



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
June 5, 2014 – 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>
Clay Gump, Vice-Chair	<u> </u>	<u> x </u>
Lawrence Bleau	<u> x </u>	<u> </u>
James McFadden	<u> x </u>	<u> </u>
Rose Greene Colby	<u> </u>	<u> x </u>
Christopher Gill	<u> x </u>	<u> </u>

Also Present: Planning Staff- 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:

Lawrence Bleau moved to accept the minutes of May 1, 2014. Christopher Gill 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:

CPV-2014-02: Variance to Replace Existing Driveway and Patio
Appellant: Doris Gotshall
Location: 5209 Kenesaw Street

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting variances from the Prince George’s County Zoning Ordinance Section 27-442(c), Section 27-442(e) and Section 27-120.01(c) to replace an existing driveway and patio. The property is located in the Daniels Park subdivision and is zoned R-55, single-family residential. The house was constructed in 1952 and was purchased by the applicant in 1964. The property is rectangular in shape and has an area of 7,350 square feet. The property contains a detached garage and is enclosed with a white picket fence with a gate across the driveway. The house contained the driveway and roofed front patio when the house was purchased. The applicant constructed a 25 foot by 19 foot addition to the rear and added a 10 foot by 10 foot roof porch around the time the house was purchased in 1964. A new roof was erected by the previous owner without a permit in the 1970’s and did not meet setback and lot coverage requirements. The applicant wants to resurface the existing driveway and patio with pavers. The applicant is not proposing to expand the driveway.

Staff recommends approval of the following 3 variances:

- 1) A variance of 7.5% of 544.3 square feet from the maximum allowable lot coverage of 30% or 2,205 square feet.
- 2) A variance of 10 feet from the required minimum front yard setback of 25 feet to a setback of 15 feet.
- 3) A variance of 2 feet in width and 28 feet in length or 56 square feet of parking area in the front of the dwelling.

Miriam Bader submitted the staff report, Exhibits 1-6 and the PowerPoint presentation into the record. Commissioners accepted unanimously.

John Saylor, 5209 Kenesaw Street, testified that the driveway is only 2 feet in front of the house. The driveway starts at 11 feet and then narrows to 9 feet once it gets closer to the house.

Christopher Gill asked what would be the impact of removing the 2 feet and narrowing the whole thing to 9 feet?

John Saylor stated that there is an electrical wire on that side of the house that prevents the driveway from being shifted over.

Christopher Gill asked when the patio roof was constructed, did it require a variance?

Doris Gotshall stated that she did not know. The construction company handled everything.

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

- 1) The property has extraordinary situations. The lot is long and narrow. There is an electrical guide wire that prevents the driveway from being shifted over and thereby reduces the width of the driveway where it encroaches in front of the house. Also, the freestanding garage is located to the rear of the house creating the need for a long driveway, which results in creating excess lot coverage. The driveway and roofed patio were existing when the house was purchased by the applicant in 1964.
- 2) The strict application of the County Zoning Ordinance will result in undue hardship upon the property owner by requiring the removal of the addition or porch to rectify the lot coverage issue. The porch would need to be removed to rectify the front yard setback situation and the driveway would need to be dug up and narrowed to a width of 9 feet to rectify the front yard encroachment issue.

- 3) Granting the requested variance will not impair the intent and purpose of the applicable County General Plan or County Master Plan because the driveway and patio are existing, are compatible with the character of the neighborhood and need to be maintained.

James McFadden moved to approve the variance because the request meets the criteria for granting the variance for the reasons stated above with the condition that the porch roof addition be limited to its current size and configuration. Christopher Gill seconded. Motion carried 4-0-0.

CPV-2014-03: Variance to Construct a Driveway in the Front Yard
Appellant: Juan Avila
Location: 9728 51st Place

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance from the Prince George's County Zoning Ordinance Section 27-442(c) and Section 27-120.01(e) to construct a new driveway and curb-cut. The subject house was constructed in 1950 and has an area of 5,280 square feet. The property is mostly rectangular in shape but the width gradually narrows towards the rear of the property. The applicant does not currently have a driveway or curb-cut. The majority of the homes in the neighborhood have at least a single-wide driveway. Staff recommends approval for the variance to not exceed 2 feet in width and 19 feet in length in front of the dwelling with the condition that the front yard chain-link fence parallel to 51st place be removed. Staff recommends denial of the lot coverage variance of 1.3% or 71.28 square feet from the maximum allowable lot coverage.

Miriam Bader submitted the staff report, Exhibits 1-6 and the PowerPoint presentation into the record. Commissioners accepted unanimously.

