



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
 September 6, 2018 – 7:30 P.M.
 City Hall – Council Chambers*

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Lawrence Bleau	<u> x </u>	<u> </u>
Santosh Chelliah	<u> x </u>	<u> </u>
Ben Flamm	<u> </u>	<u> x </u>
Christopher Gill, Chair	<u> x </u>	<u> </u>
James McFadden, Vice-Chair	<u> x </u>	<u> </u>
Stephanie Stullich	<u> x </u>	<u> </u>
Llatetra Brown Esters	<u> x </u>	<u> </u>

Also Present: Planning Staff – Terry Schum, Miriam Bader and Theresheia Williams;
 Attorney – Suellen Ferguson

I. Call to Order: Christopher Gill called the meeting to order at 7:35 p.m.

II. Approval of Minutes:

Stephanie Stullich moved to adopt the minutes of August 2, 2018. James McFadden seconded. Motion carried 6-0-0.

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-2018-08 Variance to expand a driveway from one-car to two-car
Applicant: Wanjing Hu
Location: 8719 36th Avenue

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting two variances: A variance of 365 square feet of parking area in the front yard and a variance up to 9% from the maximum allowable lot coverage of 30% to widen a driveway pad from a single-car to a two-car parking pad. The property is rectangle with a width of 40 feet and a length of 96.73 feet. The property is improved with a 912 square foot one-story frame house that was built in 1969, and a single-car driveway fronting 36th Avenue. The applicant purchased the house in 2004 and it is not listed as her personal residence. Driveways encroaching in the front yard and two-car width driveways are characteristic of the neighborhood. The property is located on the east side of the street where no parking is allowed, since it is designated as a Fire Lane. There is only limited parking available on the west side of the street. There is no permit parking on this street or in this neighborhood.

In 1998, the City of College Park was awarded a Small Cities Community Development Block Grant (CDBG) to fully fund street improvements on 36th Avenue including widening and installing curb and gutter. 36th Avenue is only 19-foot wide and has a 25-foot right-of-way.

Staff recommends approval of the requested variances to permit a parking area encroachment in the front yard of 230 square feet and a lot coverage variance of 9% or 365 square feet.

Miriam Bader submitted the staff report, exhibits 1-9 and the PowerPoint presentation into the record.

James McFadden asked if the new requirement for the 3.5 feet for the driveway impacts this variance?

Miriam Bader stated no because the driveway expansion does not impact the existing driveway set back.

Stephanie Stullich asked when were the other double-wide driveways installed, and did they go through the variance process or if they were installed before the County ordinance changed?

Miriam Bader stated that the curb-cuts were installed before 2001, which was before the encroachment ordinance. She stated that many double-wide aprons were installed at that time.

Stephanie Stullich asked how is neighborhood defined as referred to in the staff report?

Miriam Bader stated that she defines neighborhood as both sides of the block in that neighborhood.

Stephanie Stullich asked how long is 36th Avenue?

Miriam Bader stated around 3 blocks.

Christopher Gill asked the applicant if he currently resides at the residence?

Wanjing Hu, applicant, stated no, tenants are living there.

Lawrence Bleau asked what would be the hardship if the variance was denied?

Wanjing Hu stated that it would be very difficult for the tenants to find parking and it may be harder to rent the house.

Stephanie Stullich asked how long has he owned the house and how long has it been rented?

Wanjing Hu stated that he has owned the house since 2014 and it has been rented from 2014 to the present.

Stephanie Stullich asked how many cars do the tenants have?

Wanjing Hu stated 2 or more.

Llatetra Brown Esters asked how do the tenants handle the parking situation?

Wanjing Hu stated that for years, he only rented to students and they didn't have vehicles, they walked where ever they had to go. Now there is a family living there and when the driveway is full, they usually park on other streets or on the lawn. When they have visitors, it's hard to get everyone in the driveway.

Stephaine Stullich asked if it is a variance for lot coverage also?

Miriam Bader stated yes.

Stephanie Stullich asked the applicant if he ever lived in the house?

Wanjing Hu stated no.

