



**City of College Park
Department of Planning, Community & Economic Development
Staff Report**

Reviewer: Miriam Bader

Date: January 29, 2016

A. APPEAL INFORMATION

Appeal No.: CPV-2016-01

Hearing Date: February 4, 2016

Petitioners: Ahmad Dahmas

Address: 4711 Kiernan Road

Election District: 4

Subdivision: Mozynski

Neighborhood Association: North College Park Citizens Association

Zoning: R-55

Purpose of Request: To extend an existing driveway and add area to turn-around.

Requirements: Section 27-442 (c), Table II, which prescribes maximum lot coverage as 30% in the R-55 zoning district

Variance Request: A variance of up to 4.5% or 682 square feet from the maximum allowable lot coverage of 30% or 4,534 square feet.

Property Characteristics:

1. The property has an odd, non-rectangular shape.
2. The property has an area of 15,112 square feet.
3. The property is improved with a 2,370 square foot, split-level, frame, single-family house. The house footprint is 1,598 square feet.
4. The house was constructed in 1984.

5. County and City building permits were obtained by the previous owner in 1990 to construct the following (all figures are the footprint dimensions): a 498 square foot addition, a 294 square foot greenhouse, and a 280 square foot covered deck.
6. No permit was found for a 286 square foot shed that was previously existing prior to 1990.
7. There is a shared driveway between 4709 and 4711 Kiernan Road.
8. The property is located at the end of a dead-end street that has no cul-de-sac or other turn-around area.

Neighborhood
Characteristics:

1. The immediate neighborhood is zoned R-55, single-family residential.
2. Surrounding Zoning:
North: R-55 and MUI, DDOZ
South: R-O-S, County owned parkland (Paint Branch Park)
West: R-55
East: MUI, DDOZ

Other Information:

1. The applicant started to extend his driveway without obtaining a building permit. A Stop Work order was posted on December 15, 2015. The applicant then went to the County to apply for a building permit. The County determined that a variance would be needed prior to obtaining a building permit due to exceeding the maximum allowable lot coverage and referred the applicant to the City.
2. Since Kiernan Road dead-ends without provision of a formal turn-around, many drivers use the applicant's shared driveway and sometimes inadvertently hit their car.
3. The shared driveway means that parking is shared between two households, up to four cars. Due to the configuration of the driveway that lacks a turn-around area, cars need to be repeatedly moved back and forth to get out.
4. According to the applicant, Kiernan Road often becomes congested with parked vehicles along both sides of the street.

5. There is no Permit Parking on this street.
7. According to the applicant, a number of thefts have occurred to cars parked on Kiernan Road.

CRITERIA FOR GRANTING A VARIANCE

1. Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions.

The property has an exceptional (non-rectangular) shape. If the property was rectangular, its square footage would be 19,664 square feet, an increase of 4,552 square feet, and no variance would be needed. Further, being located at the end of a dead-end street with insufficient space to turn-around creates an extraordinary condition limiting the ability to safely park on-street.

2. The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner.

The strict application of the County Zoning Ordinance will result in an unusual practical difficulty upon the property owner by not allowing a turn-around option on-site and by preventing him from being able to monitor and protect his vehicle from theft, vandalism and damage.

3. The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan.

Granting the requested variance will not impair the intent, purpose and integrity of the applicable County General Plan or County Master Plan because the extension is in the rear yard and this property adjoins significant Open Space land.

C. RECOMMENDATION

Staff recommends approval of up to a 4.5% (682 square feet) variance from lot coverage, as shown on the submitted site plan.

D. EXHIBITS

1. Application
2. Proposed Site Plan
3. Location Map

4. Zoning and Building Footprint Map
5. Environmental Features Map
6. Aerial-Bird's Eye View
7. County and City Building Permits for Addition and Accessory Structures



APPLICATION FOR VARIANCE FROM
 THE STRICT APPLICATION OF THE
 PRINCE GEORGE'S COUNTY ZONING ORDINANCE

Instructions: Please complete and e-mail to Miriam Bader at mbader@collegeparkmd.gov. or print out and mail to the address above. All required information must be provided before an application is accepted for processing. An appointment with the City Planning Staff must be made to review the application prior to acceptance. Please call (240) 487-3538 to schedule an appointment. The following items must accompany the application: 1) an accurate plat or site plan drawn to scale that, includes all existing structures, driveway and additions; 2) filing fee or financial hardship waiver request.

OWNER INFORMATION

Name of Property Owner (s) Ahmad A. N. Dahmas

Address of Property 4711 Kiernan Rd

Do you reside in the property? Yes No

If no, provide home address _____

Telephone 301-576-8103 Fax _____ E-mail ahmad.dahmas@gmail.com

Name of Agent/Representative (if any) _____ ydahmas@gmail.com

Address _____ Telephone _____

Have you applied for and been denied a permit? Yes No

Have you received a violation notice? Yes No If yes, date of notice _____

Has property been the subject of a previous appeal or zoning application? Yes No

If yes, provide case number(s) and dates _____

DESCRIPTION OF PROPERTY

<u>Mozyński</u>	<u>6</u>	<u>C</u>	
Subdivision	Lot	Block	Parcel
<u>R-55</u>		<u>15,112</u>	
Zoning		Total Area (Sq ft)	

Civic Association Name _____

VARIANCE REQUEST

List each required variance on a separate line and cite the section of the Zoning Ordinance from which the variance is requested.