Lawrence Bleau asked how many homes on the street have front yard driveways?

Miriam Bader stated that she did not take a count, but in the attached photographs you can see some of the homes with driveways.

Lawrence Bleau asked what is the reasoning for undue hardship in criteria #2?

Miriam Bader stated that staff feels that it is a hardship for the property owner not having any off-street parking. The majority of homes in this neighborhood have at least a single-wide driveway.

Juan Avila, applicant, testified that he purchased his house in January 2014. He is not familiar with all the rules about parking. He stated that he would like to have his own driveway. Mr. Avila stated that when he purchased the house parking was not a problem. His job requires him to be on call 24 hours a day and it is difficult for him to find parking when he comes home in the middle of the night. He stated that Saturday and Sunday's are the worst times to find parking.

Christopher Gill asked if this area is a permit parking zone?

Juan Avila stated yes.

Mary Cook asked what hours are permit parking enforced?

Juan Avila stated he thinks from 6 a.m until 7 p.m.

Lawrence Bleau asked how difficult is it to find parking on other streets near the house?

Juan Avila stated that during the day from 7a.m. – 4 p.m. it is kind of hard but after that it gets better.

Angel Hernandez, 9731 51st Place, testified that everyone in the neighborhood has 3 or 4 cars. It's difficult when you come from church or shopping and there is no parking near your house. When visitors come they park anywhere. Angel Hernandez stated that people are claiming spaces in front of their house as their own.

Christopher Gill asked if the variance is granted, would it also require permission from the City Council to install the curb cut?

Miriam Bader stated yes.

Mary Cook asked what is the typical width of a driveway?

Miriam Bader stated 10 feet.

Christopher Gill asked why is the applicant requesting 14 feet?

Juan Avila stated that they wanted to start with 14 feet and if it needed to be reduced they would reduce it. He stated that he needed more space for his truck.

Lawrence Bleau asked during the week, how many times are you forced to park a block away from your home?

Juan Avila stated maybe 3 or 4 times a week. He stated that people visit his neighbors and park out front of his house every day. He usually has to drive around several times to find parking.

Richard Hageman, 9726 51st Place, testified that he is the trustee for 9726 51st Place and has some concern with the installation of the driveway. He stated that there are already water issues because of the output of a basement sump pump. The driveway will exacerbate the drainage problem and dump more water onto his property. He stated that it is tight parking on the street because many residents have too many cars. He stated that he lived there until the late 70's and the majority of the houses that have driveways were built when the homes were constructed. Very few driveways are wider than 10 feet.

James McFadden asked if he lived on the street?

Richard Hageman stated that he grew up on the street and is preparing the house for sale.

Christopher Gill asked the applicant what would be the impact of putting the driveway on the north side of the house?

Edwin Avila, 9728 51st Place, stated that they considered putting the driveway on the north side, but he didn't want to remove the tree.

Commissioners reviewed the criteria that need to be met before the variance can be granted and determined that they need additional information to make a decision.

Lawrence Bleau moved to continue the hearing until the next scheduled meeting to address the following issues:

- 1) Applicant to submit evidence of the unusual practical difficulty involved if the variance were not granted.
- 2) How much green space is needed on either side to address the drainage problem.
- 3) The distance the applicant has to park from his house when parking is not available.
- 4) Permit parking in neighborhood

James McFadden seconded. Motion carried 4-0-0.

CPV-2014-04: Variance to Expand an Existing Driveway in the Front Yard
Appellant: Reina Vasquez
Location: 5025 Iroquois Street

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance from Section 27-120-01(c) of the Prince George's County Zoning Ordinance to widen an existing driveway by 9 feet in width and 18 feet in length in order to provide an expanded parking area in the front yard to accommodate 2 vehicles. The subject house was constructed in 1955 with an area of 5,000 square feet. The property is regular in shape and is zoned R-55, single-family residential. There are 4 working adults in the house with a total of 5 vehicles. The applicant requested and was granted permission for a double-wide driveway apron in 2005, but it has since expired. The applicant had permission to build the double-wide apron but did not construct it at the time. Now they would like to construct a double-wide apron and double-wide driveway. There is no residential permit parking in this neighborhood. Staff recommends denial for widening the parking area in front of the house. Staff however would consider lengthening the existing driveway since this would not create the need for any variance. Staff recommends that the variance of one foot to validate an existing side yard setback be approved.

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

Lawrence Bleau asked if the 18' shown on the site plan (Exhibit 2), includes the driveway apron or the part beyond the apron.

