



**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  
 February 7, 2019 – 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 Stulich	<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 – Susan Cook; Public Services Staff – Senior Code Enforcement Officer, Derek Daves

**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 December 6, 2018. Llatetra Brown Esters 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. 0064-2019** Waiver of ceiling height requirement  
Applicant: Benjamin and Kennesha Rodgers  
Location: 4911 Iroquois Street

Christopher Gill explained the hearing procedures and placed witnesses under oath. CEO Derek Daves summarized the staff report. During the December 4, 2018 annual inspection of the property for a City of College Park Residential Occupancy Permit, it was determined that the ceiling height of the second-floor sleeping room failed to meet/maintain the required seven-foot ceiling height for habitable space. The second-floor bedroom measures 210 square feet with a ceiling height of six feet, four inches (6’4”) throughout. The subject property is described as a one-and-one-half story frame structure with basement.

CEO Daves issued a citation, and a valid Residential Occupancy Permit for the 2018-2019 permit period as not been issued. The appellant has requested a waiver of the City Code Section 125-9 (D) Space, use and location. At least ½ of the floor area of every habitable room shall have a ceiling height of at least seven feet. The

floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy. CEO Daves submitted the staff report and exhibits into the record.

James McFadden asked if the property were not a rental property, would it have been cited for a violation?

Derek Daves stated no.

Christopher Gill asked if the ceiling is angled and gets lower at the outsides?

Derek Daves stated that the space is very small, maybe two feet on each side.

Benjamin Rodgers, applicant, testified that he would like to request a waiver because of the age of the house and the nature of the room. He stated that the reason the house is rented is because he took a job out of the area and didn't want to sell the house, so they rented it to friends. He stated that there is no extra space above the ceiling for expansion or installation. If they had to increase the ceiling height, they would have to remove the solar panels and almost install a second addition, which could be very expensive.

Llatetra Brown Esters asked if someone is renting the space now?

Benjamin Rodgers stated yes, friends of theirs who wanted to be in a single-family house. There are no children on that floor just adults.

Llatetra Brown Esters asked what would he do if the waiver is not granted?

Benjamin Rodgers stated that they would request that the renters forgo using that room as a bedroom and just use it as extra space or storage.

Santosh Chelliah asked if other rooms in the house are available for use?

Benjamin Rodgers stated that there is one other room that is big enough to be a small bedroom.

Stephanie Stulich asked how many bedrooms and how many occupants are in the house?

Benjamin Rodgers stated that there are 5 bedrooms, 3 adults and 3 children.

Susan Cook asked if a permit has been given to rent the house?

Derek Daves stated no.

Christopher Gill asked if there are criteria for granting this waiver?

Derek Daves stated that with the City of College Park, you make application to rent a property. The applicants made application to obtain a rental permit when they moved out and started renting to their friends. As part of the process, the Department of Public Services completes an inspection and the owners would be cited for any violations found. It states in the City Code that a waiver of ceiling height must be granted by the Advisory Planning Commission. The house is safe and in very good condition.

Christopher Gill asked if the waiver was not granted, what square footage of this room would count as habitable?

Derek Daves stated that it could not be used as a bedroom. It could be used as a den or office or something else.

Stephanie Stulich asked if adults or children are living in the bedroom?

Benjamin Rodgers stated that one adult is living in the room.

Lawrence Bleau asked if there is anything protruding down from the ceiling?

Derek Daves stated that there is no ceiling fan or light fixtures, it's all recessed lighting.

Llatetra Brown Esters asked if the waiver is granted and the house is sold, would this be an issue if the new owners choose to rent?

Susan Cook stated that approval of the waiver would stay with the property.

Christopher Gill asked if the waiver is not granted, what would be the impact on you.

Benjamin Rodgers stated that the person occupying the room would have to move into the other room, which is a lot smaller. Or if he decided to move out, it would cause a financial impact on the other adults living there. It would be an inconvenience on the tenants. Also, they signed a lease which indicated how many rooms can be used as bedrooms. A new lease would have to be signed to indicate the changes.

Lawrence Bleau moved to grant the waiver with the following conditions:

- 1) Notice be given to renters that the upstairs bedroom does not meet the ceiling height requirement and a waiver was granted from the 7-foot City ceiling height requirement.
- 2) No additional protrusions be installed on the ceiling except for smoke detectors.

Llatetra Brown Esters seconded. Motion carried 6-0-0

**VI. Review of Final Draft 2018 Annual Report** After some minor changes, Lawrence Bleau moved to adopt the 2018 Annual Report. Stephanie Stullich seconded. Motion carried 6-0-0.

**VII. Election of Chair and Vice-Chair**  
Christopher Gill moved to elect Lawrence Bleau as Chair and Stephanie Stullich as Vice-Chair. James McFadden seconded. Motion carried 6-0-0.

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

**LIDL** – Planning to open in early spring. A small committee of Berwyn residents came up with the idea to create a unique art feature for the retaining wall at Berwyn Road and Rt. 1. A local mosaic artist was chosen to create this artwork. There will also be an historic sign that says “Historic Berwyn” that will be in the curve of the retaining wall and two mosaic benches in the small plaza area.

**Western Gateway Project** – The University has partnered with Gilbane Development to ground lease a portion of their property for graduate student housing and sell the remainder for market-rate townhouse development. They are scheduled to come before the City Council on February 12<sup>th</sup> for an informational presentation. This property is not located in the City, so if the City supports the development, they would like to have it annexed. No documents have been filed yet.

**IX. Other Business:**

Christopher Gill asked CEO Daves for an update on the property at 4800 Indian lane, which was before the APC back in 2017 as a condemned property. Mr. Daves said that he would check on the status and follow-up with the commission.

**XI. Adjourn:** There being no further business, the meeting was adjourned at 8:56 p.m.

Minutes prepared by Theresheia Williams