



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
August 6, 2015 – 7:30 P.M.
City Hall – Council Chambers

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Mary Cook, Chair	<u> x </u>	<u> </u>
Lawrence Bleau	<u> x </u>	<u> </u>
James McFadden	<u> x </u>	<u> </u>
Rose Greene Colby	<u> x </u>	<u> </u>
Christopher Gill, Vice Chair	<u> x </u>	<u> </u>

Also Present: Planning Staff – Terry Schum, Miriam Bader and Theresheia Williams;
 Attorney: Sue Ford

I. Call to Order: Mary Cook called the meeting to order at 7:35 p.m.

II. Approval of Minutes:

James McFadden moved to accept the minutes of July 2, 2015 as amended.
 Lawrence Bleau 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:

CNU-2015-01: Certification of a Nonconforming Use for a Church in the R-55 Zone

Appellant: College Park Wesleyan Church

Location: 4915 Edgewood Road

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting Certification of Nonconforming Use for a church in the R-55 zone. The subject property, College Park Wesleyan Church, is located at 4915 Edgewood Road. The property is located next to a commercial area and behind Hollywood Elementary School. The property consists of four lots. The church is located on one lot. A 26-space, asphalt parking lot occupies another lot and a parsonage is located on the third lot and the fourth lot is mainly grassy area. The applicant is not proposing any changes to the Church, just to have it Certified as a Non-Conforming Use. The applicant does not have a use and occupancy permit issued for the property therefore a public hearing is required according to Section 190-11 B (6). The required sign was posted on the site and written notice was mailed to all persons of record.

Certification of a nonconforming use requires the following findings: 1. The use must pre-date the pertinent zoning regulation and been established in accordance with all regulations in effect at the time the use began and 2. There must be no break in operation for more than 180 days since the use became nonconforming

The church became nonconforming when Council Bill 23-1993 amended the Zoning Ordinance changing churches located on lots less than 1 acre in the R-55 zone from a permitted use to a Special Exception. The applicant submitted several documents as evidence to establish that there was no break in operation for more than 180 days such as: deeds of trust, communication from the local government, a program from the 50th anniversary at this location and a letter from the water & sewer company.

Based on a preponderance of evidence, Staff recommends that CNU-2015-01 be approved as a certified nonconforming use and that a new Use and Occupancy Permit be issued to the current owner subject to the following conditions:

Prior to certification of the site plan, the applicant shall revise the site plan to:

- a. Provide an as-built site plan that is in accordance with Section 27-254 of the Prince George's County Zoning Ordinance.
- b. Indicate that there are 26 parking spaces including three (3) designated for handicapped accessibility.
- c. Include a note stating the date of construction as 1954.
- d. Include a note stating the use of the building as a church and the number of seats as 288 (24 pews each holding 12 seats).
- e. Include a table showing the required zoning regulations and site compliance.

Miriam Bader submitted the staff report, Exhibits 1-6 and the PowerPoint presentation into the record. The original documents that were part of the presentation were also entered into the record and will be kept in the file.

Dr. David Abel, 120 Hedgewood Drive, Greenbelt, MD, testified that the church began about 30 years ago in a house in Hollywood and moved to Hollywood Elementary School for a few years while the existing church was being built. He stated that the church does a lot for the community such as conducting English classes, back-to-school programs for the children in the neighborhood and feeding the homeless.

Glenn Johnson, Trustee, representing the church, testified that he lives in Clarksville, Maryland. He met his wife, Gloria, while she was a member of Wesleyan Church and they have been attending the church since 1975. He stated that the average attendance on a Sunday morning is around 100.

Mary Cook asked Ms. Johnson how long has she been a member of the church?

Gloria Johnson stated that she has been a member since she was in 5th grade.

Christopher Gill asked if the only issue is parking?

Miriam Bader stated yes, no parking requirements were in place for churches that legally existed before 1955.

Commissioners reviewed the evidence and testimony submitted and determined that:

1. Based on a preponderance of the documentary evidence submitted including deeds, records from the local government, a letter from the water and sewer company and affidavits from church members, the church was established in 1954, and has been continuously operated with no break in operation for more than 180 days since the use became nonconforming on August 30, 1993.

Lawrence Bleau moved to approve the Certification of Nonconforming Use for CNU-2015-01 based on staff's recommendation. Christopher Gill seconded. Motion carried 5-0-0.

CPV-2015-04: Variance to Construct a Covered/Porch
Appellant: Robert and Belkis Dubman
Location: 4803 Lackawanna Street

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is proposing to construct a new covered porch to create a weather-proof walkway from the driveway to the front door. The specific variances being requested are: a variance of 8% or 640 square feet from the maximum allowable lot coverage of 30% and a variance of 1-foot from the required minimum front yard setback of 25 feet. The property is rectangular in shape with an area of 8,000 square feet. The property is improved with a 1,112 square foot, 1.5 story, frame, single-family house. The subject house was constructed in 1940 and includes an existing front stoop and steps. A driveway and detached garage was built in 1945 by the original owner. The proposed covered porch is 6-feet wide by 16-feet long for a total of 96 square feet. Staff recommends approval of the 8% (640 square feet) variance from lot coverage and a 1-foot variance from the front yard setback requirement.

