



**CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION**  
**4500 KNOX ROAD COLLEGE PARK, MARYLAND 20740**  
**TELEPHONE: (240) 487-3538 • FACSIMILE: (301) 887-0558**

**ADVISORY PLANNING COMMISSION**

**Approved Minutes of Meeting**

**March 6, 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>  x  </u>	<u>      </u>
Lawrence Bleau	<u>  x  </u>	<u>      </u>
James McFadden	<u>      </u>	<u>  x  </u>
Rose Greene Colby	<u>  x  </u>	<u>      </u>
Christopher Gill	<u>  x  </u>	<u>      </u>

Also Present: Planning Staff- Theresheia Williams; Public Services Staff: Jeannie Ripley and Gilberto Cabrera; Attorney – Sue Ford.

**I. Call to Order:** Mary Cook called the meeting to order at 7:30 p.m.

**II. Approval of Minutes:**

Lawrence Bleau moved to accept the minutes of February 6, 2014. Christopher Gill seconded. The motion carried 5-0-0.

**III. Amendments to Agenda:** Lawrence Bleau moved to amend the agenda to receive an updated report from Public Services and Sam Bronstein on appeal #13-0798, 9026 Autoville Drive. Clay Gump seconded. Motion carried 5-0-0.

**13-0798: Update for Failure to Remove Litter on Property**

**Appellant: Sam Bronstein**

**Location: 9026 Autoville Drive**

Mary Cook explained the hearing procedures and placed witnesses under oath. She stated that this appeal was heard at the November 7, 2013 meeting and commissioners voted unanimously to extend the compliance deadline for 120 days.

Jeannie Ripley, Code Enforcement Supervisor, testified that a lot of the litter is gone from the property but there is still debris in the front of the house under a tarp and under the deck. Ms. Ripley submitted photographs that show the current condition of the property. The photos were entered into the record as Exhibits 1a-1h.

Sam Bronstein, appellant, testified that he was waiting for the weather to clear up so that he could start moving the debris. He stated that he has already made 4 trips and transported 8 tons of material to his new home in Virginia. He stated that when the weather permits, the debris left will be loaded onto his trailer and delivered to his new home.

Lawrence Bleau moved to grant the appellant another extension for appeal 13-0798 until the April 3, 2014 meeting. Clay Gump seconded. Motion carried 4-1-0, with Christopher Gill voting Nay.

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

V. **Public Hearings:**

**14-0048: Appeal for Failure to Secure City and County building permits for a carport/shed (continued from 2/6/14)**

**Appellant: Sam Bronstein**

**Location: 9026 Autoville Drive**

Mary Cook explained the hearing procedures and placed witnesses under oath and stated that this hearing is continued from February 6, 2014, when Mr. Bronstein was unable to attend because of illness. Gilberto Cabrera summarized the staff report. The subject property is zoned R-55, single-family, detached residential and fronts on Autoville Drive. A violation notice was issued for construction of a carport with attached shed without County and City permits. A review of County satellite records indicate that the structure was erected more than 12 years ago. After further investigation and conversation with the property owner, it was determined that the cited structure was added to the property over 15 years ago. A letter of appeal dated, January 10, 2014, was received by the Department of Public Services within the required timeframe. Department of Public Services records show the County and City building permit history as follows:

- 1) January 1979 County and City permits for carport attached to home.
- 2) April 1979 County and City permits for 11-by-11 foot shed located in rear right corner.
- 3) March 1980 County and City permits for a 6' fence in rear yard.
- 4) May 1984 County and City permits for rear addition to support solar panels
- 5) March 1988 County and City permits for replacement of shed in rear yard measuring 16-by-20 foot portable shed.

Christopher Gill asked if there was a copy of the permit obtained in 1979 for the carport?

Jeannie Ripley stated the permit issued in 1979 was for an attached carport on the opposite side of the house, not the one cited in this violation.

Sam Bronstein, appellant, stated that his front door is 130 feet from the front property line, and all the other homes are 50 feet. He stated that this leaves him a less than favorable view from his front door. The shed and awning gives him some relief from looking at everyone's back door. He stated that most of his yard work is in the front yard and it makes sense to store the equipment, mowers, trimmers, blowers, etc near where it is needed. He stated that that he considers the structure a fixed awning/ pergola, not a carport. Mr. Bronstein submitted into evidence a packet of 14 pages, which includes correspondence to Public Services, pages from the Zoning Code, letters from adjoining neighbors, MRI results and a publication from Hillsdale College. The packet was accepted into the record as Exhibit 2.

Christopher Gill asked if there is a car parked in the carport now?

Sam Bronstein stated yes, temporarily until he moves it to his new home. He stated that he built the structure as an awning and the shed portion does not require a permit because it is less than 150 square feet, as stated in the Prince George's County Zoning Ordinance.

Christopher Gill asked if it was a separate structure?

Sam Bronstein stated that they are next to each other and have a common roof, but are two different areas.

Jeannie Ripley stated that the County requires a building permit for any additional shed. If you have one shed that is 150 square feet, you do not need a permit, but when you add another shed, you need a permit no matter what size.

Sue Ford asked what is the square footage of the second shed?

Sam Bronstein stated 150 square feet.

Sue Ford asked if that was the red shed or the shed attached to the carport?

