his sense of security.

Lawrence Bleau asked what is Prince George's County's setback requirement for fences on corner lots?

Elisa Vitale stated that it is 25-feet back and can't be over three feet in height.

Lawrence Bleau asked the applicant if he would describe the fence as open and highly visible?

John Downey stated that for a fence of this size it is as open as it can be without it being a chain link fence. The top part which is lattice does provide visibility.

James McFadden asked how tall is the fence on the side of the house?

John Downey stated that it is five feet tall.

Lawrence Bleau asked if he thought the proposed fence was characteristic of what is in the neighborhood?

John Downey stated that he can't say that it is characteristic of the surrounding neighborhood, but he thinks it is better than what is characteristic of the neighborhood.

Petra Rodrigez, owner of 9700 48th Place, testified that she opposed the variance request. She stated that the proposed fence would negatively affect her property values. She thinks the applicant should install a chain link fence like the other homes in the neighborhood. She also stated that she does not believe that the proposed fence incorporates openness at all.

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

- 1) The property has a steep grade along Laguna Road, which leaves the first floor windows along Laguna Road exposed. However, the windows would still be higher than the 6-foot high fence.
- 2) Denial of the variance will not result in a peculiar and unusual practical difficulty. The Applicant has alternatives to the proposed fence to provide privacy and to further secure the Property.
- 3) Granting the variance will adversely impact the intent, purpose and integrity of the City's Fence Ordinance. The Fence Ordinance was enacted to preserve and protect the character of residential neighborhoods in the City. The requested variance is not the minimum necessary.
- 4) Not applicable, the property is not located in an historic district.
- 5) The construction of a 6-foot high fence in the front and side yard may limit visibility for pedestrians and motorists at the 48th Place and Laguna Road Intersection.
- 6) The proposed fence, a 5-foot board-on-board with 1-foot of lattice, does not incorporate openness and visibility, as much as is practical.
- 7) The fence, including height, design and materials is not characteristic of front yard fences in the surrounding neighborhood.

Lawrence Bleau moved to deny the variance because the request does not meet the seven criteria for granting the variance for the reasons stated above. Timothy Dennée seconded. Motion carried 5-0-0.

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

Maryland Book Exchange – The Old Town Civic Association discussed the development at their last meeting and recommended to the City Council that they oppose the development. The City Council was asked by the applicant to waive some of the parking requirements for a fee-in-lieu. The City Council deliberated on this issue, but decided not to address it. No application has been filed.

Greenbelt Metro Area Development District Overlay Zone Plan – The Greenbelt Sector Plan for the Greenbelt Station Area will be revisited. It is in the preliminary stages now at the Park and Planning level. More information will be available shortly.

Sandro Baiza – The case has officially been remanded back to the Advisory Planning Commission for further consideration and will be scheduled on a future agenda.

VII. Other Business: There was no other business

VIII. Adjourn: There being no further business, the meeting was adjourned at 9:00 p.m.

Minutes prepared by Theresheia Williams