- 1) lot coverage to extent drive way
- 2) gravel want concrete
- 3)
- 4)
- 5)

PURPOSE OF VARIANCE

Describe what you propose to do and why you need a variance.

Extend park cars off the street to ease congestion- last lot on dead end
Our family have between 5 and 6 cars

IN ORDER FOR A VARIANCE TO BE GRANTED, ALL OF THE FOLLOWING CRITERIA MUST BE MET. PLEASE INDICATE HOW YOU COMPLY WITH EACH OF THESE.

Criteria #1. Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions. (Describe any special conditions and/or circumstances which are peculiar or unique to the property and, that are not characteristic of other property in the neighborhood).

The lot is in a unique shape and the last dead end lot

Criteria #2. The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner. (The property owner is deprived of property rights commonly enjoyed by neighboring property owners because of the property's unusual features or conditions). Hardship cannot be self-imposed.

Location of Drive Way Comply with zoning and due to shape of lot I did exceed lot coverage. The strict application of the County Zoning ordinance will prevent me from parking my cars in my property. Crime problem in the past my car was broken into and it was parked in front of the house.

-wants cars close to house to protect from breaking in

Criteria #3. The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. (Granting of the variance will not be in conflict with the public interest as requested in these plans).

No will not substantially impair the intent purpose of any applicable County General plan because I will parking my car away from curb side view - will be behind the house

NAMES & MAILING ADDRESSES OF ALL ADJOINING PROPERTY OWNERS List (These include properties located on either side, behind and across the street from your property).

will e-mail to me

Property Address	Owner's Name	Owner's Address

Ahmad A. V. Ahmad
Signature of Owner(s)

Dec 21/2015
Date

Miriam Bader

Subject: FW: 4711 Kiernan Rd - Driveway Pad - Variance

I was thinking of the situation surrounding the desired concrete pad that my father was hoping to complete and the issues necessitating the need to have one installed.

1. Kiernan Road is thought by many drivers on Cherry Hill Rd to have an outlet for cars that are backed up in traffic. Over the last 22 years that we have lived (between two addresses) on Kiernan Rd, our family has observed that many cars pass through and end of the street making a U-Turn at the dead end. This has not changed much in the last two decades and persists to this day.
2. There is no logical cul-de-sac at the end of Kiernan Rd to route vehicles in an efficient manner for cars hoping to bypass Cherry Hill Rd – US Route 1 traffic. This situation forces delivery vehicles, service trucks, and miscellaneous cars to back into the shared driveway of 4711-4709 Kiernan Rd to make a U-turn.
3. Throughout the years living on Kiernan Rd (both 4709 as a renter and now 4711 as an owner) our family's cars have been hit by cars coming onto the neighborhood looking to bypass Cherry Hill Rd traffic and having to make U-turns. This has also caused damage to the asphalt on the beginning portion of our driveway in the form of scrape marks.
4. Between the new tenants that lived in 4709 Kiernan Rd, the occupants of 4708 Kiernan and 4711; the street is often crowded with cars parked on the sides creating a difficult parking situation for the neighbors. Oftentimes, if two homes have guests or parties Kiernan Rd becomes congested with parked vehicles along both sides.
5. 4711 Kiernan Rd is forced to share its driveway with 4709 Kiernan Rd property and with sometimes up to 4 cars parking is extremely tight forcing our family to repeatedly move cars back and forth to get out. The past owner of 4711 Kiernan Rd had an easement with the owner of 4709 Kiernan Rd (Dina Tomas) so that he could permanently park his RV in the shared driveway. Since 4711 was sold to the new owner (Mr. Dahmas – my father in 2012,) that easement is no longer valid.
6. The mailbox in front of 4711 Kiernan Rd forces our family to limit the amount of parking directly in front of our house to allow the postal workers with vehicle access to our mailbox. Postal workers have complained before that our parked vehicles sometimes block the mailbox. 4710 Kiernan Rd across the street often have guests that rightfully need the space in front of their house to park. So we are forced to share that space which adds to some degree of frustration.
7. Leaf collection season is interrupted heavily by our cars parked on the street and has caused inadvertent frustration with our neighbors blocking the leaf collection effort of the City of College Park. That forces our family to have to move vehicles and coordinate with neighbors. We do not want to be a nuisance to others with our vehicle(s) parked in front of their homes.
8. The snowplows are forced in tight situations on Kiernan Rd when cars are parked on the street without a cul-de-sac and are forced to reverse all the way down or reverse into our driveway and make a U-turn. Parking our vehicles on the street during inclement weather conditions places risk to our vehicles.
9. There have been a high number of home thefts over the years along Kiernan Rd and the neighborhood in general and in some cases with cars parked on the street. Having a concrete pad would permit our family to better secure our vehicles from crime/theft/vandalism.

