



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
October 2, 2014 – 7:30 P.M.
City Hall Council Chambers

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Mary Cook, Chair	_____x_____	_____
Clay Gump, Vice-Chair	_____	_____x_____
Lawrence Bleau	_____x_____	_____
James McFadden	_____x_____	_____
Rose Greene Colby	_____x_____	_____
Christopher Gill	_____	_____x_____

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 7:45 p.m.

II. Approval of Minutes:

Lawrence Bleau moved to accept the minutes of September 4, 2014. James McFadden seconded. The motion carried 4-0-0.

III. Amendments to Agenda: Item VI was moved up on the agenda to allow members to arrive for a quorum.

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

V. Public Hearing:

CPV-2014-07:	Variance to Build a Deck on a Corner Through Lot
<u>Appellant:</u>	Karl F. Huemmrich
<u>Location:</u>	4900 Indian Lane

Mary Cook explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The subject house was constructed in 1908, before zoning regulations were started. The applicant purchased the house in 1985. The property has an area of 7,364 square feet on 4 lots and is improved with a 2-story, frame structure, a 25-foot by 4.5-foot shed, a 4-foot high chain-link fence and a board-on-board fence that varies in height from 6 to 8 feet. The shed and fences were already in place when the house was purchased. A 14-foot by 33-foot and 6-foot by 14-foot addition was built in 2013.

The applicant proposes to build an open deck (porch) on a corner through lot. The proposed deck varies in length and width. It is 39 feet 1 inch long by 14 feet, 3 inches wide at its longest and widest point.

The applicant is requesting the following variances:

- 1) A variance of 2 feet from the minimum front yard setback of 16 feet for an open porch from Huron Street.
- 2) A variance of 6 feet from the minimum front yard setback of 16 feet for an open porch from the 49th Avenue right-of-way.
- 3) A variance of 13 feet to validate the existing front yard building setback from Indian Lane.
- 4) A variance of 17 feet to validate the existing front yard building setback from the 49th Avenue right-of-way.
- 5) A variance of 4 feet to validate the existing front yard building setback from Huron Street.

The property is an odd, non-rectangular shape. The southern property line along Indian Lane is 53.35 feet wide. The northern property line along Huron Street is 74.57 feet wide. The western property line along the 49th Avenue right-of-way is 82.09 feet long and the eastern property line is made up of two segments that are 58.42 feet long and 58.49 feet long for a total measurement of 116.51 feet.

The western boundary of the property is bounded by the unimproved 49th Avenue right-of-way (ROW). A private, asphalt driveway has been built on the ROW to serve the adjoining property. There is a retaining wall in the back of the house that varies in height from 1.5 feet to 2 feet and is located 4 to 10 feet from the house. The existing lot coverage is 21% and the proposed lot coverage with the deck is 26.25%, which meets the maximum permitted lot coverage of 30%.

Staff recommends that the variances for the proposed deck be approved along with the variances to validate existing conditions of the main structure with the condition that the open porch not be enclosed and/or under roof as specified in Section 27-442(c) (4) unless another variance is granted for such a request.

Miriam Bader submitted the staff report, Exhibits 1-13 and the PowerPoint presentation into the record. Commissioners accepted unanimously.

Lawrence Bleau asked what is the definition of an open porch?

Miriam Bader stated that an open porch has no roof or any type of enclosure.

Karl Huemmerich, applicant, testified that he purchased the house in 1985 and added an addition in the rear. He stated that he would like to add a deck to the rear addition to make it accessible and level with the rear yard.

Bill Gailes, 4902 Indian Lane, testified that he thinks it is a great plan and he supports the proposed deck. He stated that the property owner has made significant improvements to the property and this addition will be an improvement.

James McFadden asked if decks count as lot coverage if there is no roof?

Terry Schum stated no.

James McFadden asked what is the difference between a deck and a porch?

Miriam Bader stated that decks are not defined in the County Zoning Ordinance, it is considered a porch. The County considers a non-roofed deck as an open porch in terms of the Zoning Regulations.

Lawrence Bleau asked if the addition built in 2013 was built by the current owner?

Karl Huemmmrich stated yes.

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

- 2.1 The lot has an extraordinary condition in that it is bounded by three streets, one of which is unimproved (49th Avenue). The lot also has an exceptional shape with 5 sides. The lot has an exceptional topographic condition. It has rolling topography and a retaining wall constructed behind the house. The house is above grade along Indian Lane and the 49th Avenue right-of-way. The house was built in 1908, prior to the first Zoning Ordinance, which was enacted in 1928.
- 2.2 The site constraints are such that the strict application of the County Zoning Ordinance results in peculiar and unusual practical difficulties for the applicant as a 25-foot setback must be met on three sides of the house rather than the more typical one side. Decks are typically built in the rear yard but the subject lot has no legal rear yard. Moving the house so that it complies with the current zoning ordinance setback standards would be an undue hardship.
- 2.3 Granting the setback variances of 2 and 6 feet for an open deck will not substantially impair the intent, purpose and integrity of any applicable County General Plan or County Master Plan. It is common to have a deck in the rear yard, which practically, if not legally, is the condition of this application. The house predates the County General Plan and County Master Plan; however, single-family use at this location is consistent with the County General and Master Plan.

James McFadden moved to approve the variances because the request meets the criteria for granting the variances for the reasons stated above. Rose Colby seconded. Motion carried 4-0-0.

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

Knox Boxes –Toll Brothers finalized their purchase in August. The majority of the apartments have been vacated in preparation for demolition and site work. Rossburg Drive has been closed and Knox Road has been converted to two-way traffic. Construction should start on the project shortly.

Monument Village – The developer completed the purchase of the site and construction is expected to begin in September or October. The ground-breaking celebration will be held on Wednesday, October 8th. A mid-2016 opening is anticipated.

Metropolitan College Park– The revised plan received approval in December. Financing has gone through and the developers are in the process of applying for permits. Construction of the townhomes is expected to begin in late 2014 or early 2015.

Koons Ford Site – This development will contain a 157-room Courtyard Marriott, 23,615 SF of retail and a 275-space parking garage. The developer, Keane Enterprises, submitted plans for a grading permit and is nearing approval to begin work on the site.

The Hotel at the University of Maryland – The Detailed Site Plan is currently scheduled to be reviewed by the County Planning Board on December 18th and the City will weigh in on the plan in late November. The subdivision application was accepted by Park and Planning on October 2, 2014.

WMATA – After issuing a Joint Development Solicitation for the College Park – University of Maryland Station, there was one bid submitted by the close of the application window. The bid was submitted by Metropolitan Development Group.

VII. Other Business:

Mary Cook suggested that the Commission start attending the University of Maryland meetings to offer input as a group representing College Park residents.

Terry Schum informed the Commissioners that the City is currently in its 5th year of the 5-year Strategic Plan and the City Council just put out a bid for a consultant proposal to do the next 5-year plan. The Council hopes to award a contract by the end of October to start the process. This will give the APC the opportunity to weigh in as a group.

VIII. Adjourn: There being no further business, the meeting was adjourned at 8:45 p.m.

Minutes prepared by Theresheia Williams