



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
June 3, 2010 – 7:30 P.M.

PRESENT: Advisory Planning Commission – Lawrence Bleau, Robert Day, Heidi Jones-Huffman, Charles Smolka and Timothy Dennée; 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 7:40 p.m.

II. Approval of Minutes:

The May 6, 2010 minutes were amended to reflect the following changes:

- 1) Correct the spelling of Heidi Jones-Huffman name on page 10.
- 2) Change paragraph 4 on page 3, to read “The North College Park Citizens Association had no comments, but wish to remain a party of record.”

Timothy Dennée moved to accept the May 6, 2010 minutes as amended. Heidi Jones-Huffman 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-2010-05:	Variance to replace an existing shed
<u>Applicant:</u>	Amber Reamy & Richard Leizear
<u>Location:</u>	9903 47th Place

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicants are requesting a variance of 3 feet from the Zoning Ordinance minimum required 60-foot setback from the front street line for accessory buildings. The applicants want to replace their existing shed with one that would provide additional storage space for their pool chemicals. The property is located in the Addition to Hollywood subdivision. The property is a corner lot and is irregular in shape. The front property line measures 59 feet, the rear property line measures 148 feet, the north property line measures 110 feet and the southern property line measures 102 feet. The property is improved with a 1-story single-family home, a driveway, swimming pool and a small shed. The house was constructed in 1953.

The property is located at the edge of a residential neighborhood. The side yard where the shed will be located is opposite commercially zoned property and state owned right-of-way. Accessory buildings on corner lots are required to be set back 10 feet from the rear property line and 30 feet from the side property line along which an abutting lot fronts. The North College Park Citizens Association indicated that they do not oppose the variance request. Staff recommends granting the variance of three feet from the minimum required 60-foot setback from the front street line for accessory buildings to allow the applicants to construct a 12-foot by 22-foot shed.

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

Timothy Dennée asked if the shed can be reoriented where it would be parallel to the rear lot line?

Dorothy Friedman stated that was suggested, but it did not make any difference.

Lawrence Bleau asked why is the shed not set 3 feet to the rear?

Dorothy Friedman stated that it has to meet the rear yard requirements, which make it difficult.

Amber Reamy, applicant, testified that compared to other properties on Nantucket Road, their property is small. She stated that they have a lot of pool chemicals that are currently stored under the porch of the home. There is also limited storage inside the home. They have tools, a lawn mower and other equipment stored in the existing shed. Having a 22-foot shed would allow them to remove the equipment from the home for safety. She stated that the model that they selected has a wide entry door on the long side of the structure. The new shed was proposed to replace two lengths of existing fencing with access to the pool enclosure.

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

Amber Reamy stated that the pool chemicals stored under the porch is a safety hazard and that the porch is also in disrepair and needs to be replaced.

Robert Day asked if they could purchase a smaller shed, maybe 12 feet x 20 feet?

Amber Reamy stated that they calculated the space they needed, and a 22-foot shed would fulfill their need for storing their pool supplies and equipment.

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

- 1) Although the property has an exceptional shape, and the angle of the property line and the placement of the swimming pool and fence on the property limit the applicant's ability to construct a 12-foot by 22-foot shed 60 feet from the front property line, the applicant can site the shed without the need for a variance by re-orienting its proposed configuration.
- 2) The strict application of the County Zoning Ordinance will not result in a peculiar and unusual practical difficulty for the property owner. The applicant can reorient the shed so that a variance is not required.
- 3) Granting the requested variance will not impair the intent, purpose or integrity of the County General Plan or County Master Plan because it will not change the character of the neighborhood or cause an adverse impact. The shed will be located in a side yard that is opposite a commercially zoned property and the ramp from US 1 to the Capital Beltway.

Timothy Dennée moved to deny the variance because the request does not meet the three criteria for granting the variance for the reasons stated above. Heidi Jones-Huffman seconded. Motion carried 3-1-0, with Robert Day voting nay.

CPV-2010-06: Variance to enlarge an existing garage
Applicant: Daniel Ryan
Location: 4613 Drexel Road

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Dorothy Friedman summarized the staff report. The applicant is requesting a variance of 2 feet from the Zoning Ordinance minimum required 2-foot setback from the rear property line for accessory buildings. The applicant wants to reconstruct the existing garage and extend it by 8 feet to be able to park two cars and provide additional storage. The proposed garage will measure 21 feet by 26 feet. The existing garage was built below grade and the applicant would like to elevate it by 2 feet on the existing foundation. The property is located in the College Park subdivision. The area of the property is 7,500 square feet, the width is 60 feet and the length is 125 feet. The property is improved with a one-and one half single-family home, a driveway and a 21-foot by 18-foot garage. The house was constructed in 1942, prior to zoning and is also set back 45 feet from the front property line. The surrounding neighborhood is single-family residential. A number of other garages in the neighborhood are located on the property line. Staff recommends that the variance request be granted to validate the existing structure and to allow the applicant to expand the garage by 8 feet.