All of these valid points create an extraordinary condition and place peculiar hardship upon our family residing at 4711 Kiernan Rd. Installing a concrete pad (with sufficient storm drains for water runoff) attached our driveway but behind our house within our property border is the responsible thing to do. Hopefully, my father and I will be able to convince the Planning Committee of our hardship and difficult situation.

Kind regards,

4711 kiernan

HOUSE_NUMBER: 009628
STREET_NAME: AUTOVILLE
STREET_TYPE: DR
CITY: COLLEGE PARK
ZIP5: 20740
ZIP4: 0000
PROPERTY_DESC: W AND B BLVD
MAIL_STREET: 11000 MONTGOMERY RD
MAIL_CITY: BELTSVILLE
MAIL_STATE: MD
MAIL_ZIP5: 20705
MAIL_ZIP4: 2814
ICO_NAME: PHILIP A CORBIN

Layer: Property

ACCOUNT: 2369825
LOT: <null>
BLOCK: B
PARCEL: <null>
PLAT: 21156021
OWNER_NAME: HUTCHISON MYRON L & STASIA M
HOUSE_NUMBER: 004710
STREET_NAME: KIERNAN
STREET_TYPE: RD
CITY: COLLEGE PARK
ZIP5: 20740
ZIP4: 0000
PROPERTY_DESC: PT LT 18 EX 3514 SF
MAIL_STREET: 4710 KIERNAN RD
MAIL_CITY: COLLEGE PARK
MAIL_STATE: MD
MAIL_ZIP5: 20740
MAIL_ZIP4: 1345
ICO_NAME: <null>

Layer: Property

ACCOUNT: 2369809
LOT: <null>
BLOCK: B
PARCEL: <null>
PLAT: 21156021
OWNER_NAME: HUTCHINSON MYRON L & STASIA A M
HOUSE_NUMBER: 000000
STREET_NAME: KIERNAN
STREET_TYPE: RD
CITY: COLLEGE PARK
ZIP5: 20740
ZIP4: 0000
PROPERTY_DESC: REAR PT LT 18 EQ 3514 SF
MAIL_STREET: 4710 KIERNAN RD
MAIL_CITY: COLLEGE PARK
MAIL_STATE: MD
MAIL_ZIP5: 20740
MAIL_ZIP4: 1345
ICO_NAME: <null>

Layer: Property

4711 kiernan
The Maryland-National Capital Park & Planning Commission Results

Prince George's County Planning Department
Date: Monday, December 28, 2015
Time: 1:21:42 PM

Total Record(s): 7

Layer: Property

ACCOUNT: 2369783
LOT: 6
BLOCK: C
PARCEL: <null>
PLAT: 21114016
OWNER_NAME: DAHMAS AHMAD A N ETAL
HOUSE_NUMBER: 004711
STREET_NAME: KIERNAN
STREET_TYPE: RD
CITY: COLLEGE PARK
ZIP5: 20740
ZIP4: 0000
PROPERTY_DESC: <null>
MAIL_STREET: 4711 KIERNAN RD
MAIL_CITY: COLLEGE PARK
MAIL_STATE: MD
MAIL_ZIP5: 20740
MAIL_ZIP4: 1344
ICO_NAME: <null>

Layer: Property

ACCOUNT: 2369775
LOT: 5
BLOCK: C
PARCEL: <null>
PLAT: 21114016
OWNER_NAME: TOMAS LUIS A & DINA F
HOUSE_NUMBER: 004709
STREET_NAME: KIERNAN
STREET_TYPE: RD
CITY: COLLEGE PARK
ZIP5: 20740
ZIP4: 0000
PROPERTY_DESC: <null>
MAIL_STREET: PO BOX 210
MAIL_CITY: GREENBELT
MAIL_STATE: MD
MAIL_ZIP5: 20768
MAIL_ZIP4: 0210
ICO_NAME: <null>

Layer: Property

ACCOUNT: 2310720
LOT: <null>
BLOCK: <null>
PARCEL: 015
PLAT: <null>
OWNER_NAME: CORBIN DONALD E & JERRY F ETAL
Page 1

4711 kiernan

ACCOUNT: 2355865
LOT: <null>
BLOCK: <null>
PARCEL: 014
PLAT: <null>
OWNER_NAME: MICHAEL DAVID H & CHERYL R
HOUSE_NUMBER: 009626
STREET_NAME: AUTOVILLE
STREET_TYPE: DR
CITY: COLLEGE PARK
ZIP5: 20740
ZIP4: 0000
PROPERTY_DESC: W AND B PIKE PTA 566-08
MAIL_STREET: 9626 AUTOVILLE DR
MAIL_CITY: COLLEGE PARK
MAIL_STATE: MD
MAIL_ZIP5: 20740
MAIL_ZIP4: 1308
ICO_NAME: <null>

