

CITY OF COLLEGE PARK
MARYLAND

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CITY COUNCIL

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REGULAR MAYOR AND COUNCIL MEETING:
ORAL ARGUMENT IN CASE CPV-2019-04,
CHARLOTTE HU, 5105 Iroquois Street

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TUESDAY
JULY 9, 2019

+ + + + +

The City of College Park Council
convened a Regular Mayor and Council Meeting in
Council Chambers, City Hall, 4500 Knox Road,
College Park, Maryland, pursuant to notice at
7:30 p.m., Patrick L. Wojahn, Mayor, presiding.

CITY COUNCIL MEMBERS PRESENT:

PATRICK L. WOJAHN, Mayor
P.J. BRENNAN, Member
ROBERT W. DAY, Member
MONROE DENNIS, Mayor Pro Temp
FAZLUL KABIR, Member
KATE KENNEDY, Member
DUSTYN BURKART KUJAWA, Member

JOHN RIGG, Member

STAFF PRESENT:

YVETTE T. ALLEN, Assistant City Clerk

BILL GARDINER, Assistant City Manager

MIRIAM BADER, Senior Planner

SUELLEN M. FERGUSON, City Attorney

P-R-O-C-E-E-D-I-N-G-S

(8:42 p.m.)

1
2
3 MAYOR WOJHAN: So, with that we'll
4 move to the second number two oral arguments and
5 that is in CPV-2019-04 relating to 5105 Iroquois
6 Street.

7 Ms. Ferguson, do you want to go over
8 the procedure or again, or can we just proceed to
9 the?

10 MS. FERGUSON: Unless there's a
11 specific question, I think that the procedure
12 will be the same.

13 MAYOR WOJHAN: Okay.

14 MS. FERGUSON: Yes.

15 MAYOR WOJHAN: All right, Ms. Bader.

16 MS. BADER: On May 2, 2019 the
17 Advisory Planning Commission conducted a hearing
18 and recommended approval of a variance to
19 validate an existing driveway partially in the
20 front yard of a dwelling and denial of a variance
21 to widen a driveway to serve two cars side by
22 side.

1 Tonight there is an appeal by the
2 property owner concerning the recommendation of
3 denial to further widen the driveway.

4 The property is located in the Daniels
5 Park Subdivision. The property outlined in red,
6 and the immediate neighborhood are zoned R55
7 single family residential.

8 The purpose of the request is to widen
9 a driveway and validate an existing front yard
10 encroachment of three feet from the existing
11 driveway.

12 The zoning ordinance provides that no
13 parking area other than a driveway no wider than
14 its associated garage may be built in the front
15 yard of a dwelling.

16 This map shows the impervious surface
17 for the property and the adjoining properties.
18 Looking at the closest 28 properties, all have
19 driveways. Twenty-two are single width, six are
20 double width. Two have a sheer driveway and four
21 encroach in front of the house.

22 This is looking at the site plan. The

1 property located at 5105 Iroquois is rectangular
2 with an average width of 50 feet and an average
3 length of 152 feet, for a total square footage of
4 7,575 square feet.

5 The western side yard has a width of
6 nine feet and the eastern side yard has a width
7 of eight feet that complies with the ordinance.

8 The property is improved with a one-
9 story frame house, a 150 square foot shed, a 100
10 foot square foot covered play area, and a 370
11 square foot driveway. The house was built in
12 1949.

13 The driveway encroachment amendment to
14 the zoning ordinance was not adopted until 2002.

15 The current owner purchased the house
16 of February this year, February 21, 2019. The
17 red crossed-hatched area shows where the
18 Applicant would like to drive -- to widen the
19 driveway right here, and then this one just shows
20 the sidewalk.

21 I've enlarged this just to make it
22 easier to understand. The existing driveway is

1 shown in blue over here, and ranges in width from
2 nine feet to 11 feet. So, it's nine feet when it
3 gets close to the house, right along the house,
4 and then it's 11 feet here.

5 The existing three foot encroachment
6 is shown in red, so that's this area here, that's
7 where the existing encroachment is, and the
8 proposed nine foot widening is shown in green.

9 If the variance is granted, the
10 Applicant would like to widen the driveway apron
11 to accommodate the widened driveway, so that
12 would be down here.

13 The Applicant has also applied for a
14 City fence permit for permission to erect a three
15 foot high picket fence to separate the driveway
16 area from the adjacent area. So, where the fence
17 is is shown in red here. The proposal.

