



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
August 11, 2011 – 7:30 P.M.

PRESENT: Advisory Planning Commission – Lawrence Bleau, Robert Day, Charles Smolka, Timothy Dennée, Heidi Jones-Huffman and Mary Cook; Planning Staff – Elisa Vitale and Theresheia Williams; Attorney – Suellen Ferguson

I. Call to Order: Lawrence Bleau called the meeting to order at 7:35 p.m.

II. Approval of Minutes:

The July 7, 2011 minutes were amended to reflect the following change:

On page 6, paragraph 6, the last sentence should read “The appellant is required to remove all vehicles that are inoperable, dismantled, wrecked or without current licenses plates from the property located at 5010 Navahoe Street, College Park, within 30 (thirty) days after July 8, 2011.

Robert Day moved to accept the minutes of July 7, 2011 as amended. Heidi Jones-Huffman seconded. The motion carried 6-0-0

III. Amendments to Agenda: The applicant for variance CPV-2011-02, 9505 49th Place, submitted a written request to have his hearing postponed until the September 1, 2011 meeting. Lawrence Bleau moved to postpone the variance until the September 1, 2011 meeting. Charles Smolka seconded. The motion carried 6-0-0.

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

V. Public Hearings:

CPV-2011-01:	Remand back to the Advisory Planning Commission from the Mayor and Council to take additional testimony regarding Variances to construct a porch and attached garage
<u>Applicant:</u>	Ilan Lagziel
<u>Location:</u>	9511 49th Place

Suellen Ferguson, attorney, stated that this case is being remanded back to the Advisory Planning Commission because there was a determination that some owners who should have been notified about this application did not receive notification. The record was reopened for the purpose of allowing testimony from those individuals who received letters and wish to submit testimony.

Lawrence Bleau explained the hearing procedures and placed witnesses under oath.

Lisa Ealley, 9526 Rhode Island Avenue, testified that she is not opposed to the porch, just questioning the need for such a large one. She stated that a large front porch is not needed to watch children playing in the front yard. The porch addition brings it closer to the street, while it is a dead-end, it is not conducive to children playing in the front yard. She indicated that the applicant has a large back yard that would be a safer area for the children to play. She stated that there are other porches on the street, but not like the design the applicant is proposing. She does not want it to become a precedent for other home owners in the neighborhood. She also stated that she thinks the porch would add value to the neighborhood. As far as the garage, she does not think a garage that large is safe to have; it is too close to the adjoining neighbor and may present a safety hazard. She stated that if the applicant has to have a garage, maybe he could construct a 10-foot opposed to a 14-foot garage. She stated that there is plenty of room in the back yard for a detached garage.

Heidi Jones-Huffman and Mary Cook were advised by the attorney that they could not participate in the vote if they were not present at the initial hearing and had not listened to the tape recording of the hearing.

Commissioners discussed the criteria that need to be met before the variance can be granted in reference to the garage and Robert Day moved to approve the variance for the garage based on the same criteria as discussed at the July 7, 2011 meeting. Charles Smolka seconded. Motion failed 2-2-0, with Lawrence Bleau, Robert Day, Charles Smolka and Timothy Dennée voting because of a tie and a decision could not be made one way or the other to Council.

Charles Smolka moved to continue variance CPV-2011-01 until the September 1, 2011 meeting because a decision could not be made with the commissioners present at the August 11, 2011 meeting. Robert Day seconded. Motion carried 6-0-0, with Lawrence Bleau, Robert Day, Charles Smolka, Timothy Dennée, Heidi Jones-Huffman and Mary Cook voting.

Lawrence Bleau moved to reconsider the continuation of the hearing. Robert Day seconded. The motion carried 6-0-0, with Lawrence Bleau, Robert Day, Charles Smolka, Timothy Dennée, Heidi Jones-Huffman and Mary Cook voting.

The additional testimony was not sufficient to cause a change in the APC's recommendation to grant the variance. Lawrence Bleau moved to not change the recommendation previously made to the City Council. Robert Day seconded. The motion carried 4-0-0, with Larry Bleau, Charles Smolka, Robert Day and Timothy Dennée voting.

CPV-2011-03 **Variance to construct a 4 x 6 front porch**
Appellant: **S. Suzanne Mattingly**
Location: **9740 51st Place**

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Elisa Vitale summarized the staff report. The applicant is requesting a variance of 2 feet from the minimum required front yard depth of 25 feet to construct a 4 x 6 cover for the front stoop. The aluminum awning that was in place over the front stoop has deteriorated. The property and surrounding neighborhood is zoned R-55, single-family residential. The property is improved with a one-story single family home, shed and driveway. The property has an area of 5,500 square feet and the front and rear property lines measure 50 feet and the side property line measure 110 feet. The existing home is sited 27 feet from the front property line and the existing stoop encroaches 2 feet into the required front yard setback. Covered front stoops are characteristic of the neighborhood and the setback of the subject property is consistent with other homes on the street. The applicant's contractor had started work on the improvements without a permit, but a Stop Work Order has not yet been issued. Staff recommends approval of a variance of 2 feet from the minimum required front yard depth of 25 feet to allow the applicant to construct a 4-foot deep by 6-foot wide cover over the front stoop.

Elisa Vitale submitted the staff report and Exhibits 1-6 into the record. Commissioners accepted unanimously.

Robert Day asked if Exhibit 5b shows what the awning would look like?

S. Suzanne Mattingly, applicant, stated yes.

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

- 1) The property has an extraordinary situation in that the existing home features a front stoop that encroaches 2 feet in the required front yard setback. The stoop was covered by an aluminum awning that had deteriorated. The applicant is not able to replace the cover with similar dimensions 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 by not allowing her to replace an existing cover over the front stoop. The aluminum awning was in a state of disrepair, which presented a safety hazard, and would continue to degrade if the applicant was unable to construct a replacement. The applicant is not proposing to increase the front yard encroachment.
- 3) Granting the requested variance will not impair the intent and purpose of the applicable County General Plan or County Master Plan because reasonably sized covered front stoops are not inconsistent with other properties in the surrounding neighborhood and the setback of the subject property is consistent with other houses on 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. Robert Day seconded. Motion carried 6-0-0.

- VI. Update on Development Activity:** There was no update on Development Activity.
- VII. Other Business:** There was no other business.
- VIII. Adjourn:** There being no further business, the meeting was adjourned at 8:30 p.m.

Minutes prepared by Theresheia Williams