Layer: Property

ACCOUNT: 2350601
LOT: <null>
BLOCK: <null>
PARCEL: 002
PLAT: <null>
OWNER_NAME: JONES NADINE W REVOCABLE TRUST
HOUSE_NUMBER: 004707
STREET_NAME: KIERNAN
STREET_TYPE: RD
CITY: COLLEGE PARK
ZIP5: 20740
ZIP4: 0000
PROPERTY_DESC: NR W AND B BLVD
MAIL_STREET: 4707 KIERNAN RD
MAIL_CITY: COLLEGE PARK
MAIL_STATE: MD
MAIL_ZIP5: 20740
MAIL_ZIP4: 1344
ICO_NAME: <null>

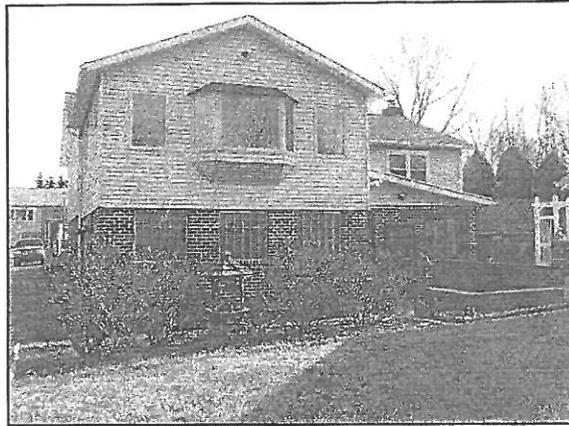
Subject Photo Page

Borrower/Client	N/A			
Property Address	4711 Kiernan Rd			
City	College Park	County	PRINCE GEORGES	State MD Zip Code 20740
Lender	PRIVATE / MARKET EVALUATION			

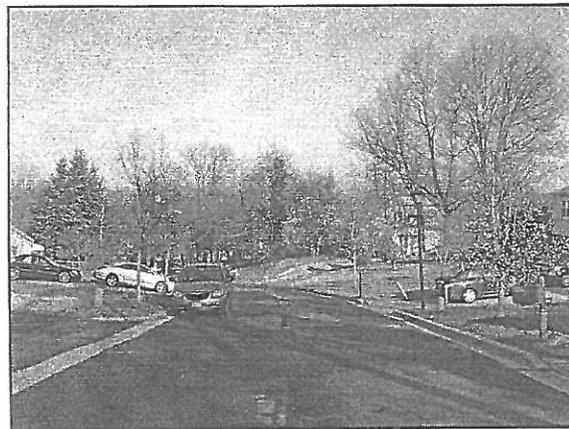


Subject Front

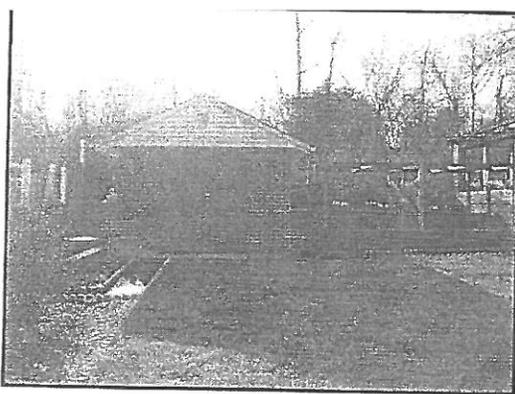
4711 Kiernan Rd
Sales Price
GLA 2,108
Total Rooms 7
Total Bedrms 3
Total Bathrms 2
Location COLLEGE PRK
View RES./PARK
Site 15,112 sf.
Quality BRICK/FRAME
Age 1984