18 This photograph was taken in 2012. It
19 shows a single width driveway with grass and
20 landscaping in the front yard. So, this is the
21 house, this is the drive. I mean, this is sort
22 of warped but that's just the way Google has it,

1 so.

2 By 2014 this photograph shows the
3 front yard covered with concrete pavers, and that
4 was done by a private owner, I'm sorry, a prior
5 owner.

6 No building permit was obtained for
7 parking in the front yard. It's not needed to be
8 obtained unless you park on it. So, you can have
9 a front patio. There was not a curb cut here.

10 After purchasing the property in
11 February 2019, the Applicant installed curb ramps
12 in the public right of way between the curb and
13 the street to facilitate access to the portion of
14 the front yard that had pavers to allow vehicle
15 parking.

16 So, at that point when you had the
17 access, then all of a sudden you have a lot
18 coverage area because cars can go on it and then
19 by the zoning ordinance definition, it counts
20 against lot coverage.

21 The Applicant did not obtain a permit
22 from the City Engineer for the ramps and was

1 cited by Code Enforcement. The ramps have since
2 been removed. This is just some more pictures of
3 the unauthorized curb ramps.

4 Here's the picture of the subject
5 property after the curb ramps were removed. So,
6 today, they have been removed.

7 The Applicant submitted this photo
8 showing the pavers removed on April 29 and
9 submitted this after the staff mail out for the
10 May 2 APC meeting.

11 The APC recommended by a five to one
12 vote validation of the existing three foot
13 driveway encroachment for the existing 11 foot
14 wide driveway and denial of any additional
15 encroachment with the following conditions:
16 within 45 days from Mayor Council approval of
17 this variance, the Applicant must reduce the
18 width of the walkway located along the front of
19 the house, which is adjoining and perpendicular
20 to the original driveway, to a maximum width of
21 five feet, or install a barrier between the
22 walkway and the driveway.

1 The Applicant has already complied
2 with this condition.

3 The APC recommendation was based on
4 the previously mentioned facts, the following
5 additional key findings and the following
6 conclusions of law.

7 Some of the additional key findings
8 that I haven't already mentioned is that the
9 street has not implemented permit parking, so
10 there's no permit parking on that street.

11 Another key finding is or key fact is
12 the standard width of a driveway is 10 feet wide
13 and the Applicant has testified before the APC
14 that most of the front yard pavers have been
15 removed.

16 The street is heavily parked. She has
17 three cars and finally, she stated that it is
18 very inconvenient and unsafe for her to park on
19 the street with an elderly mother-in-law and a
20 young child.

21 Regarding the three conclusions of
22 law, the APC determined that one, the property

1 has an extraordinary condition that the house was
2 constructed in 1949, which was long before the
3 driveway encroachment amendment to the County
4 Zoning Ordinance in 2002.

5 The placement of the house creates two
6 narrow side yards of eight feet and nine feet,
7 that cannot accommodate a compliant driveway
8 without encroaching into the front yard.

9 However, this condition does not
10 justify the requested widening of the driveway
11 beyond the existing driveway.

12 So, APC approved it for that 11 foot
13 width, that's for the existing driveway, and not
14 to widen it further.

15 The second conclusion concerns the
16 strict application of the county zoning ordinance
17 to require the removal of the original driveway
18 would result in an undue hardship upon the
19 Applicant.

20 However, denying widening of the
21 driveway from its current 11 foot width will not
22 create an undue hardship since street parking is

1 available and the existing 36 foot driveway is
2 long enough to accommodate the parking of two
3 cars, one behind the other.

4 And finally, the third conclusion of
5 law was granted. The expanded driveway variance
6 will substantially impair the intent, purpose and
7 integrity of the County general plan and County
8 master plan because most of the homes in area
9 have single width driveways that do not encroach
10 in front of the home.

11 This concludes the review of the case.

12 MAYOR WOJHAN: Thank you, Ms. Bader.

13 Are there any questions from staff?

14 (No response.)

15 MAYOR WOJHAN: See none. I'll invite
16 Ms. Hu to present her testimony.

17 And as they deal with Mr. Sears, just
18 one of the rules we have to follow is that we are
19 sticking to the record of the case on this
20 appeal. So, as you do not bring any facts into
21 under consideration that are not currently part
22 of the record.