Miriam Bader stated that it is for the part beyond the apron. The apron does not appear on the site plan.

Jose Benitez, applicant, testified that it is difficult to find parking at night because all of the neighbors have several cars and park in front of other people's homes. He stated that it is unsafe for his daughter, who lives with him, to have to walk a far distance to get to the house. He stated that he owns a personal and work truck.

Mr. Benitez submitted a photo showing the basement window and Miriam Bader submitted the site plan showing the expansion. They were entered into the record as Exhibits 8 and 9.

Christopher Gill asked the applicant why can't he just lengthen the driveway?

Mr. Benitez stated that he has a fence and it is not enough room. There is also an AC unit on that side. The window to his basement is low, which may cause a drainage issue.

Christopher Gill asked what is located in the room with the window?

Mr. Benitez stated that his daughter has her studio there. She does her homework in the room.

Lawrence Bleau asked how often is it that you cannot find adequate parking in front of your house and how far do you have to travel to find parking?

Mr. Benitez stated that he has to travel at least 2 blocks away mostly during the night time.

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

- 1) The property does not have exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions.
- 2) The strict application of the County Zoning Ordinance will not result in undue hardship upon the property owner. The strict application of the County Zoning Ordinance will result in an inconvenience to the property owner by making it more difficult for the household to park their vehicles close to their home. This situation cannot be considered a peculiar and unusual practical difficulty or a hardship.
- 3) Granting the requested variance will impair the intent and purpose of the applicable County General Plan or County Master Plan by reducing the amount of open space in the front yard.

Christopher Gill moved to deny the variance because the request does not meet the criteria for granting the variance for the reasons stated above. Lawrence Bleau seconded. Motion carried 4-0-0.

CPV-2014-05: Variance to Erect a 6' High Fence in the Front Yard
Appellant: Yaris Reyes Carbajal
Location: 5926 Bryn Mawr Road

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance from Section 27-420(a) of the Prince George's County Zoning Ordinance to install a 6-foot high, wooden, fence on a corner lot to protect his children and pets. The property is triangular in shape and is a corner lot. The surrounding neighborhood is zoned R-55 and is single-family residential. The County's Ordinance defines the proposed fence as a front yard fence and therefore cannot exceed 6 feet in height. Edmonston Avenue is a very busy road that adjoins Kenilworth Avenue and has no residential housing on the east side. The applicants previously had two dogs that were killed when they ran into the road. They also want to protect their two year old child from running into the street. They have been the victim of two thefts, in which their van and shed was broken into. Staff recommends approval of the variance to permit a variance of 2 feet from the maximum height of 4 feet to install a 6-foot high, wooden fence.

Miriam Bader submitted the staff report, Exhibits 1-6 and the PowerPoint presentation into the record. Commissioners accepted unanimously.

Yaris Reys and Heisy Garcia, applicants, testified that they purchased the house last year. They are a young couple with a growing family. They have reported two thefts to the police and two of their dogs have been killed from running out in the street. They only want to protect their kids and pets and be able to enjoy their home. Mr. Yaris stated that there is a bus stop on their street, and they have problems with people walking in their yard and leaving beer cans and trash on their property.

Stacy Patterson, 5924 Bryn Mawr Road, testified that he is not opposed to the fence but wants it to be attractive and not a makeshift fence. He stated that he is concerned about the applicant trespassing on his property to repair and maintain the fence if it is put on the property line. He thinks it should be about two to three feet away from the property line. He stated that he thinks a six-foot high fence would be an intrusion on his property and that four-foot high is much more characteristic of the neighborhood.

Christopher Gill asked if building the fence at the height and the location the applicants are requesting is allowed under the City Fence Ordinance?

Miriam Bader stated yes, it complies.

Sue Ford asked commissioners if it would be helpful to know what materials the applicant's are proposing to make the fence.

Ms. Garcia stated that they have already purchased the material. The material is board-on-board wood.

Christopher Gill asked why does the fence have to be six feet and not four feet?

Ms. Garcia stated that the property is not level. If they install four feet, they would not be covering anything. They want to level the ground and put up the same size fence all around. If a 4' fence is installed, someone could jump over the fence.

