



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

**ADVISORY PLANNING COMMISSION**  
*Approved Minutes of Meeting*  
*June 7, 2018 – 7:30 P.M.*  
*City Hall – Council Chambers*

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Lawrence Bleau	_____x_____	_____
Santosh Chelliah	_____x_____	_____
Ben Flamm	_____x_____	_____
Christopher Gill, Chair	_____x_____	_____
James McFadden, Vice-Chair	_____x_____	_____
Stephanie Stullich	_____	_____x_____

Also Present: Planning Staff – Terry Schum, Miriam Bader and Theresheia Williams;  
 Interpreter – Betty Colonomos; Attorney – Susan Cook

**I. Call to Order:** Christopher Gill called the meeting to order at 7:40 p.m.

**II. Approval of Minutes:**

Lawrence Bleau moved to adopt the minutes of May 3, 2018. Santosh Chelliah seconded. Motion carried 5-0-0.

**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. CPV-2018-04** Variance to construct a driveway  
Applicant: Charles E. Bowie  
Location: 5021 Nantucket Road

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance of 1-foot by 28 feet to construct a driveway and apron at the location of an existing curb-cut. The house was built in 1948 and is rectangular with a width of 55 feet and a length of 100 feet. The property is improved with an 852 square foot, one-story brick house, shed, covered patio and a chain-link fence. A curb-cut exists on the east side of the house. According to the City Engineer, it appears the curb-cut was constructed by the developer at the time the house was built. Driveways encroaching in the front yard are common in the neighborhood. There is no permit parking on this street or in this neighborhood, so parking is very limited. The applicant is hearing impaired and being able to park on his property is beneficial for his safety.

Staff recommends approval of the requested variance. Miriam Bader submitted the staff report, Exhibits 1-9 and the PowerPoint presentation into the record.

Christopher Gill asked if the applicant would need approval from City Council for the apron?

Miriam Bader stated that approval from the City Council is only needed if the request is larger than the standard size apron.

Lawrence Bleau asked if the setback for the driveway requires a variance?

Miriam Bader stated no, because it is under the building code not zoning code.

Charles Bowie, applicant, testified through the interpreter, Betty Colonomos, that when he purchased the house, he did not plan to have a driveway. He planned to park on the street. As the years went by, the parking situation got worse and sometimes when he gets home at night, he has to park far away from his house.

Santosh Chelliah asked since the applicant is hearing impaired, is there any facility by the City to allow for a sign to be placed in front of the applicant's home to indicate that the space is for his use only?

Charles Bowie stated that he is not comfortable with that idea. He is not looking for sympathy or attention. He stated that a driveway would solve the problem.

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

- 1) An extraordinary condition exists. The original 1948 placement of the house, which occurred long before the driveway encroachment amendment to the Zoning Ordinance, results in there being no place on the property where the driveway can be located without encroaching in the front yard.
- 2) Denial of the variance will result in an unusual practical difficulty upon the property owner by preventing him from being able to park his vehicle on his property. On-street parking is limited, sometimes forcing the applicant to park far from his home. For his own personal safety, especially since he is hearing impaired, it is better for the applicant to park on his property.
- 3) Granting this variance would not substantially impair the intent, purpose and integrity of the County General Plan and County Master Plan. The encroachment is de minimis, at 1 foot, and many properties in the neighborhood have similar driveways with similar encroachments.

Ben Flamm moved to recommend approval of the variance because the request meets the criteria for granting the variance for the reasons stated above.

Lawrence Bleau seconded. Motion carried 5-0-0.

- VI. CEO-2018-01** Variance to erect a 4-foot high picket fence along a street  
**Applicant:** Thomas and Rachel Benz  
**Location:** 4608 Harvard Road

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicants are requesting a variance of 1 foot to erect a 4-foot high, picket fence along a street. The property is a squarish-shaped corner lot with street frontages on Guilford Road and Harvard Road. The property is 7,906 square feet and is improved with a 1.5-story, single-family brick house and attached garage with asphalt driveway. There is a 4-foot high picket fence along part of the rear property line. The City Fence Ordinance permits fences in the front yard but restricts them to a height of 3 feet. The applicants want to create a safe, grassy backyard area for their young child and dog. The proposed fence will incorporate openness. A 3-foot high fence is not high enough to adequately restrain the applicants' dog and growing child.

Staff recommends approval of a 1-foot fence height variance and validation of the setback variances. Miriam Bader submitted the staff report, Exhibits 1-7 and the PowerPoint presentation into the record.

James McFadden asked what type of historic district is the property located in?

Miriam Bader stated that the property is located in a National Register Historic District but is not regulated by locally-adopted design guidelines.

Rachel Benz, applicant, testified that they moved in one month ago. She would like to install a fence to keep her child and dog safe while playing in the yard. She stated that there is a park across the street from her home, and her son has tried on several occasions to cross the street to the park. Also, her dog can jump a 3-foot fence with no problem. She stated that the fence will not come all the way to the street and it will be only 4-feet high.

Santosh Chelliah asked what is the height of the neighbor's picket fence?

Rachel Benz stated that she didn't know, but it is probably over 3 feet.

James McFadden asked if the proposed fence will run to the end corner of the of the board-on-board privacy fence?

Rachel Benz stated yes, and her neighbor has no problem with the fence adjoining his fence.

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

- 1) An extraordinary condition exists in that the original 1940 siting of the house creates a large front yard and very small rear yard. The rear yard height restrictions allow a taller fence, but the rear yard is not of sufficient size to meet the family's needs.

- 2) Denial will result in an unusual practical difficulty, because the applicants need an extra foot in height (4 feet) to adequately contain their child and dog and to allow a fenced yard of a reasonable size.
- 3) The proposed 4-foot high white picket fence is compatible with the character of the neighborhood and will therefore not impair the intent, purpose or integrity of the Fence Ordinance.
- 4) The property is not located in a Historic District that is regulated by locally-adopted design guidelines.
- 5) The white picket fence incorporates openness.

James McFadden moved to recommend approval of the variance because the request meets the criteria for granting the variance for the reasons stated above. Santosh Chelliah seconded. Motion carried 5-0-0.

**VII. Update on Development Activity** Terry Schum reported on the following:

**Gilbane at College Park Metro** - The proposed site will be a mixed-use apartment complex with ground floor retail. The Detailed Site Plan will be filed soon.

**Public Storage Facility** – Located at the intersection of Rt. 1 and Hollywood Road. The proposed site will be a consolidated storage facility that would replace the 1,607 square foot building located at 9604 Baltimore Avenue. This will be coming forward as a subdivision and in July the Detailed Site Plan will be reviewed.

**City Hall** - The City became the owners of Shanghi Café and Subway properties as part of the land assembly for the redevelopment of the City Hall site. This will enable the City and the University to move forward with the plans. All interviews have been held for the design team: Architect, Civil Engineers, Environmental and Traffic. Contracts should be out within a month.

**Stone Industrial** - The developer, Finmarc, has acquired this site and is considering rezoning for a new townhouse development.

**VIII. Other Business:** There were no Other Business.

**XI. Adjourn:** There being no further business, the meeting was adjourned at 8:43 p.m.