1 So, nothing new that you didn't
2 already talk about at the, for the Advisory
3 Planning Commission.

4 With that, you may proceed.

5 MS. HU: Good evening Mr. Mayor,
6 Council, employees and ladies and gentlemen.

7 My name is Charlotte Hu. For the
8 record, I have been a resident of City Park for a
9 few months as you probably already heard since I
10 just bought the house.

11 My welcome aboard to my housewarming
12 welcome from the City of College Park was three
13 citations. One for the ramps that you just saw,
14 one cease and desist construction notice for the
15 pavers that were obviously constructed nearly a
16 decade before I bought the house, and the other
17 one was for parking on the hard scape in front of
18 my house which, who knew, was actually illegal in
19 the City of College Park.

20 So, I feel a little bit enthusiastic
21 tonight because my first meeting in this room, I
22 had the impression that people didn't really care

1 about human life.

2 I was arguing for the safety of my
3 three year old daughter, and no one seemed to
4 care, and that really concerned me.

5 I also left that meeting with the
6 impression that no one here understood the
7 environment that we're living in.

8 But, as I see other presentations this
9 evening, I see that you understand very clearly
10 what these streets are like.

11 The streets in front of my house are
12 packed bumper to bumper with cars on both sides.
13 We already had a discussion about another street
14 where they're asking for some calming zones, and
15 they mentioned that that street was 20 feet wide.

16 I measured my street recently, 26
17 feet. I don't know if that's new evidence, but I
18 would hope the City Planners already know what
19 the widths of the streets are.

20 So, just doing a little logic here, if
21 you have 20 something feet to work with, and I
22 had to measure a car just to see what the rough

1 width is. The width of the car that I measured,
2 a relatively small SUV, six feet.

3 So, you take six feet out on either
4 side, you have 14 feet remaining in the middle.
5 That's not a two-lane road.

6 This is a single lane road where
7 traffic's going both ways and there's no
8 sidewalk, which means not only are the cars going
9 both ways, people jogging, people walking, people
10 pushing baby strollers, kids on bikes, kids on
11 scooters.

12 And, because this intense parking,
13 every intersection is a blind intersection.
14 Every driveway is a hidden drive. I'm just
15 shocked how people don't already understand that
16 this is a physical safety dangerous environment
17 and the thing that we've got to do is get the
18 cars out of the street.

19 Obviously, this last weekend was the
20 Fourth of July. Lots of people had family and
21 friends over and they need overflow parking.

22 Every other state in the United States

1 has street parking. One of the city employees
2 told me that the City of College Park is a street
3 parking city. I'm not sure what that means, but
4 I can assure you 25 states I've been to in
5 assignments and temporary duty and training and
6 all that jazz with the government. Every state -
7 -

8 MAYOR WOJHAN: Ms. Hu --

9 MS. HU: --- has street parking.

10 MAYOR WOJHAN: -- I think we're going
11 beyond the scope of the record here, so I'd ask
12 you to stick to that.

13 MS. HU: So, physical safety requires
14 clear roads and the roads are not clear because
15 they're full with parked cars.

16 And there's no place for overflow
17 parking because the first designated parking is
18 in front of the house.

19 So, if we already have designated
20 parking in front of the house, where can people
21 go? If I have a birthday party for my daughter
22 and I want a handful of people to visit my house,

1 where are they going to park? I'm already
2 parking in front of my house.

3 My neighbors are already parking in
4 front of their house. We're already parked
5 bumper to bumper. Are they going to park at the
6 Greenbelt Metro and walk a couple miles to my
7 house?

8 It's really insane the parking
9 environment that we're living in, and it's not
10 unique to Iroquois Street.

11 I see it. I go walking around the
12 neighborhood. I see it everywhere I am. I'm at
13 a loss for how we got to the point that we even
14 have to have a conversation about this.

15 Why isn't every house have two car
16 wide driveway? Why do we even have this, this
17 law? How did this law get written and why, two
18 decades later, why are we still enforcing it?

19 It's just beyond my comprehension.
20 I've asked many times why do we have this law,
21 and I'm given explanations that just don't, they
22 don't pass the test of reason.

1 Why are we all here tonight? Why are
2 we even having this conversation? Why do we even
3 need a variance for two car driveway parking in
4 front of the house, which is standard across the
5 United States? And why isn't human life the
6 number one priority of a government?

7 The policy clearly creates an unsafe
8 situation. Am I the only one that sees that?
9 So, why are we still endorsing this policy that's
10 destructive to our neighborhoods?