Sam Bronstein stated that it is the shed attached to the carport. The red shed is in the back and is bigger than 150 square feet and has a permit.

Mary Cook asked when was the second shed built?

Sam Bronstein stated several years prior to 1999.

Mary Cook asked, why did he decide to build the second shed?

Sam Bronstein stated for garden tools and a visual shield.

Sue Ford asked if part of the structure that was built was supposed to be a carport?

Sam Bronstein stated that he considered it a pergola with a shed attached.

Sue Ford stated that it would be up to the commission to make a factual finding based upon the evidence whether or not it finds the structure, the portion with the car in it, to be a carport or pergola. As for the shed, if it requires a building permit, the commission does not have the authority to waive a building permit requirement.

Christopher Gill asked if it is the City's contention that since a car is parked there, it is by definition a carport, no matter what it may have been in the past?

Jeannie Ripley stated yes.

Mr. Bronstein referred to the language in the Building Officials and Code Administration (BOCA) Basic Building Code of 1978 to support his argument that he doesn't need a building permit for an awning.

Sue Ford stated that BOCA Building Code is not valid in the City anymore and that the current building code Section 87-2 of the College Park City Code states that “the Building Code is adopted by Prince George’s County, Maryland shall be the official Building Code of the City of College Park.”

Lawrence Bleau asked to have the language read from the Prince George’s County Code about structures on the property and when permits are required?

Jeannie Ripley stated that in the Prince George’s County Guide for Permits under Sheds it states, “Sheds are primarily used for secondary storage and as small workshops. They are closed off and protected from the elements and generally can be secured to prevent access. Residential use sheds with floor plans less than 150 square feet can be placed on timber skids but must be properly anchored to provide stability and reduce susceptibility to overturning. Only one per lot is allowed without a permit. Structures that exceed the above limitations will require a permanent foundation and a permit.”

Sue Ford read the Prince George’s County Code that defines buildings under Section 27107.01, and it states, “a structure having a roof and used for the shelter support or enclosure of person, animals or property, any part of a building is considered a separate building when: 1) It is entirely separated by all other parts by a wall extending from the lowest floor to the roof and 2) it has no door or other opening directly to other parts. Unless you have one of the two, it is considered all one structure.

Christopher Gill asked Mr. Bronstein if he applied for a permit when he started parking the car in the structure?

Sam Bronstein stated no, because it was already built.

Christopher Gill move to sustain the notice of violation of Section 87-3(A) of the City Code in case No. 14-0000048 and grant the appellant 10 business days from March 6, 2014 to apply for a building permit with Prince George’s County DER. Lawrence Bleau seconded. Motion carried 5-0-0.

**14-0067: Appeal for Failure to Secure City and County building permits for a deck in the rear of the property**

**Appellant: Sam Bronstein**  
**Location: 9026 Autoville Drive**

Mary Cook explained the hearing procedures and placed witnesses under oath. Jeannie Ripley, Code Enforcement Supervisor, summarized the staff report. The subject property is zoned R-55, single-family, detached residential and fronts on Autoville Drive. A violation notice was issued under case number 14-0067 for construction of a deck (rear of the property) without County and City permits on January 8, 2014. The lack of permits came to staff’s attention during a file review while preparing for previously appealed violations. Uncertain that the first warning notice dated January 8, 2014 was properly posted on the property, the Code Enforcement Officer reissued the violation notice warning on January 23, 2014 with a compliance date of February 3, 2014. Both violation warning notices were sent

to the appellant via regular U.S. Mail at the subject property. The appellant was given an additional ten working days to meet compliance. On February 20, 2014, the officer issued a Municipal Infraction Citation for non-compliance. A letter of appeal was not received by the Department of Public Services within the timeframe specified by the Code.

Christopher Gill asked what does it mean that a letter of appeal was not received within the timeframe specified by the Code?

Sue Ford stated that because there was some confusion and Mr. Bronstein sent in the appeal in a timely fashion but inadvertently forgot to put the letter in the envelope, a determination was made given procedural complexity to just go ahead and hear the appeal and give Mr. Bronstein the benefit of the doubt as if it had been properly submitted.

Jeannie Ripley testified that because of the fence around the property, they could not get a clear picture of the deck. From the back of the house, the deck comes all the way out to the fence, so it is about 40' in length and there is a solarium type structure on it. She stated that there is also a "cat walk" under the deck.

Sam Brosntein stated that the area under the deck is a storage area between the two buildings and the fence. He stated that the deck was built in the early 80's and he can't remember if he obtained a permit.

Christopher Gill asked what is the date on the site plan?

Jeannie Ripley stated that the date is hard to read. The site plan is the same one that is submitted every time Mr. Bronstein applies for a permit.

Lawrence Bleau asked if the legal issue is whether a permit is required for the deck?

Jeannie Ripley stated yes, because a permit is required for all decks, regardless of the size.

Christopher Gill move to sustain the notice of violation of Section 87-3(A) of the City Code in case No. 14-0000067 and grant the appellant 20 business days from March 6, 2014 to apply for a building permit with Prince George's County DER. Lawrence Bleau seconded. Motion carried 5-0-0.

**VI. Other Business:** There was no Other Business.

**VII. Adjourn:** There being no further business, the meeting was adjourned at 9:30 p.m.

Minutes prepared by Theresheia Williams