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

- 1) The property has extraordinary conditions. The property has an exceptional shape in that the property is a triangular shaped corner lot along a busy street. Due to the configuration of the lot, its shape and the orientation of the house, the legal front functions as the apparent side street yard. And the adjacent property functions as a rear yard and not a front yard. This situation leaves the property without a rear yard. Also, the property has a three foot grade change on the Edmonston Avenue side of the lot. The road is higher than the house.
- 2) The strict application of the County Zoning Ordinance will result in undue hardship upon the property owner by preventing him from adequately protecting his child, his pet and his property. The owner has filed two police reports for theft: one, when his storage shed was broken into and two, when his van was stolen. The applicant wants to protect his property. Moreover, the applicant has a two year old child and a dog that he wishes to protect from running into the busy street. The applicant had a previous dog that was killed running out to the street at this property
- 3) Granting the variance will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. In fact, the purpose of the 6-foot high fence is to protect the private and public health, safety, welfare and comfort by preventing accidents that can be caused by children and pets running from the property into the street. Also, the 6-foot high fence is requested as a deterrent from criminal activity, to protect the property owner's personal property and prevent trespassing.

Lawrence Bleau moved to approve the variance to permit a variance of 2 feet from the maximum height of 4 feet with the following conditions:

- 1) The finished side of the fence shall face outward.
- 2) The fence adjoining 5924 Bryn Mawr Road shall be placed two feet within the applicant's property line.
- 3) The fence may be wood board-on-board but shall not be a stockade fence nor chain-link.

Christopher Gill seconded. Motion carried 4-0-0.

CEO-2014-03: Variance Erect a Front Yard Fence
Appellant: Candance Hall
Location: 9120 Rhode Island Avenue

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance from the City Fence Ordinance, Chapter 87, Section 23 to install a 4-foot high chain link fence with a gate in the front yard. The property is rectangular in shape and has an area of 6,300 square feet. The property is improved with a one-story single-family home. Chain link fences have been installed on the adjoining properties along the portion of the side lot lines in the front yard. There is a wood fence that encloses the back yard. Most properties on the applicant's street, 5 out of 8 properties, have a four-foot high chain-link fence around the perimeter of their properties including in front of their dwellings. Staff recommends denial of the variance to permit a front yard, four-foot high chain link fence.

Miriam Bader submitted the staff report, Exhibits 1-6 and the PowerPoint presentation into the record. Commissioners accepted unanimously.

Candance Hall, applicant, testified that several times a week, she has to clean dog feces out of her front yard, behind her bushes and plants. She stated that she is constantly picking up litter that blows into her unfenced yard. She stated that the urine and feces smell can be unbearable when you walk out of her front door. She chose a chain link fence to keep in character with the neighborhood but would prefer wrought iron or white picket fence.

Mary Cook asked are the dogs free roaming dogs?

Candance Hall stated that some of the teenager's dogs are free roaming, but some people have long leashes where the dogs can come all the way in her yard. She stated that at the corner of her yard where she is trying to grow bushes, she gets a lot of feces there.

Lawrence Bleau asked if she considered a short hedge along the front of the property.

Ms. Hall stated that hedges would attract dogs.

David Miller, 4901 Iroquois Street, testified that he thinks the applicant's house is the most attractive of all her neighbors. He thinks her variance request is very reasonable and a step in the right direction. He stated that his biggest criticism about College Park are the chain link fences. He is in University Park a lot, and they have no chain link fences. He thinks that it makes properties look like prison cells when there are a whole lot of chain link fences. He suggests that the City implement some kind of incentive to encourage the residents to remove their chain link fences.

Lawrence Bleau asked the applicant if she had any pets of her own?

Ms. Hall stated no.

Lawrence Bleau asked how many times does she observe that animals have come on to her property during a week?

Ms. Hall stated maybe every 3 or 4 days. She stated that her neighbor has a cat and she does hang out behind her bush but the owner tries to deter it.

Christopher Gill asked if she has actually caught anyone letting their pet leave waste in her yard?

Ms. Hall stated that she had a discussion with the neighbor behind her who she thinks is a dog sitter. She has 3 dogs at a time on a leash and they have had several heated discussion about where she lets the animals leave their waste.

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

- 1) This property is one of the few properties on the block without a fence in the front yard making this property an attraction for people and pets to trespass into the front yard. There are a number of animals that roam freely and deposit animal waste on the owner's property.
- 2) Denial of the variance will make it difficult for the owner to prevent people and pets from trespassing on the property. Pets trespassing on the property leave waste that the property owner must clean up on a frequent basis.
- 3) Granting the variance will not impair the intent, purpose or integrity of the Fence Ordinance because the applicant has demonstrated an extraordinary situation or condition and has proven a peculiar and unusual practical difficulty or an exceptional or undue hardship because the adjacent properties have front yard fences.
- 4) The property is not located in an historic district.
- 5) Granting the variance will not adversely affect the public health, safety, welfare or comfort.
- 6) The fence is proposed to be chain link which incorporates openness and visibility and is consistent with the surrounding neighborhood.
- 7) The proposed construction, including setbacks, height and material is characteristic of and consistent with the surrounding neighborhood. The adjoining property owners have the same fence in terms of setback, height and material.