Dorothy Friedman submitted the staff report and Exhibits 1-6 into the record. Commissioners accepted unanimously.

Timothy Dennée asked if the only reason for the variance is because the garage is two feet from the property line?

Dorothy Friedman stated yes.

Daniel Ryan, applicant, testified that he has two letters from neighbors at 4611 and 4613 Drexel Road supporting the variance request. They were entered into the record as Exhibits 7a and 7b.

Lawrence Bleau asked is there another structure located on the other side of the garage?

Daniel Ryan stated it is a right-of-way that was built by Washington Suburban Sanitary Commission (WSSC).

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

- 1) The property has an exceptional condition in that the house was constructed prior to zoning and is set back farther on the lot than the other houses on the street (45 feet). The existing garage, when constructed, was sited on the property line. The applicant's ability to enter and exit the garage would be compromised if the garage was shifted forward, off the rear property line.
- 2) The strict application of the County Zoning Ordinance will result in a peculiar and unusual practical difficulty for the property owner. The existing garage, which predates zoning, was sited on the rear property line. The applicant is proposing to restore and expand the garage using the garage's existing foundation. It is not practical for the applicant to reconstruct the garage 2 feet from the property line.
- 3) Granting the variance of 2 feet to reconstruct and enlarge the existing garage will not impair the intent, purpose or integrity of the County General Plan or County Master Plan because it will not change the character of the neighborhood or cause an adverse impact. A number of garages in the surrounding neighborhood are constructed on the rear property line

Timothy Dennée moved to approve the variance because the request meets the three criteria for granting the variance for the reasons stated above. Heidi Jones-Huffman seconded. Motion carried 4-0-0.

CPV-2010-07: Variance to build an addition
Applicant: Embry A.M.E. Church
Location: 5101 Lakeland 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 5 feet from the required 20-foot rear yard setback and a variance of 12.3 feet from the required 25-foot side yard setback along the street for corner properties. This will validate the existing church structure and allow the construction of an addition. The existing church, which predates zoning, encroaches on the required side and rear yard. The property is a corner property and is irregular in shape. It is located at the intersection of 51st Avenue and Lakeland Road. The legal front is 51st Avenue. The property has an area of 15,116 square feet. The front property line measures 112.55 feet, the rear property line measure 131.45 feet, the northern property line measures 116 feet and the southern property line measures 133.19 feet. The existing church is L-shaped. The proposed addition will fill the void between the two wings. The applicant is proposing to construct the addition to provide handicap accessible restroom facilities, an office for the pastor, a new kitchen, and an expanded church entry with ramp. The property is improved with a one-story brick and block structure. The subdivision dates to 1890 and the church structure dates to 1920. The surrounding neighborhood is single-family residential. There is another church, The First Baptist Church of Lakeland, located at 5018 Lakeland Road. Copies of the floor plans and proposed architecture were entered into the record as Exhibits 6a and 6b. Staff is recommending approval of the requested variance to validate the existing church and to allow the applicant to construct an addition.

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

Earl Hawkins, trustee of Embry A.M.E. Church, testified that the property is irregular in shape. They would like to build the addition to provide handicap restrooms, office space for the pastor, a new kitchen and expanded entry way.

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

Earl Hawkins stated that they would not be able to build and install the handicap restrooms and other improvements.

Andra Jenkins, trustee, testified that their membership is growing older and the existing restrooms are very narrow. It is impossible to enter the existing restrooms with a wheelchair.

Edna Jenkins, Pastor, testified that they have had wheelchair-bound visitors to the church and they have had to make arrangements for them to use the restroom facilities at the church across the street.

Commissioners reviewed the criteria that need to be met before the variance can be granted in regard to the variance of 5 feet from the required 20-foot rear yard setback and a variance of 12.3 feet from the required 25-foot side yard setback along the street for corner and determined that:

- 1) The property has an extraordinary condition in that the church is an existing condition on the property that predates Zoning.
- 2) The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to and an undue hardship upon the property owner because the applicant cannot be expected to relocate the existing church to meet the required setbacks.
- 3) Granting the requested variance will not impair the intent and purpose of the applicable County General Plan or County Master Plan because the church is an existing structure that has been in the community since 1920.

Lawrence Bleau moved to approve the variance because the request meets the three criteria for granting the variance for the reasons stated above. Robert Day seconded. Motion carried 4-0-0.