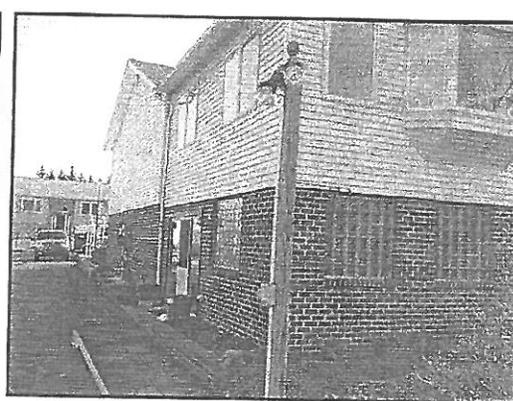
Subject Rear



Subject Street



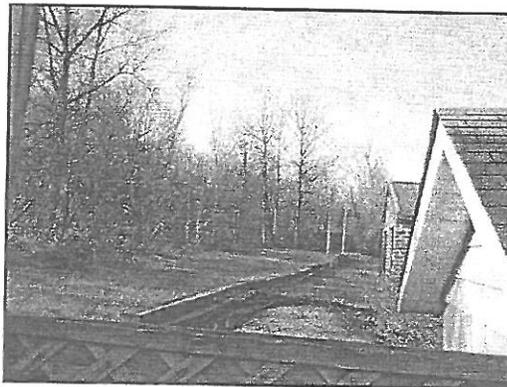
SHED



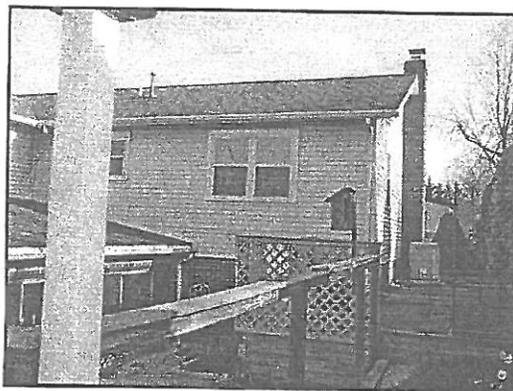
SIDE VIEW



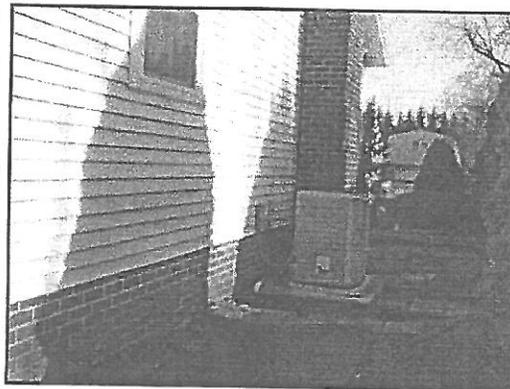
REAR



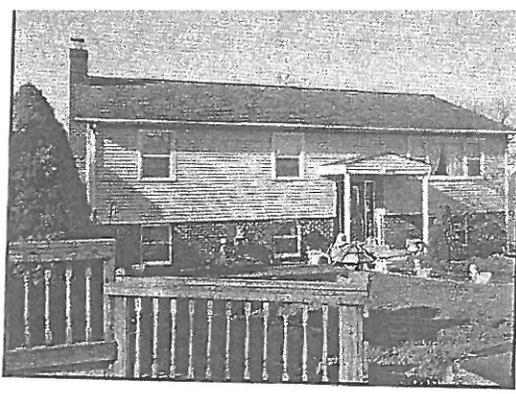
VIEW



REAR/SIDE VIEW



SIDE VIEW



FRONT VIEW

OWNER/DEVELOPER:

ADOLPH A. MOZYNSKI
4801 CHERRY HILL RD.
COLLEGE PARK, MD. 20740

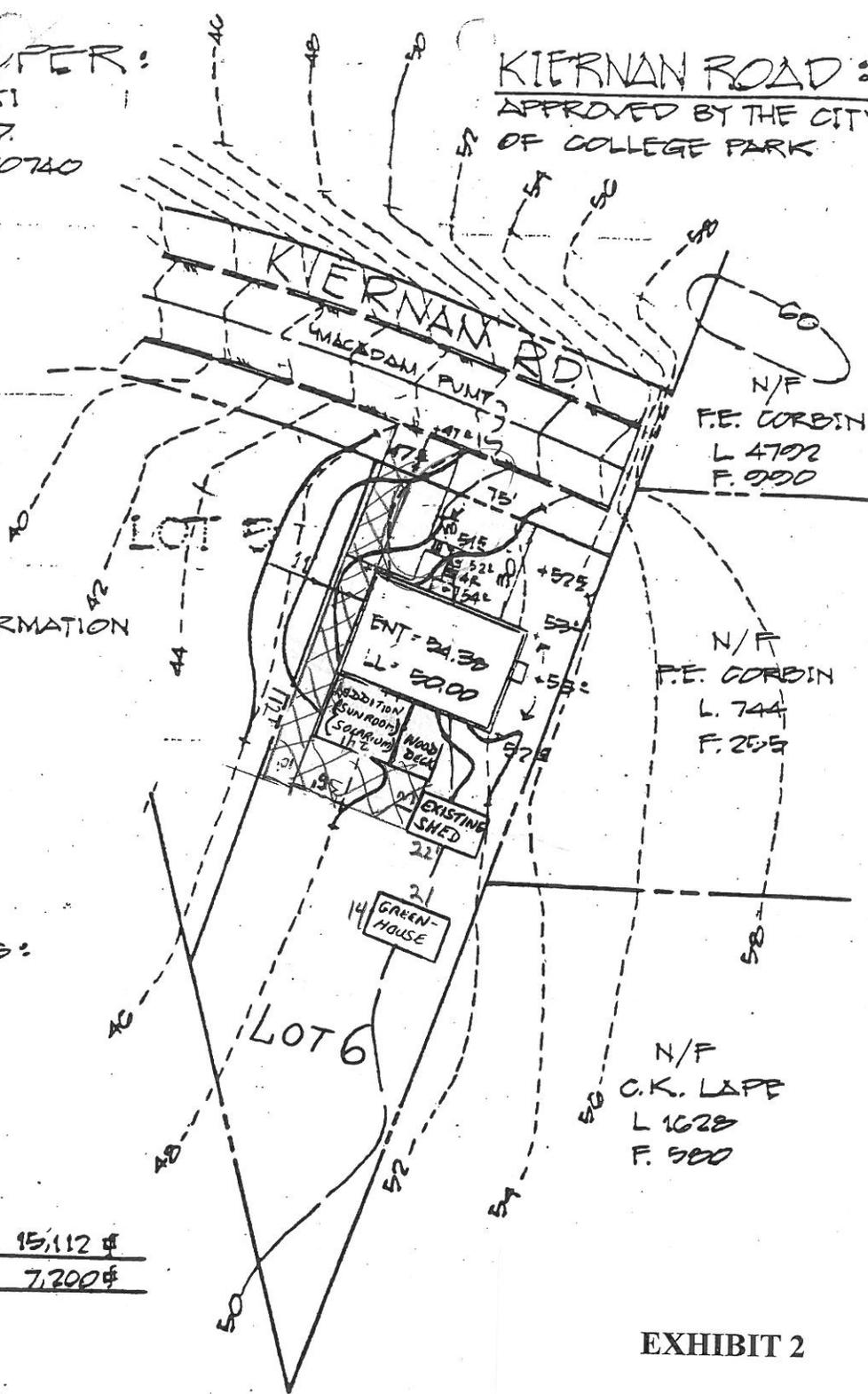
KIERNAN ROAD:

APPROVED BY THE CITY
OF COLLEGE PARK

TOPOGRAPHIC SURVEY INFORMATION
WAS OBTAINED FROM:
WALTER L RALPH RLS
10010 MAIN STREET
FAIRFAX, VA. 22031
DATED NOV. 1982

BUILDING RESTRICTION LINES:
FRONT = 25'
REAR = 20'
SIDE = 8' (17' TOTAL)

TOTAL LOT AREA = 15,112 sq
TOTAL DISTURBED AREA = 7,200 sq



N/F
F.E. CORBIN
L. 4792
F. 990

N/F
F.E. CORBIN
L. 744
F. 2525

N/F
C.K. LAPE
L. 1628
F. 980

EXHIBIT 2

PLAN SCALE: 1"=50'

ENGINEER'S CERTIFICATE

I Herby Certify That The Grading Shown
Hereon Conforms With Article 22 of
The Prince Georges County Building
Code.

5/5/83
Date

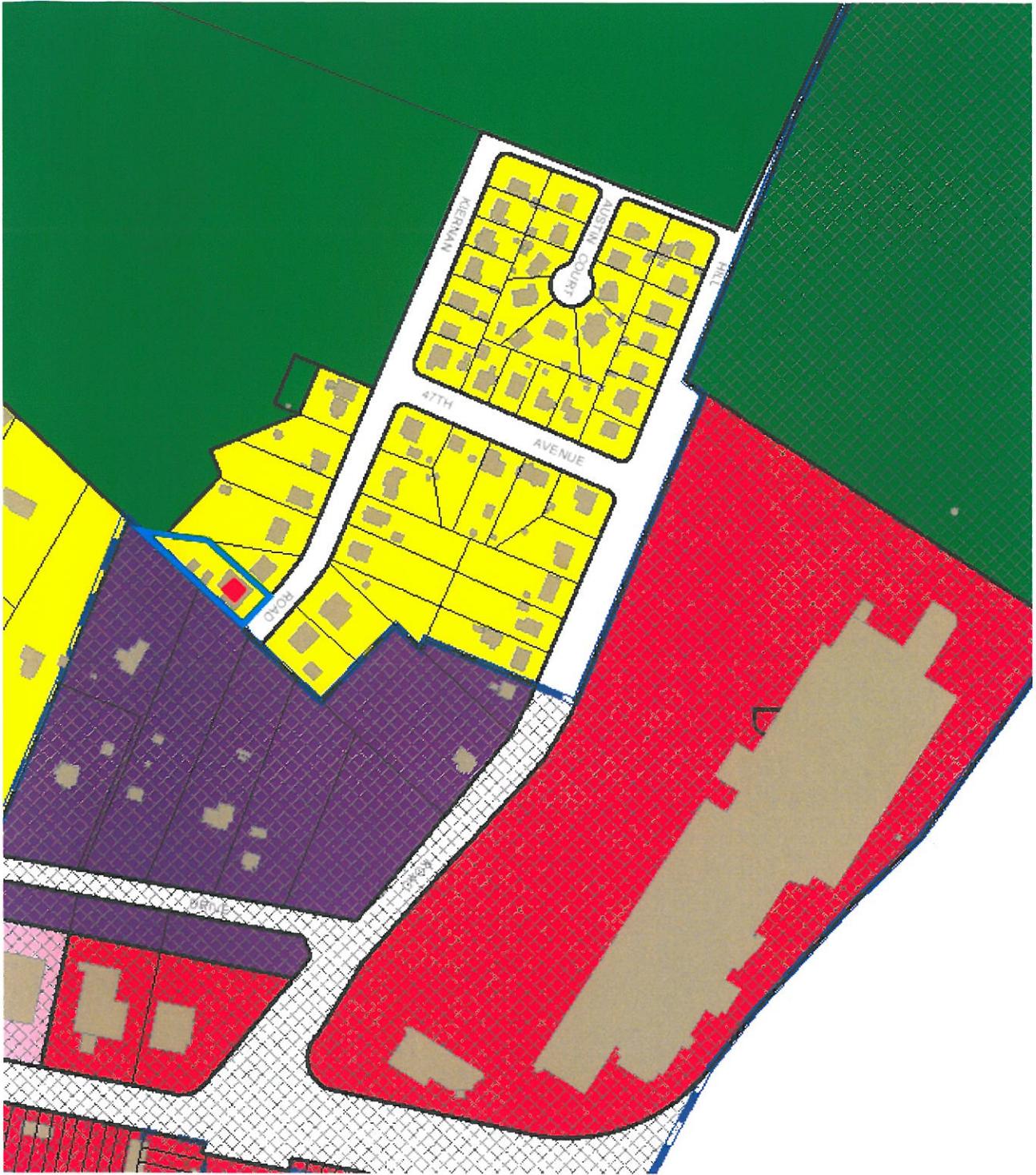
William A. Joyce
William A. Joyce P.E.