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

CEO-2014-04: Variance to Erect a 6' High Side Yard Fence
Appellant: Phillip Ledwell
Location: 5912 Chestnut Hill Road

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance from the City Fence Ordinance, Chapter 87, Section 23 and Prince George's County Zoning Ordinance 27-420(a) to install a 6-foot high wooden, side yard fence on a corner lot. The property is square in shape and is improved with a patio, outside seating area, a carport, two sheds and a garden on the western side. The rear yard has extreme topography that limits its development. The property is lower than neighboring properties. The house is oriented towards the intersection of two streets and is not parallel to either street. Staff recommends that the requested variance to permit a side yard, six-foot high, wood fence be denied.

Miriam Bader submitted the staff report, Exhibits 1-6 and the PowerPoint presentation into the record. Commissioners accepted unanimously.

Phillip Ledwell, applicant, testified that he maintains and keeps his property cleaned year round. His neighbor does not maintain his property and has been cited on numerous occasions for weed violation. During the fall, all of the neighbors leaves blow into his yard because he is at the end of the property. He stated that he is about six feet tall, and he doesn't want to be able to see into his neighbor's yard. The neighbor has been cited for not mowing his grass on several occasions. He stated that the neighbor has a tendency to come outside scantily dressed. Mr. Ledwell stated that he would prefer not to see that, but the neighbor is entitled to do whatever he wants in his yard. He stated that the fence does not have to be stockade, it can be board-on-board. He also has a pet that he doesn't want to go into the neighbor's yard.

Christopher Gill asked if he is planning to install the fence directly on the property line?

Mr. Ledwell stated yes. He stated that he discussed it with the neighbor and he did not object.

Christopher Gill asked where is the front property line?

Miriam Bader stated that the front property line is on Chestnut Hill Road.

Christopher Gill asked if it mattered that the house is angled?

Miriam Bader stated no.

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 is a corner lot with variable and undulating topography. In addition, the house is oriented towards the intersection of two streets and is not parallel to either street. The lot is lower than the surrounding properties. Also, the orientation of the house creates a situation where the side yard functions as a rear yard.
- 2) Denial of the variances would mean that the side yard fence would need to be setback 25 feet from the front property line and could not exceed 4 feet in height. The denial of the 15 foot front yard setback variance would not result in a peculiar and unusual practical difficulty to, or an exceptional or undue hardship to the owner. However, denial of the fence height variance would present a peculiar and unusual practical difficulty to the owner because the property owner is 6-feet tall and he does not want to interfere with the privacy of his neighbor. Also, the height variance is needed in order to keep the Applicant's pet dog on his property and yard waste and debris from entering Applicant's property.
- 3) Granting the fence height variance will not impair the intent, purpose and integrity of the Fence Ordinance because this property has unique characteristics: undulating topography, corner lot, non-standard orientation of the house. In addition, due to the configuration of the house on the lot, the side yard functions as a back yard.
- 4) The property is not located in an historic district.
- 5) Granting the variance will not adversely affect the public health, safety, welfare or comfort. The side yard fence will not obstruct emergency personnel, equipment or vehicles.
- 6) The proposed fence, a 6-foot high wood, board-on-board fence does not inherently incorporate openness and visibility.. However, the fence functions as a rear yard fence. A solid wood fence is acceptable as a rear yard fence and openness and visibility are incorporated as much as is practicable.
- 7) The adjoining property owner to the north has a similar fence in terms of height, setback and material: it is a six-foot high, wood board-on-board fence along the side property line. The proposed fence is consistent with other fences in the surrounding neighborhood.

Lawrence Bleau moved to deny the variance of 15 feet from the required 25 foot front property line setback because the request does not meet the criteria for granting the variance for the reasons stated above. James McFadden seconded. Motion carried 4-0-0.

Christopher Gill moved to approve the variance of 2 feet from the maximum height of 4 feet because the request meets the criteria for granting the variance for the reasons stated above. James McFadden seconded. Motion carried 4-1-0, with Lawrence Bleau voting Nay.

- VI. Other Business:** There was no Other Business.
- VII. Adjourn:** There being no further business, the meeting was adjourned at 11:00 p.m.

Minutes prepared by Theresheia Williams