



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

July 5, 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_____	_____
Llatetra Brown Esters	_____	_____x_____

Also Present: Planning Staff – Miriam Bader, Theresheia Williams and Kacy Rohn;
 Attorney – Susan Cook

I. Call to Order: Christopher Gill called the meeting to order at 7:35 p.m. Miriam Bader introduced the new Community Development Coordinator, Kacy Rohn.

II. Approval of Minutes:

Lawrence Bleau moved to adopt the minutes of June 7, 2018. Santosh Chelliah seconded. Motion carried 6-0-0.

III. Amendments to Agenda: Staff reported that variance application CPV-2018-06, 9808 53rd Avenue, was moved to the August 2, 2018 agenda.

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

V. CPV-2018-05 Variance to construct a rear addition
Applicant: Sheila M. Souder and Mike Robinson
Location: 5204 Palco Place

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicants are requesting a variance up to 5 feet from the minimum rear yard setback of 20 feet to construct a rear addition to the existing house. The property is odd-shaped with an area of 5,952 square feet. The front and side property lines are at 90-degree angles to one another, but the rear property line is at an acute and obtuse angle with the side property lines. The property is improved with a split-level frame house, shed, driveway, and the proposed 400 square foot addition. The proposed rear addition size of 20 feet by 20 feet is needed to utilize the existing floor plan of the first floor and to gain access into the existing kitchen floor plan and expand the kitchen area.

Staff recommends approval of the rear yard setback and lot coverage variance. Miriam Bader submitted the staff report, Exhibits 1-9 and the PowerPoint presentation into the record.

Mike Robinson, applicant, testified that they want to add the addition to install a second bathroom and to make the small kitchen more functional.

Christopher Gill asked what would be the impact if the addition was shortened a couple of feet?

Mike Robinson stated that the 20 feet span is necessary to expand the kitchen area and reducing it would become a major construction issue.

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

- 1) The property has an exceptional shape in that the rear lot line is at a unique angle. The rear yard setback will not be met for a relatively-small 7-foot by 7-foot triangular section of the addition due to this angle.
- 2) Denial of the variance will cause an undue hardship upon the property owner by preventing the construction of a reasonably sized addition (20 by 20), only a small portion of which does not meet the setback requirement.
- 3) Granting a lot coverage variance of 2 square feet or 0.02% is de minimis and a setback variance of 5-feet to allow an encroachment of 24.50 square feet will not substantially impair the intent, purpose and integrity of any applicable plans specifically, granting these variances will not impair the intent of providing a reasonably sized rear yard and adequate separation to the adjoining property in the rear.

Lawrence Bleau moved to recommend approval of the variance because the request meets the criteria for granting the variance for the reasons stated above. Ben Flamm seconded. Motion carried 6-0-0.

VI. CPV-2018-07 Variance to construct a double-wide driveway
Applicant: Victor and Maira Flores
Location: 5008 Lackawanna Street

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicants are requesting a variance not to exceed 19 x 20 feet of parking area in the front of the dwelling to construct a double-wide driveway and standard curb-cut. They are also requesting a determination by the Advisory Planning Commission on the dimensions, placement and materials for a retaining wall. The property is rectangular with a width of 50 feet and a length of 110 feet for a total square footage of 5,500 square feet. Side yards are narrow at 7.40 feet and 7.56 feet wide

respectively. The house was constructed in 1950. There is an uncovered patio along the left side of the house that is 7.5-feet wide by 20-feet long. There is a picket fence in front of the house that will be partially removed to accommodate the driveway. Due to the hilly topography of the lot and existing sidewalk and steps, a retaining wall is necessary. The property does not currently have any driveway or curb-cut. The retaining wall will be constructed of concrete masonry units (CMU). It will be about 4 feet 8 inches high and will cap off slightly above grade. A 3-foot high painted metal guardrail will be installed at the top of the wall as required by the County Code.

Staff recommends approval of the modification of the request from a 19-foot by 20-foot encroachment to a 6.5-foot by 20-foot encroachment. Staff also recommends approval of the retaining wall as necessary for the 10-foot by 20-foot driveway, to be constructed according to the submitted details. Miriam Bader submitted the staff report, Exhibits 1-7 and the PowerPoint presentation into the record.

Lawrence Bleau asked what is the definition of “CMU”?

Miriam Bader stated Concrete Masonry Unit (cinder block).

Lawrence Bleau asked what is the minimum width of a driveway?

Miriam Bader stated 10 feet.

Victor Flores, applicant, testified that he just recently opened a business and he owns two vans. One of the vans was parked on the street, and he kept getting tickets, so he moved it to another location. He stated that the driveway will be used to park the vans off-street and for the family vehicle. The retaining wall will be stone material. Also, because of the location of the metro station, there are a lot of vehicles parked on Lackawanna Street.

Christopher Gill asked what would be the impact if he were only approved for a single-wide driveway?

Victor Flores stated that a single-wide driveway would be worthless. They would not move forward with their plans. He stated that they would probably move and rent the property out. They would prefer the car in the driveway because vehicle break-ins happen a lot on their street. They don't feel safe when they walk to their vehicle with their children.

Stephanie Stulich asked if the safety of their children could be accomplished with a single-wide driveway?

Victor Flores stated yes, it could.

James McFadden asked if they will be installing a gate?

Victor Flores stated that it's not part of the plan, but he could install a gate.

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

- 1) An extraordinary condition exists due to the original 1950 placement of the house, well prior to the driveway encroachment amendment to the County Zoning Ordinance (2002), which creates two narrow side yards that cannot accommodate a compliant driveway without encroaching in front of the applicant's house.
- 2) The strict application of the County Zoning Ordinance will result in a peculiar and unusual practical difficulty to the applicants by preventing them from having any off-street parking spaces. Lackawanna Street is a heavily trafficked, fast moving street. The applicants want to park their vehicle on their Property due to concern over the safety of their three young children and protection of their vehicle.
- 3) Granting this variance to allow a double-wide driveway will substantially impair the intent, purpose and integrity of the County General Plan and County Master Plan. However, allowing a 10-foot wide driveway will permit unloading of the children and groceries and protection of one of the applicant's vehicles without significant impact to the neighborhood or applicable Plans.

Stephanie Stullich moved to recommend approval of the variance as outlined in the staff report for the reasons stated above. Lawrence Bleau seconded. Motion carried 4-2-0, with Christopher Gill and James McFadden voting nay.

VII. Update on Development Activity Miriam Bader reported on the following:

MOM's Organic Market – On Saturday, July 7th, MOM's reopened in the former REI location.

CAVA – Mediterranean restaurant opening downtown next to Jason's Deli.

JDA Baltimore - Located next to Townplace Suites will be before the Mayor and Council on July 10th with their Detailed Site Plan to permit a consolidated storage facility.

Chick-Fil-A – still interested in the same site. There was a Community Leader meeting and it was suggested that Chick-fil-a find another location. No application submitted yet.

VIII. Other Business: There was no Other Business.

XI. Adjourn: There being no further business, the meeting was adjourned at 9:02 p.m.