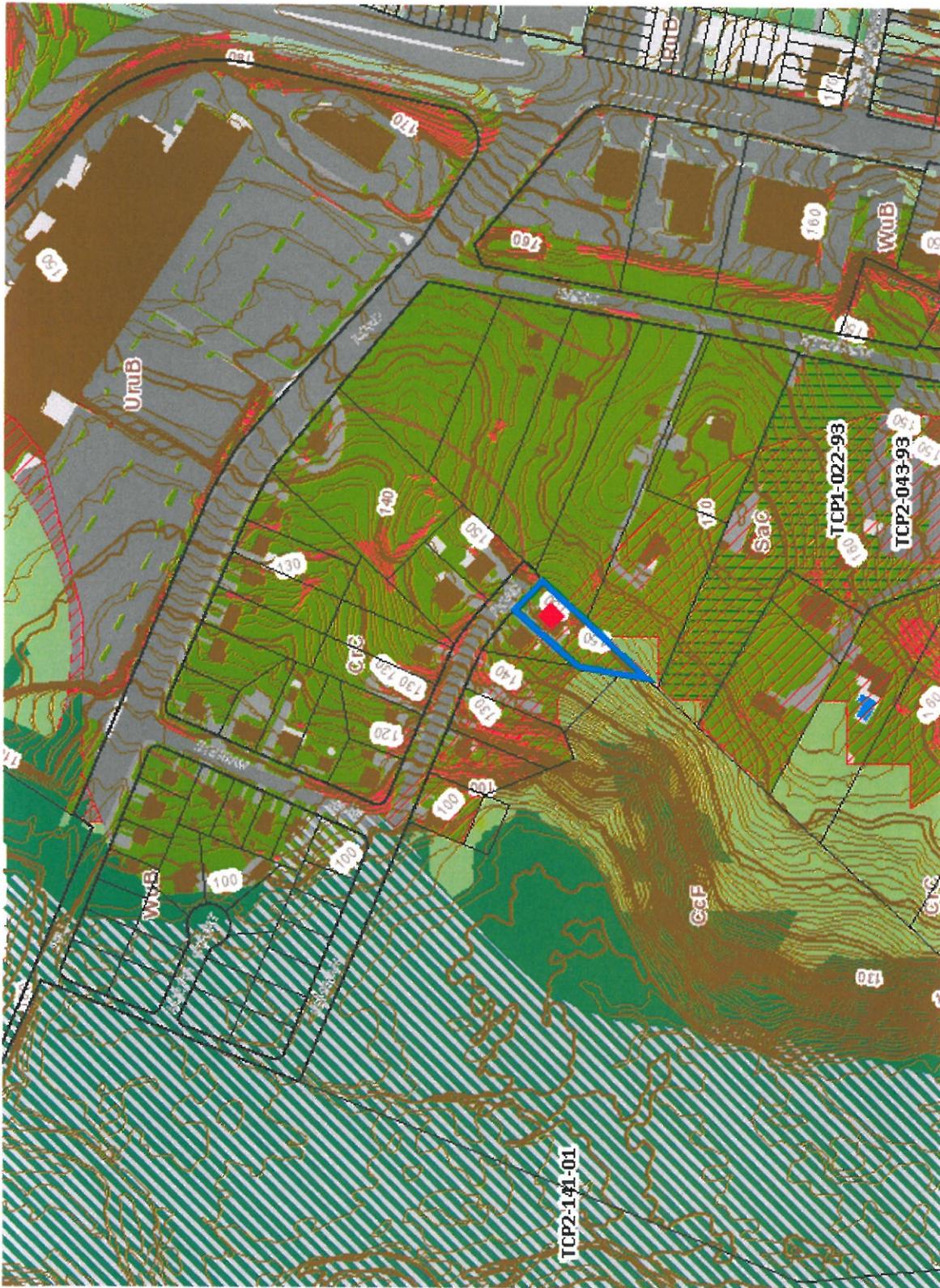


**SITE GRADING PLAN
LOT 6 BLOCK C**

MOZYNSKI SUBDIVISION
21st ELECTION DISTRICT
PRINCE GEORGES COUNTY, MD.
MAY, 1983









4711 KIERNAN

RD

COLLEGE PARK

20740

ID NUMBER: 2534-90-RGU 00

"HOME IMPROVEMENT LAWS"
Contractors/Sub Contractors
working on residential property
must be licensed in accordance
with section 245 of the Annotated
State Code of Maryland.