11 MAYOR WOJHAN: So, are you done?

12 (No response.)

13 MAYOR WOJHAN: The one thing I'll just
14 state at the out start is that we, as a council,
15 do not pass these rules. We are here to enforce
16 them and apply them.

17 So, there are a series of things that
18 an applicant needs to show in order to obtain a
19 variance. What our role is is as a body tonight,
20 is based not eh facts that are on the record to
21 determine whether or not those, those particular
22 conditions apply and allow for the, for a

1 variance to be granted.

2 You can dispute all you want to with
3 the rule, but that is a rule that we are charged
4 with applying. It was a rule that was set by the
5 county council at some point, so we can't change
6 that rule tonight. The only thing that we can do
7 is apply it.

8 So, with that I'll take any questions
9 for the Applicant.

10 Ms. Kennedy?

11 MS. KENNEDY: Thank you for coming
12 out. Welcome to College Park, welcome to
13 District 1, welcome to Daniels Park.

14 I can empathize with this being the
15 welcome to the City and I hope that, hope you get
16 to enjoy more than just this as your experience
17 here. So, I hope that I empathize with that.

18 I just wanted to clarify because I
19 think I remember and then but it's you're looking
20 to park two cars in front of each other. You're
21 trying to do --

22 MS. HU: Two cars side by side.

1 MS. KENNEDY: Side by side. Is it
2 possible to park them in front, like, one in
3 front of the other?

4 MS. HU: We already have two cars
5 parked one in front of the other.

6 MS. KENNEDY: So, you're trying to get
7 three cars into your driveway?

8 MS. HU: Yes.

9 MS. KENNEDY: Three cars. And so the,
10 what the APC has approved is the two, is that
11 configuration that you just showed, right, Ms.
12 Bader?

13 MS. BADER: The existing driveway can
14 stand is the decision from the APC.

15
16 MS. KENNEDY: Is that they, you'd be
17 able to park two cars, one in front of the other,
18 but not a third car.

19 (Off-microphone comments.)

20 MS. KENNEDY: Right, so then you can
21 fit two cars in front of each other, but not a
22 third car.

1 MS. BADER: Now, the driveway is here,
2 okay, so she can park one car behind the other.

3 MS. KENNEDY: And, she's looking to
4 park, yeah, two.

5 MS. BADER: she would like it side by
6 side.

7 MS. KENNEDY: Or a third car.

8 MS. BADER: Or a third car. It could
9 be a third car, or just more convenient to, you
10 know, instead of like, this car wants to get out
11 and then there's a car here, and then this car
12 has to go out and then. So, it would be more
13 convenient to put the two cars next to each
14 other.

15 MS. KENNEDY: And is it, Ms. Hu, is it
16 to -- just to clarify, is it to park a third car
17 or is it to park side by side?

18 MS. HU: We want to park a third car,
19 but yes, we would park cars side by side. We'd
20 still have the cars parked one in front of the
21 other, and then we'd have another car parked to
22 the left side.

1 MS. KENNEDY: So, have you considered,
2 I know it's not necessarily as convenient. You
3 can, I didn't know this when I first got here,
4 you can actually park at the end of your
5 driveway, so if you wanted to park three cars,
6 you could park one, two, front to back, and then
7 a third not blocking the parallel parking not the
8 street in front of your driveway, which people
9 don't typically right?

10 I believe that that's correct.

11 MR. RYAN: That's correct.

12 MS. KENNEDY: We talked about that, so
13 you could.

14 MS. HU: I told my husband not to do
15 that. I told him he'd get a ticket.

16 MS. KENNEDY: You wouldn't get a
17 ticket. You can do that, just so you know for
18 your future reference. We have Mr. Ryan here.
19 No one will ticket you. They only ticket
20 actively if someone calls and complains, if, no
21 the owner of the house calls and complains I
22 believe is what it is.

1 So, yeah, I've recommended that to
2 those in the neighborhood but you're the owner so
3 you're not going to call and complain unless it's
4 somebody else.

5 But you can, that's an option for you.
6 I just wanted to make sure you knew that.

7 MS. HU: It does create a traffic flow
8 problem because that's where you normally pull in
9 so that the other person coming can pass you, is
10 in front of someone else's driveway.

