



**CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION**  
**4500 KNOX ROAD COLLEGE PARK, MARYLAND 20740**  
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**ADVISORY PLANNING COMMISSION**  
*Approved Minutes of Meeting*  
**July 7, 2016 – 7:30 P.M.**  
**City Hall – Council Chambers**

<u>Members</u>	<u>Present</u>	<u>Absent</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, Chair	<u>        </u>	<u>    x    </u>
Kate Kennedy, Vice Chair	<u>    x    </u>	<u>        </u>
Javid Farazad	<u>        </u>	<u>    x    </u>
John Rigg	<u>    x    </u>	<u>        </u>

Also Present: Planning Staff – Terry Schum, Miriam Bader and Theresheia Williams;  
 Department of Public Services Staff: Robert Ryan and CEO Keelah Allen-Smith; Attorney:  
 Suellen Ferguson and Susan Cook

**I. Call to Order:** Vice Chair, Kate Kennedy, called the meeting to order at 7:30 p.m.

**II. Approval of Minutes:**

John Rigg moved to adopt the minutes of June 2, 2016. Lawrence Bleau seconded.  
 The motion carried 5-0-0.

**III. Amendments to Agenda**

Kate Kennedy moved to add discussion of the draft parking letter as Item VI on the agenda. James McFadden seconded. Motion carried 5-0-0.

**IV. Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.

**V. Public Hearings:**

**CPV-2016-03                      Variance to Construct a Driveway in the Front Yard**  
Applicant:                      **Chao Guan Zhang**  
Location:                        **9747 52<sup>nd</sup> Avenue**

Kate Kennedy explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance not to exceed 14 feet in width and 14 feet in length of parking area in the front of the dwelling to expand a driveway in the front yard. The subject house was constructed in 1950 and is non-rectangular in shape. Its width ranges from 50 feet to 51.55 feet and its length varies from 90.39 feet to 102.95 feet. The property has an area of 4,800 square feet.

The driveway was built and expanded without a permit. A violation notice was issued on April 26, 2016. A single-wide concrete apron permit was obtained and built after the driveway was constructed. The 14-foot by 14-foot expansion encroaches in the front yard of the dwelling.

There are a limited number of driveways in the neighborhood, mainly single-wide, but driveways that encroach significantly in the front yard of the dwelling are not characteristic of this neighborhood. Steep topography on the west side of 52<sup>nd</sup> Avenue limits the number of driveways and increases demand for on-street parking.

Staff recommends approval of a variance not to exceed 5-feet in width and 19 feet in length or 95 square feet of parking area in the front of the dwelling, which will allow a driveway that measures 10-feet by 19-feet and is setback 3.5 feet from the side property line, with the condition that all other concrete encroachments be removed.

Miriam Bader submitted the staff report, Exhibits 1-11 and the PowerPoint presentation into the record. She also submitted a drawing of the property measurements, which was entered into the record as Exhibit 12.

James McFadden asked if the 3.5 setback from the property line a City or County requirement?

Miriam Bader stated that it is part of the County's Department of Permitting, Inspections & Enforcement (DPIE) requirements.

Kate Kennedy asked if the applicant will be able to keep the sidewalk in front of the door?

Suellen Ferguson stated that he would have to remove the sidewalk and the concrete to the left.

James McFadden asked who approved the curb-cut?

Miriam Bader stated that the curb-cut was approved by the City Engineer. He regulates what happens in the right-of-way.

Suellen Ferguson stated that all properties have a right to have a curb-cut, but not a driveway.

Chao Zhang, applicant, testified through the interpreter, Nina Lai, that when they park in the front of the house, there is no room to walk into the house, that's why they extended it a little to make it easy for people to get into the house. He stated that there is a lot of trash that accumulates on the side property line that's why he built the short walk to make it easy for him to clean. He stated that his neighbor's yard is all concrete, so he thought that he could install a driveway also. Mr. Zhang stated that in the winter time it is impossible to find a parking space. He stated that there have been several robberies in the neighborhood and he wanted to feel safe.

Terry Schum, Planning Director, stated that the 3.5' setback is a County requirement and in order to get a permit, the applicant would be required to remove 3.5-feet of concrete starting at his property line.

Kate Kennedy asked how many cars are parked in the driveway?

Chao Zhang stated only one because it leaves more room to walk into the house.

Lawrence Bleau asked if there has been a lot of crime in the neighborhood?

We Zhi Zhang, applicant's son, stated that the whole air conditioner unit was stolen from his father's house a couple of years ago.

Lawrence Bleau asked have any vehicles been vandalized?

Chao Zhang, stated that one time he forgot to lock the door, and someone stole everything out of his car.

James McFadden moved to approve variance CPV-2016-03 to allow a driveway up to 10.5-feet by 19-feet with the condition that 3.5 feet of concrete driveway surface be removed to comply with Prince George's County Code and a two foot permanent separation be created and maintained between the driveway and walkway. Lawrence Bleau seconded. Motion carried 5-0-0.

**CPV-2016-07                      Variance to Construct a Driveway in the Front Yard**  
**Applicant:                      Limin Zhao and Wenxin Ma**  
**Location:                        5027 Mineola Road**

Kate Kennedy explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance not to exceed 5 feet in width and 19 feet in length of parking area in the front of the dwelling to construct a single-wide driveway and curb-cut. The subject house was constructed in 1950 and is regular in shape. The property has an area of 5,000 square feet. The house footprint is 34.6 feet wide by 24 feet deep. There is a chain-link fence along the side and rear property lines. Steep topography on the north side of Mineola Road limits the number of driveways and increases demand for on-street parking. There is no permit parking on Mineola Road. Single-wide driveways partially encroaching in front of the house are a characteristic of this neighborhood. The applicant does not currently have a driveway or curb-cut. The property is the only property on the south side of the block without a driveway.