PRINCE GEORGE'S COUNTY

PERMIT

A Town Permit May Be Required.
A Town Permit May Be Required.
Check With Your Local Jurisdiction

DEPARTMENT OF ENVIRONMENTAL RESOURCES
DIVISION OF CONSTRUCTION STANDARDS
COUNTY ADMINISTRATION BUILDING

3/20/90

ROP OWNER : MOZYSKI, ADOLPH A JR & JOANNE N

CONTRACTOR: MOZYSKI, ADOLPH & JOANNE

4711 KIERNAN RD
COLLEGE PARK, MD 20740 301-345-0562
OCCUPANT : MOZYSKI, ADOLPH A JR & JOANNE N
4711 KIERNAN RD
COLLEGE PARK, MD 301-345-0562

4711 KIERNAN RD LIC NO : OWN
COLLEGE PARK, MD 20740 301-345-05

TYPE OF PERMIT:
RESIDENTIAL--ADDITION
GRADING
USE & OCCUPANCY--NEW CONST.

PROPOSED USE:
DWELLING/SINGLE FAMILY DETACH

EXISTING OR : DWELLING/SINGLE FAMILY DETACH
FORMER USE

WORK DESCRIP: SUNROOM
14x20 covered deck

SUBDIVISION: MOZYSKI SUB
OWNERSHIP : PRIVATE
LIBER : 5668
FOLIO : 905
ED/ACCT NO. : 21/3844002000
LOT : 6
BLOCK : C
MAP : 0025
SCD : NA
SPEC EXCEPT:

HEIGHT FT: 25
WIDTH FT: 21
DEPTH FT: 23
NO STORIES: 0
#DWELL UNT: 0
PARKING SP: 1
LIVE LOAD : 30
USE GROUP : R3
TYPE CONST: SB
PARCEL :

TOTAL SITE AREA: 15,112
GRADED AREA : 483
OCCUPANCY LOAD : 0
SITE CERTIF : N/A
STRUCTURE CERT : N/A
SEWER : WSSC
WATER : WSSC
HEAT : N/A

NON-RES KITCHEN: N/A
ELECTRICITY: N/A
CENTRAL A/C: N/A
VEND MACH : N/A
ELEVATOR : N/A
ESCALATOR : N/A
BASEMENT :
BOILER :

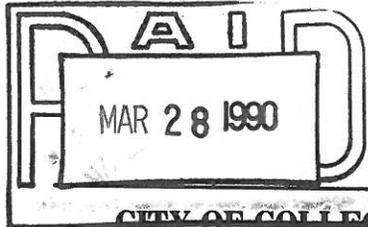
THIS PERMIT IS VOID TWELVE (12) MONTHS FROM DATE ISSUED IF CONSTRUCTION HAS NOT
STARTED, OR HAS BEEN SUSPENDED OR DISCONTINUED FOR A PERIOD OF SIX (6) MONTHS
OR UNLESS OTHERWISE INDICATED.

Willie H. Fu
Willie H. Fu
CHIEF BUILDING IN

INSPECTION APPROVALS

BUILDING INSPECTOR		BUILDING INSPECTOR		HEALTH	ELE
APPROVED: BID P&P	PWT	-RPN			
				PLUMBING	FIX

EXHIBIT 7



BUILDING PERMIT



CITY OF COLLEGE PARK, MARYLAND

488 * 300

NUMBER..... 38



CURB CUT MAY BE NECESSARY

ANY TRASH OR DEBRIS RESULTING FROM THIS BUILDING PERMIT MUST BE REMOVED BY THE PROPERTY OWNER AND/OR THE CONTRACTOR.

Richard L. Byrd
Director of Public Services

Director of Public Works

THIS PERMIT HAS BEEN ISSUED FOR THE FOLLOWING:

LICENSEE:..... Mozynski, Adolph A. Jr. & Joanne N.

PHONE NO.:..... 345-0562

ADDRESS:..... 4711 Kiernan Road

TYPE OF CONSTRUCTION:..... Sunroom, greenhouse & covered deck

COUNTY PERMIT NO.:..... 2534-90-RGU

FEES:..... \$5.00

ISSUED:..... 28 March 1990

EXPIRES:..... Permit voided if construction does not commence within six months. I have read a copy of the College Park Building Code and will comply with the provisions thereof.

Signature of Licensee