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

- 1) The property has an exceptionally narrow width (40 foot) and small size (3,880 square feet) compared to other properties on the block. In addition, the narrow width of the street and a fire lane along the east side of the street significantly limit on-street parking.
- 2) The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty to the applicant by restricting the ability to park a second car off-site. Denial of the variance could result in more vehicles on the street which could impede access of emergency vehicles to the house.
- 3) Granting a modified variance to allow the driveway to be widened but not lengthened will not substantially impair the intent, purpose and integrity of the County General Plan and County Master Plan because most homes in this block have driveways that can accommodate two cars.

Stephanie Stullich moved to recommend approval of variance CPV-2018-08 for a variance to permit parking area encroachment in the front yard of 230 square feet (10 feet by 23 feet) and a lot coverage variance modified from 9% or 365 square feet to 5% and 230 square feet, to allow an increase in width of the driveway of 10 feet but denying any increase in length for the reasons stated above. Llatetra Brown Esters seconded. Motion carried 4-2-0, with James McFadden and Santosh Chelliah voting nay.

VI. CPV-2018-09 Variance to enclose a front porch
Applicant: Juan Blanco
Location: 9627 52nd Avenue

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting two variances: A variance from Section 27-442(e), Table IV, which prescribes a minimum front yard setback of 25 feet and a variance of 8 feet from the front yard setback of 25 feet to enclose a front porch which is already constructed without a permit. The property has an area of 6,250 square feet and is improved with a 1-story, framed house, two sheds, chain-link fence, side brick patio, concrete driveway, and enclosed front porch. The house was constructed in 1952. The house is set back 26 feet from the front property line. The porch roof extends 8 feet from the house into the front yard. Front porches with roofs are a common feature in the neighborhood. The applicant was cited for enclosing the front porch without obtaining a building permit. Current zoning regulations do not permit an open porch to be enclosed or under roof if it projects beyond the building line.

Staff recommends the 8-foot front yard setback variance to allow an enclosed front porch be approved.

Miriam Bader submitted the staff report, Exhibits 1-11 and the PowerPoint presentation into the record. She also submitted letters from adjoining property owners in favor of the variance, which were entered into the record as Exhibits 12a and 12b.

Llatetra Brown Esters asked if there are similar homes that have the same setback and roof enclosure?

Miriam Bader stated no. They have porches, but they are not enclosed.

James McFadden asked if the variance is 7-foot or 8 foot?

Miriam Bader stated that it is 7.5 feet, and just rounded to 8.

Stephanie Stulich asked why wasn't the owner present?

Miriam Bader stated that the agent is representing the owner.

Lawrence Bleau asked if there is any documentation from the property owner authorizing the agent to act on his behalf or was there oral communication?

Miriam Bader stated that she communicated with the owner through e-mail and he received all of the notices. He hired the agent, Mr. Ulate, to represent him in this hearing.

Timothy Ulate, agent for the applicant, showed commissioner an authorization that was signed by the owner indicating that the agent could represent him at the County level.

Christopher Gill moved to take a 5-minute recess to consult with counsel on the legality of whether the owner needs to be present or can an agent represent him at the hearing. The commissioners would also like to know the definition of enclosure.

The meeting was called back to order. Suellen Ferguson stated that a duly authorize representative can represent an individual, it doesn't have to be an attorney. She also stated that enclosure is not defined in the County Zoning Code, so you would defer to the regular meaning.

Terry Schum stated that she received an e-mail from an adjoining property owner, Mr. Edelman, who has no objection to the variance being granted, which was entered as Exhibit 12c. The authorization from the agent, Mr. Ulate, was entered into the record as Exhibit 13.

Lawrence Bleau asked if the applicant had not enclosed the porch, and just had the overhang, would that require a permit as well as a variance?

Miriam Bader stated no, a roof is allowed to go into the front yard setback, but when you enclose it then you have to meet the setback.

James McFadden asked if the owner was cited?

Miriam Bader stated yes.

Llatetra Brown Esters asked the applicant why the owner did not obtain a permit for the enclosure?

Timothy Ulate stated that since the applicant was not doing an addition, he thought he didn't need a permit since he completed the project himself. After the project was completed, he got a citation from the City.

James McFadden asked what was the purpose of the work?