Staff recommends approval of the requested variance not to exceed 5 feet in width and 19 feet in length of parking area in the front of the dwelling.

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

James McFadden asked if the variance is only for the portion that is encroaching in front of the house?

Miriam Bader stated yes.

Lawrence Bleau asked if there are any lot coverage issues?

Miriam Bader stated no, it has been calculated and included in the staff report.

Wenxin Ma, applicant, testified through the interpreter, Nina Lai, that his cousin lives in the house with his two children. He stated that his car was hit twice parked on the road. He also stated that his neighbor has a double-wide driveway. He wants to park in the driveway because of the crime and safety for their young children.

John Rigg asked if parking is difficult on Mineola Road?

Wenxin Ma stated that on the weekends it's bad.

John Rigg moved to adopt staff recommendation and approve variance CPV-2016-07. Rose Green Colby seconded. Motion carried 5-0-0.

**16-1166**                      **Appeal for Failure to Cut/Remove Tall Grass**  
**(continued from June 2, 2016)**  
**Applicant:**                      **Douglas Shontz**  
**Location:**                      **4707 Fordham Road**

Kate Kennedy explained the hearing procedures and placed witnesses under oath. CEO Keelah Allen-Smith summarized the staff report. On May 10, 2016, while during a routine patrol of the neighborhood, she observed tall grass and weeds at the subject property. A notice of violation was issued. Upon reinspection, it was noted that the violations were abated and the case was placed in abeyance.

Mr. Shontz called the Public Services office after receiving the notice and spoke with Mr. Ryan stating that the violation had been corrected and requests a letter indicating this. Ms. Smith stated that this is not the normal procedure when a reinspection shows that a violation has been abated.

A letter of appeal from the occupant was received on May 20, 2016, within the prescribed period to appeal the Notice of Violation.

As the tall grass notice issued on May 10, 2016 was abated by the reinspection on May 14, 2016, the appeal received on May 20, 2016 is moot. No municipal infraction citation was ever issued. Staff processed the request for appeal so that the allegations made in Mr. Shontz's letter could be corrected on the record.

Kate Kennedy asked what is the penalty for a first notice?

Keelah Allen-Smith stated that there is no penalty.

John Rigg asked upon reinspection, the grass had been cut and weeds removed?

Keelah Allen-Smith stated yes, it was in compliance.

Kate Kennday asked what is considered tall grass?

Robert Ryan stated 12 inches.

Douglas Shontz, applicant, testified that the violation description does not provide any information about the alleged violation. It states “failure to cut/remove all tall grass, weeds, briar, brush and/or dead trees.” He stated that he checked his yard for dead trees and there were none, so he considered his property in compliance. He stated that the notice does not indicate how tall his grass can be. He stated that he has a lot of native plants in his yard and is trying to obtain certification for Wild Life Habitat. Mr. Shontz submitted photos of other properties in his neighborhood with tall grass that were taken 72 hours after his violation was issued. The photos were entered into the record as Exhibits 1, 2 and 3. He stated that he feels like he is being singled-out. He is asking for the notice to be rescinded.

Robert Ryan stated that it is not the intention of the City to selectively enforce any of the City’s Code. Our goal is to enforce the City code as adopted by the Mayor and Council in a fair and equal manner.

Kate Kennedy asked if there will be an additional notice issued?

Robert Ryan stated that for this offense, the City Code states that within a 12 month period there is one original notice given and subsequent to that, a municipal infraction would be issued.

John Rigg asked the appellant if he spoke with an officer to find out exactly what the violation was for?

Douglas Shontz stated that he called the Department of Public Services and spoke with Mr. Ryan.

Mr. Ryan stated that when he took Mr. Shontz’s call, CEO Allen-Smith was not present in the building and he did not have a copy of the notice.

Kate Kennedy asked what would be the procedure if he were to be cited in the future?

Robert Ryan stated that the procedure would be to issue a municipal infraction for a violation, which would include a fine and could be appealed to the District Court.

Lawrence Bleau moved to deny the appeal. John Rigg seconded. Motion carried 5-0-0.

## **VI. Discussion of draft Parking Letter to Mayor and Council**

John Rigg moved to adopt the parking letter drafted by the Chair, Christopher Gill, to be sent to the Mayor and Council on parking issues in the City. Rose Green-Colby seconded. Motion carried 5-0-0

**VII. Update on Development Activity:** Terry Schum discussed the following:

**Kidwell Development** – The owners, Kidwell and Hardesty families, are proposing to build seven homes on the vacant lots. There is a paper street, Randolph Macon, which was never constructed by the City. There is a request in the process to change the name to Howard Lane. The property owners have entered into a Memorandum of Understanding with the City, who will take ownership of the road, to allow the seven houses to be built. The houses will be sold individually and the owner of the property has a contract with a Historic Design Build architect. These will be custom homes designed for the property and will have to meet the requirements of the Old Town Historic District. The homes will have a requirement of owner-occupancy for a period of ten years. The homes may need a variance to accommodate detached garages.

**VIII. Other Business:** The following items were discussed:

- 1) The City of College Park will be a sponsor for the Washington Business Journal event series “On the Road” held at the College Park Aviation Museum. It will be focused on College Park with a panel of experts to discuss the area’s economy and local development.
- 2) Commissioners and staff discussed holding a separate meeting in August to discuss the Fence Ordinance with attorney, Suellen Ferguson.

**V. Adjourn:** There being no further business, the meeting was adjourned at 10:01 p.m.