11 Because we have two cars, we have two
12 lanes going different directions in a one-lane
13 area, so the area you normally pull into is
14 someone's driveway, parallel parked in front of
15 their driveway, while the other car goes by. So,
16 if that were blocked also, it would --

17 MS. KENNEDY: And, I live on a street
18 too, that has single. I get that, but that's a
19 lot of our neighborhood and a lot of it is it's
20 single passage and I, I get like, it's five cars
21 in front of me where it's we're doing that you
22 go? No, I'm going? You go? So, that happens

1 quite a bit in this neighborhood, I get that.
2 So, yeah. But at least it gives them -- it's
3 their problem and not your problem, I guess is
4 one benefit, or one thing. So, thank you.

5 MS. HU: But thank you.

6 MS. KENNEDY: Yeah.

7 MS. HU: I didn't know that we could
8 park in front of our own driveway.

9 MS. KENNEDY: Parking in driveways.

10 MS. HU: I thought we would get
11 ticketed.

12 MS. KENNEDY: Yeah.

13 MAYOR WOJHAN: Any further questions
14 for the Applicant?

15 Okay, seeing none. Thank you very
16 much.

17 And then we'll go to discussion, and --

18 MS. KENNEDY: I can take it. I mean,
19 as I said earlier, I tend to, I've been on the
20 APC before. I tend to agree with them, and I
21 think that I will in this case, I know that I
22 will in this case tonight as well. I appreciate

1 you coming out and I look forward to your
2 presentation about, you know, after this about
3 parking.

4 What the APC does is it's a strict, or
5 not strict, but they look at the criteria that
6 have to be met, and I know that they do a lot of
7 diligence looking at that and figuring out what
8 criteria is met and what isn't.

9 So, I know that they've done that here
10 tonight and like I said, I appreciate you coming
11 out. I wish it was, you know, a different
12 outcome or I don't know what the outcome will be,
13 but I wish I, you know.

14 Anyway, I will be supporting the APC
15 again tonight just so you know what they
16 completed. It's my rambly sentence.

17 But, I can also bring it to motion
18 unless there's something else.

19 MAYOR WOJHAN: Well, anybody else has
20 any comments or questions before we go to a
21 motion?

22 MS. KENNEDY: I motion to uphold the

1 APC decision.

2 MALE: Approve.

3 MS. KENNEDY: Approve the APC
4 decision.

5 MAYOR WOJHAN: Okay, now we have a
6 motion. Is there a second?

7 DR. KABIR: Second.

8 MAYOR WOJHAN: Seconded by Dr. Kabir.
9 Further comment, Ms. Kennedy?

10 MS. KENNEDY: Like I said, yeah, I'm
11 good with it.

12 MAYOR WOJHAN: All right. Further
13 discussion?

14 MR. RIGG: I would only say I think
15 this points again to a need to think
16 comprehensively about parking in our city.

17 MAYOR WOJHAN: Fair enough. Thank
18 you, Mr. Rigg.

19 Any further discussion?

20 Seeing none. I'll call the question.

21 All those in favor say aye.

22 (Chorus of ayes.)

1 MAYOR WOJHAN: Opposed?

2 Extensions?

3 The motion carriers.

4 Thank you, Ms. Hu, and staff will work
5 with you on the next steps. And Ms. Bader, do
6 you have something more?

7 Ms. BADER: No it's just the public --

8 MAYOR WOJHAN: Yeah, so we did, as it
9 says, we discussed before following the oral
10 arguments. We were going to open it up for
11 public comments from Ms. Hu, and so if you do
12 have PowerPoint, I would like to get it loaded
13 onto the computer.

14 MS. HU: Sure. I already have it.

15 MAYOR WOJHAN: Oh, you already have
16 it? Okay.

17 MS. KENNEDY: Can I make one more
18 comment from here, just quickly as they're
19 transitioning?

20 MAYOR WOJHAN: Sure.

21 MS. KENNEDY: I just wanted to say I
22 appreciate it, Ms. Hu, your response when staff

1 asked. I took note that when Ms. Bader
2 presented, that when they asked for something,
3 you responded. Like removing. And, so that was
4 noted and I appreciate that. I just wanted to
5 give you credit, I guess, for that. Or
6 acknowledge that.

7 (Whereupon, the above-entitled matter
8 went off the record at 9:05 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Charlotte Hu, 5105 Iroquois Street
CASE CPV-2019-04

Before: City Council of College Park

Date: 07-09-19

Place: College Park, MD

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