Timothy Ulate stated that it is a mudroom. The front entrance is the main entrance to the house, and when it gets windy or rain heavy, the front door just opens up and let in the outside elements. The mud room is a transition from the outside to the inside. If you open the front door you step right into the living room. He stated that the enclosure looks attractive and nice.

Lawrence Bleau asked what would be the impact on the property owner if this request was denied?

Timothy Ulate stated that if it is denied, he would not be able to obtain a building permit.

Christopher Gill asked when did the setback requirement come into effect.

Terry Schum stated 1949.

Stephanie Stullich moved to continue the case until the October 4, 2018 meeting so the owner can be present to answer questions in reference to his application. Llatetra Brown Esters seconded. Motion carried 6-0-0

- VII. CPV-2018-10** Variance to construct a house, garage and driveway and Request for Reduced Application fee
- Applicant:** Robert Kidwell
- Location:** 4705, 4708, 4710 and 4712 Howard Lane

The applicant for this case is requesting a Financial Hardship Waiver to reduce the variance fees for the four properties under this application. The applicant is requesting that the fee be waived for three of the properties since each property is subject to major costs for engineering and storm drain construction for neighboring lots. They are trying to keep the cost affordable without passing on the cost to the purchaser.

Stephanie Stullich moved to approve the waiver request to allow the applicant to pay one application fee instead of four. Lawrence Bleau seconded. Motion carried 6-0-0.

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance up to 12% from the maximum allowable lot coverage of 30% to obtain variances in advance of the sale and construction of a house, detached garage and driveway on 4 lots. The properties are rectangular with a width of 55 feet and a length of 92.5 feet. The lots are currently undeveloped but proposed improvements on each lot include a two-story house with a 1,280 square foot footprint including a covered front porch, a 240 square foot optional, detached garage and a 600 square foot porous-paver driveway. The properties are in the Old Town College Park Historic District, which requires a Historic Area Work Permit prior to construction. The variance granted is for the maximum amount of lot coverage that would be needed.

The future property owners may develop the property with reduced lot coverage should they decide to build a smaller house or not build the detached garage. Howard Lane is a new road built within a 30-foot right-of-way. Due to this limited right-of-way, the road is one-way west and on-street parking is only permitted on the north side of the street.

Staff recommends approval of a variance up to 12% lot coverage to allow for a porch and/or driveway and/or garage for 4705, 4708, 4710 and 4712 Howard Lane.

Miriam Bader submitted the staff report, exhibits 1-8 and the PowerPoint presentation into the record.

Robert Kidwell, applicant, testified that this is the third time he has been through this process. He stated that the original intention was that they would apply individually for each lot and allow the prospective homeowner to custom design the house. He stated that the time to get through all the permitting process through the County is so long and requires so much effort that they decided to apply for the 4 remaining lots at once.

David Kacar, Architect, testified that the County is requiring all garages to be placed at the rear of the home with a long driveway. Underground stormwater management structures will be installed on all the remaining lots. He stated that the impact of these coverages will be no greater than what they are now. Mr. Kacar stated that the Historic Preservation prefers that the garage be located in the rear of the house. The stormwater management will be dictated by state guidelines. The water will be controlled on site and there will be some natural flow, but stormwater flow will not be increased off site due to the proposed developments.

Barbara and Lewis Zietz, 4707 Howard Lane, testified that their lot line is right behind the new property garage. They are concerned about the placement of the garage. Placing the garage at the rear of the property puts a lot of shade in their backyard.

Stephanie Stullich asked Mr. Zietz if he lived at the property?

Lewis Zietz, stated no, but his tenants may be concerned, or he may sell the property.

Kay Dunn, 7501 Rhode Island Avenue, testified that she has properties adjoining the existing house and is concerned about the water drainage issue. She stated that the new property is higher than hers, so the water flows down to her property and is sitting on her driveway, which may be dangerous in the winter when it freezes. She stated that Mr. Kidwell indicated that they would be building a retaining wall, but she is concerned that the water will go over the wall.

Joan Carol Poor and Robert Swanson, 4707 Howard Lane, testified that they live next to Kay Dunn. Ms. Poor is concerned about the lot at 4705 Howard Lane. She stated that they purposely put in permeable driveway and walkways in the front and sides to control any run-off. She stated that the assumption that all 4 lots are the same is erroneous, the topography is different. Mr. Swanson stated that there was a fence around the back of their yard and water from 4705 Howard Lane came under the fence and killed the sod.

