



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
4500 KNOX ROAD COLLEGE PARK, MARYLAND 20740
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ADVISORY PLANNING COMMISSION

Approved Minutes of Meeting

August 2, 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 – Terry Schum, Theresheia Williams; Public Services, Liza Llaneta; Attorney – Susan Cook

I. Call to Order: Christopher Gill called the meeting to order at 7:30 p.m.

II. Approval of Minutes:

James McFadden moved to adopt the minutes of July 5, 2018. Stephanie Stullich seconded. Motion carried 5-1-0, with Llatetra Brown Esters abstaining.

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-2018-06 Variance to widen and pave a driveway

Applicant: Karen Tang

Location: 9808 53rd Avenue

Christopher Gill explained the hearing procedures and placed witnesses under oath. Terry Schum summarized the staff report. The applicants are requesting a variance of 392 square feet of parking area in the front yard and a variance of 234 square feet from the maximum allowable lot coverage to widen and pave a doublewide driveway. The house was built in 1950 and is rectangular with a width of 50 feet and length of 110 feet. The property is improved with an 816 square foot, one-story brick house, shed and a chain-link perimeter fence. The applicant has paved a 21-foot by 28-foot driveway over what was a graveled parking pad without a permit or variance. The applicant stated that the County told her that no permit was needed to resurface the driveway. The City cited the property owner for constructing a driveway without a permit and without a variance. Despite having permit parking on this street, parking is limited.

Staff recommends approval of a modification of the request from a 14-foot by 28-foot encroachment to a 5-foot by 28-foot encroachment and denial of the lot coverage variance which represents a change to the recommendation in the written staff report.

Terry Schum submitted the staff report, exhibits 1-9 and the PowerPoint presentation into the record.

James McFadden asked if the 3.5-foot side yard setback can be waived or is it grandfathered in because of the existing single-wide driveway?

Terry Schum stated that it is established in the record that there was an existing driveway, so it can be addressed through the variance.

Karen Tang, applicant, testified that she purchased the property in 2004. She stated that when she purchased the property, the driveway appeared to be a two-car driveway. The gravel extended the full length of the driveway. She stated that in 2017 when she was renewing her rental license, she was told that the driveway needed to be resurfaced. She thought she could use any type of material to resurface the driveway. She said she called the County to see if she needed a permit to resurface the driveway, and they informed her that no permit was needed. She also asked the contractor and he stated no. She stated that over the years, the gravel has disappeared from the use of the driveway and mowing. Ms. Tang stated that the two-car driveway helps because there is a lot of parking on their street. She stated that some residents have 5 or more vehicles. Even though there is permit parking, people still park on their streets to access the metro.

Santosh Chelliah asked the applicant why didn't she contact the City about their requirements after speaking with the County?

Karen Tang stated that she thought if she didn't need a County permit, she didn't need one from the City.

Stephanie Stulich asked if the County restriction for having a parking area in front of the house includes gravel material?

Terry Schum stated yes because gravel is an approved material for a driveway. If it was previously existing, it would be grandfathered.

Llatetra Brown Esters asked if the asphalt driveway was extended beyond the vegetation?

Karen Tang stated that she only covered the area where the gravel was located.

Liza Llaneta, Code Enforcement Officer, testified that she spoke with CEO Gilbert Cabrera, who prepared the Property Inspection Report. He is no longer an employee of the City, but he told Liza that he just informed the applicant to clean up the weeds and debris from the area. He did not indicate that the area had to be resurfaced.

James McFadden asked why was a violation notice issued?

Lisa Llaneta stated that she issued a violation notice because the driveway was paved without a permit.

Terry Schum asked if the driveway would be considered a new driveway or resurface?

Lisa Llaneta stated that because it is a different material it would be considered a new driveway.

James McFadden asked if there is any record of the property being cited for parking in the yard?

Liza Llaneta stated that she did not research that.

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

- 1) The property has an extraordinary condition because the house was constructed in 1950 prior to the driveway encroachment amendment to the County Zoning Ordinance (2002) and cannot accommodate a standard driveway without encroaching in the front yard.
- 2) The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty by not allowing a single-wide driveway which is typical of the neighborhood.
- 3) Granting a modified variance to allow a single-wide driveway will not substantially impair the intent, purpose and integrity of the County General Plan and County Master Plan because most homes in this area have single-wide driveways with small encroachments.

Stephanie Stulich moved to recommend approval of variance CPV-2018-06 to allow a 3-foot by 28-foot encroachment for the reasons stated above. Ben Flamm seconded. Motion carried 5-1-0, with James McFadden voting nay.

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

JDA Baltimore - Located next to Townplace Suites. Planning Board hearing was on August 26th. The City Council voted to oppose, and the Planning Board approved. This case will go before the County Council sometime in September regarding the use issue.

- Bozzuto** – Developers will be meeting with the City Council at their August 8th worksession to talk about the terms related to their request for tax credits.
- VII. Other Business:** Terry Schum informed commissioners about the requirement for Planning Commission members to complete the Board of Appeals Education Course. This course is available at the Maryland Planning Commission Conference, MML and online.
- XI. Adjourn:** There being no further business, the meeting was adjourned at 9:02 p.m.

Minutes prepared by Theresheia Williams