Commissioners reviewed the criteria that need to be met before the variance can be granted in regard to the variance of 15 feet from the required 25-foot side yard setback along the street for corner properties and determined that:

- 1) The property has an extraordinary condition in that it is irregular in shape. It would be difficult to construct an addition without the need for a variance.
- 2) The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to the applicant because the size of the addition would be reduced by one-third without the variance. This space is needed to create a functional addition that meets the Americans with Disabilities Act requirements.
- 3) Granting the requested variance will not impair the intent and purpose of the applicable County General Plan or County Master Plan because the building will continue to function as a church and will maintain its primary orientation to the street.

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

Public Hearing – Fence Ordinance

CEO-2010-03: Variance to construct a 4-foot high wood picket fence
Applicant: Gemma Evans
Location: 9419 Rhode Island Avenue

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Elisa Vitale summarized the staff report. The applicant is requesting a variance from the City Code §87-23, Paragraph C, to permit the construction of a 4 foot wood fence in the side street yard along the southern property line. The variance is required because there are two adjoining properties on either side of this portion of the subject property that face on Geronimo Street. The subject property is a corner lot and a through lot that has frontage on both Huron and Geronimo Street. It is irregular in shape and the legal front is Rhode Island Avenue. The subject property has an area of 8,500 square feet. The property is improved with a one-story single-family home and a shed. The subdivision dates to 1906 and the house dates to 1945. The surrounding neighborhood is single-family residential. The properties at 5000 and 5002 Geronimo Street, which adjoin the side yard of the property, have four-foot front yard fences that are located at the property line. The property has a raised plant bed in the side yard that would be difficult to mow around if the fence was set back the required 25 feet from the side property line. Staff recommends approval of the requested variance to allow the applicant to construct a 4-foot wood picket fence in the side street yard.

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

Gemma Evans, applicant, testified that she is concerned about her safety because of the cut-through pedestrian traffic. There is also an accumulation of trash and she feels that installing the fence would address these issues.

Lawrence Bleau asked if there is a curb cut?

Gemma Evans stated that she did not know when she purchased the house a year ago that the side lot was also part of her property, so there are two curb cuts.

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

- 1) The configuration of the lots that comprise the subject property create an extraordinary condition. The property is highly unusual in shape. The portion of the property that fronts Geronimo Street is not visible from the single-family home – a situation which is not typical of single-family properties.
- 2) Denial of the variance would result in an undue hardship to the property owner because the applicant is not able to visually monitor the portion of her yard that fronts on Geronimo Street. To set the fence back 25 feet from the property line would create a safety hazard.

- 3) The APC concludes that construction of a 4-foot wood picket fence will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. Other corner properties in the neighborhood have fences located in the side street yards.
- 4) The appeal is consistent with the design guidelines adopted for the historic district, if applicable. Not applicable.
- 5) Granting the variance will not adversely affect the public health, safety, welfare or comfort. The applicant is providing gates for access to the property.
- 6) The proposed fence is a 4-foot wood picket fence, which incorporates openness and visibility.
- 7) The proposed fence, a 4-foot wood picket fence, is consistent in setback with other fences in the neighborhood.

Lawrence Bleau moved to approve the variance because the request meets the seven criteria for granting the variance for the reasons stated above. Heidi Jones-Huffman seconded. Motion carried 4-1-0, Timothy Dennée voting nay.

VI. State Required Training for Planning Boards & Boards of Appeals

The Smart and Sustainable Growth Act of 2009 requires Planning Commissions/Board of Appeals members to complete an education course on or before July 1, 2010. The Maryland Department of Planning has developed an online course that you can access and complete to obtain the certificate. There will also be training at the MML conference in Ocean City on Sunday, June 27, 2010 from 2:30 – 5:30. The audio training that members attended at our April 2, 2009 meeting can be a substitute for the course. Staff can submit a letter indicating the members that attended the audio training conference to be submitted to the Maryland Department of Planning.

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

Domain at College Park – The Conceptual Plan was approved with conditions, including City staff recommendations at the Planning Board.

Rt 1 Sector Plan – The County Council approved unanimously on June 1, 2010. The resolution including the 84 amendments was posted on June 1. A revised document probably won't be available for another year.

Development Tour - On June 25, 2010, Councilman Eric Olson is planning a development tour of his district, which includes the Rt. 1 Corridor partly in College Park, Riverdale Park and the Metro Station area. The tour will focus on sites that are open for development and what is proposed for the immediate vicinity.

Jordan Kitts - On the market for sale. It is located in the M-U-I zone. They are looking to sell quickly.

VIII. Other Business

IX. Adjourn: There being no further business, the meeting was adjourned at 9:40 p.m.

Minutes prepared by Theresheia Williams