Miriam Bader submitted the staff report, Exhibits 1-7D and the PowerPoint presentation into the record. Commissioners accepted unanimously.

James McFadden asked if the lot coverage calculations include the concrete patio?

Miriam Bader stated yes. The County definition is that lot coverage is based on any place a car can travel. The applicant uses it as a patio, but the County still included it in the lot coverage. She said even without the patio he still needs a variance.

Robert Dubman, applicant, testified that Ms. Bader's presentation was very thorough and complete. He stated that in February 2015, a large storm took down a tree and damaged the house front roof and gutters. Since they had to repair the roof, they thought it would be a good time to add a porch. He stated that the porch is in need of repair.

Lawrence Bleau asked if criterion #2, exceptional and undue hardship, applies to any owner of the property or just the current owner?

Sue Ford stated that the practical difficulty depends on the situation of the property owner. The commission should take into consideration what practical difficulty would be upon this property owner. In the past the commission has looked for specific situations.

Sue Ford asked what is the square footage of the patio area?

Miriam Bader stated that it is 461 square feet.

James McFadden asked if the garage has doors?

Robert Dubman stated that there are no doors, because the garage is not being used.

Lawrence Bleau asked what size is the existing stoop?

Robert Dubman stated that the stoop is 5-feet wide.

Commissioners reviewed the evidence and testimony submitted and determined that:

1. The property has extraordinary situations. Regarding the lot coverage variance, the existing house, driveway and garage were built before current zoning regulations and currently exceed lot coverage. The driveway is 75- feet long in order to reach the detached 704-square foot garage in the rear yard. As for the front yard setback variance, there is an existing 5-foot deep front stoop. Columns are needed for support of the new covered porch that would encroach on the walkable and usable space if the width remains 5 foot deep.
2. The strict application of the County Zoning Ordinance will result in practical difficulty upon the property owner. The existing front stoop is exceptionally small and cannot be reasonably enlarged without further exceeding lot coverage requirements. Connecting the front porch to the existing driveway will protect the owners from hazardous weather conditions which are a concern to them as they enter retirement. The additional one foot width of the covered porch will facilitate the new construction and provide the same usable walk space width of the stoop of 5 feet. A smaller porch would significantly impair the use.
3. Granting the variances requested will not impair the intent and purpose of the applicable County General Plan or County Master Plan, because the proposed porch size and location is not out of character with the neighborhood and the requested setback variance of one foot is nominal.

Christopher Gill moved to approve the variance because the request meets the criteria for granting the variance for the reasons stated above. James McFadden seconded. Motion carried 5-0-0.

VI. Review of a Draft Letter to Mayor & Council on Narragansett Parkway Cul-de Sac

Commissioners discussed the draft memo prepared by staff in reference to removing the green median from the Narragansett Parkway Courtyard. Miriam Bader informed the Commissioners that the City Engineer does not support removing the median for the following reasons:

1. Removal of the green median could create storm water management concerns.
2. Visual aesthetics favor keeping the landscaped, green median vs. creating more asphalt.
3. He feels removal of median is not warranted.

Commissioners voted 5-0-0 to submit a letter to the City Council recommending that this issue be studied further.

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

Greenbelt Station South Core Project – The property is located north of the intersection of Greenbelt Road and Branchville Road and south of the Metro Station in Greenbelt. This phase of the project includes approximately 150 townhouses with a pedestrian bridge across the railroad tracks. No public hearing published yet, but a meeting is scheduled next week with the City staff

College Park Metro Station WMATA – The County and WMATA held a showcase back in July to introduce the opportunities available for the College Park/ University of Maryland Metro Area. The WMATA development site is located on River Road, east of the Metro, and future Purple Line tracks. The County site is located at the intersection of River Road and Paint Branch Parkway.

Zoning Rewrite – The Prince George's County Planning Department is conducting a comprehensive rewrite of the Zoning Ordinance and Subdivision Regulations. This project will transform the current zoning code to a more user-friendly 21st Century Zoning Ordinance for Prince George's County. The consultant team, Clarion Associates, will break down the task into three distinct modules corresponding with the three major elements of zoning and subdivision laws. Within one month following the release for each draft module, the consultants will facilitate a public forum to discuss the draft regulations, hear from the community, and document feedback. The first draft module is scheduled for September/October 2015. The City Council will also submit comments.

VIII. Other Business:

1. Mary Cook informed commissioners that she spoke with several residents in the College Park Woods neighborhood to see if they are interested in attending an APC meeting to discuss changes to the Fence Ordinance, mainly front yard fences. Staff suggested including this item on the October or November agenda.
2. Lawrence Bleau suggested including on a future agenda a discussion with the City Attorney on the meaning of “deminimus.”

IX. Adjourn: There being no further business, the meeting was adjourned at 9:25 p.m.

Minutes prepared by Theresheia Williams