Lisa Miller, 11605 Twining Lane, Rockville, MD, testified that she owns the home at 4711 Norwich Road and she loves College Park. She stated that she is concerned about the drainage, it has always been an issue. She stated that in the past, there was a lot of land to absorb the extra water. If the garage is placed further back she is really concerned about how additional water will affect her property. She stated that she supports the Howard Lane development but wished there could be a compromise to move the garage slightly forward to allow for a little more ground behind the house.

Christopher Gill asked if the plans are different for what has already been done on the lots that are already under construction?

David Kacar stated that 4707 Howard Lane is different in that they required a development that went over 5000 square feet to be subject to the new stormwater regulations. The state is requiring all the remaining lots to be under the new guidelines of State Stormwater Management regulations. Anything over 5,000 square feet has to comply with all of these state regulations to control water in a more precise way.

Robert Kidwell stated that the garages on the newly constructed homes have been moved forward slightly so that there is room to install the stormwater piping behind them between the property line and garage. Stormwater regulations are very detailed, all of the downspouts will direct water into drywells. The engineering is detailed, surveyors have been on the properties collecting data on where water would flow. The County will not allow us to do anything until we show them that all the stormwater is managed.

Stephanie Stullich asked if the lot at 4706 Howard Lane needs a variance also?

Miriam Bader stated no, it's a larger lot, no variance is needed.

Kay Dunn asked after the homes are purchased and the stormwater process still doesn't work, who will be responsible?

Robert Kidwell stated that the County requires the homeowners to sign a covenant saying that they will maintain it. Any enforcement will be handled through the County.

James McFadden asked if the new County Ordinance addresses the permeable driveway issue?

Terry Schum stated that she has seen the draft of the new proposed Zoning Ordinance and it does not change the lot coverage requirement regarding the pavement type.

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

- 1) There is an extraordinary situation associated with the property because constructing a new home with features such as porches and detached garages to comply with the Old Town College Park Historic District Guidelines results in increased lot coverage. On-street parking is limited to only one side of the street, increasing the need for off-street parking.
- 2) The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty to the applicant by inhibiting the ability to follow the recommendations of the Historic District Guidelines and provide features that are attractive to owner occupants.
- 3) Granting the lot coverage variances will strengthen the intent, purpose and integrity of the Old Town College Park Historic District Guidelines by facilitating compliance with the guidelines and the City's goal of increasing homeownership in the Old Town neighborhood. In addition, current stormwater management regulations will be complied with.

Lawrence Bleau moved to recommend approval of variance CPV-2018-10, 4705 Howard Lane for the reasons stated above. Llatetra Brown-Esters seconded. Motion carried 6-0-0.

Lawrence Bleau moved to recommend approval of variance CPV-2018-10, 4708 Howard Lane for the reasons stated above. Stephanie Stullich seconded. Motion carried 6-0-0.

Lawrence Bleau moved to recommend approval of variance CPV-2018-10, 4710 Howard Lane for the reasons stated above. Stephanie Stullich seconded. Motion carried 6-0-0.

Lawrence Bleau moved to recommend approval of variance CPV-2018-10, 4712 Howard Lane for the reasons stated above. Santosh Chelliah seconded. Motion carried 6-0-0.

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

College Park Elementary School – The City of College Park is ground leasing the property to the University of Maryland to create a daycare. They submitted 50% design plans to the City Council at their meeting Tuesday night. At the council meeting, it was determined that the plans should also be presented to the community, specifically the Calvert Hills Civic Association and Old Town Civic Association. There is a meeting tentatively scheduled for September 26th at City Hall. Terry had a copy of the plans that were presented at the City Council meeting on Tuesday for commissioners to see. There will be an opportunity for public comment and then it will come back to the City Council for review and approval prior to construction.

City Hall Redevelopment – There will be a couple of town hall style meetings set up to inform the community and engage input about the process, and to meet the design team. The tentative date for the first meeting is Thursday, September 27th. There will be another meeting in November when there is a preliminary design concept to present.

IX. Other Business: There was no other business

XI. Adjourn: There being no further business, the meeting was adjourned at 10:23 p.m.