



**CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION**  
**8400 BALTIMORE AVENUE, COLLEGE PARK, MARYLAND 20740**  
**TELEPHONE: (240) 487-3538**

**ADVISORY PLANNING COMMISSION**  
**Approved Minutes of Meeting**  
**March 5, 2020**

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

Also Present: Planning Staff – Terry Schum, Miriam Bader and Theresheia Williams; Department of Public Services staff, Code officer Carlos Parada and Robert Ryan; Attorney Susan Cook

**I. Call to Order and Approval of the Agenda:** Lawrence Bleau called the meeting to order at 7:35 p.m. Commissioners voted 6-0-0 to approve the agenda as published.

**II. Approval of Minutes:**

Christopher Gill moved to adopt the minutes of February 6, 2020. Santosh Chelliah 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-2020-01** Corner lot side yard setback variance to add a dormer  
Applicant: 4715 Norwich Road, LLC  
Location: 4715 Norwich Road

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance of 9 feet from the minimum side yard setback of 15 feet to extend second floor dormer windows along the front. The house was constructed in 1938. Second floor dormers are common in the neighborhood. The neighborhood is in the Old Town College Park Historic District. The property has an area of 6,937 square feet and is improved with a 1.5-story, frame house, and detached garage.

The house is setback only 2 feet from the side property line fronting Dartmouth Avenue and the dormer expansion will be only 6 feet from the side property line. The footprint of the house will remain unchanged. A side yard setback variance to construct the second story was granted in 2003.

The County denied the applicants a building permit to expand the dormer since they will not meet the current side yard setback. New construction is required to meet current zoning ordinance setbacks and the existing house does not have to be validated.

Staff recommends approval of the 9-foot side yard setback variance for the new dormer conditioned on issuance of a Historic Area Work Permit (HAWP).

Miriam Bader submitted into the record, the staff report, Exhibits 1-7, the PowerPoint presentation and a letter from the adjoining property owners at 4711 Norwich Road indicating that they had no objection to the variance.

Stephanie Stullich asked if dormers are generally used for front and side elevations?

Miriam Bader stated that the combination of front and side dormers are not usually used. She stated that the HAWP will be looking at all of the exterior new construction but the variance is only for side yard setback.

Christopher Gill asked where are the side dormers being added?

Isabel Ahmann, applicant, stated that there is no side dormer. The front dormer is being extended the width of the front of the house.

Stephanie Stullich asked if dormers are on the Dartmouth Avenue side of the house?

Isabel Ahmann stated no.

Santosh Chelliah asked if dormers are usually extended the full length of the house?

Isabel Ahmann stated yes.

Stephanie Stullich asked how close to the edge will the addition be?

Isabel Ahmann stated about 1 foot.

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

- 1) There is an extraordinary condition associated with the property in that the house was constructed in 1938 unusually close to Dartmouth Avenue and does not meet current side yard setback regulations. Even though no change in the footprint of the house is proposed, reconstruction of the second floor dormer is not grandfathered.

- 2) The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to the Applicants by preventing the reasonable expansion of second story space. This expansion would be permitted if the original house had been constructed in a way that met current side yard setback requirements.
- 3) Granting the variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan because neighboring houses also have reduced setbacks and second-story dormers.

Christopher Gill moved to recommend approval of variance CPV-2020-01 as amended based on the criteria outlined in the discussion. Llatetra Brown Esters seconded. Motion carried 6-0-0.

**VI. CPV-2020-02**                      Front yard setback variance to construct a covered front porch  
**Applicant:**                              Iben Eno  
**Location:**                                5010 Erie Street

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance of 5 feet from the minimum front yard setback of 25 feet to construct a roof over an existing stoop. The property has an area of 4,961 square feet and is improved with a 2-story, frame house. The property has an odd 5-sided shape, averaging a depth of 70-feet and width of 70-feet. The subject house was constructed in 1989.

The house is setback 25 feet from the front property line with a 5' x 7' front stoop that is not covered. The property and immediate neighborhood are zoned R-55. Six of the neighboring 8 properties have covered front porches.

Staff recommends a 5-foot front yard setback to allow the construction of a roof over the front stoop.

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

Santosh Chelliah asked if variances were granted for the other properties in the neighborhood that have covered porches?

Miriam Bader stated that she did not research that, but they are all a different style porch.

Llatetra Brown Esters asked if there are any examples of the triangle roof style porch cover?

Christopher Gill stated that Exhibit 9D shows the type of porch the applicant is proposing.

Lawrence Bleau asked if the porch would be open or closed?

Miriam Bader said it will be an open porch with support columns on both sides.

Lawrence Bleau asked if all the other houses on the street have the same street setback?

Iben Eno stated yes.

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

- 1) The property has an unusual or exceptional shape in that the rear lot line is on a diagonal angle to the front and side lot lines. This required the house as originally constructed to be placed more to one side of the lot in order to meet rear setback requirements. The result was that although this lot is not necessarily small, its odd shape placed the front of the house on the front setback line which limits the ability to construct a roof over the stoop.
- 2) The strict application of the County Zoning Ordinance results in peculiar and unusual practical difficulties for the applicant by preventing the construction of a roof over an existing stoop because of how the house was originally sited. This practical difficulty also creates a hazard for the applicants during inclement weather when the front steps might become wet or icy.
- 3) Granting the 5-foot front yard setback variance does not substantially impair the intent, purpose and integrity of any applicable plans because the front stoop is not being expanded and a front stoop with a roof will blend in with the surrounding neighborhood. Covered stoops are common in the neighborhood.

Stephanie Stulich moved to recommend approval of variance CPV-2020-02 based on the staff report and criteria outlined in the discussion. Christopher Gill seconded. Motion carried 5-1-0, with Lawrence Bleau voting nay.

- VII. CEO-2020-01** Variance from City Fence Ordinance and Prince George's County Zoning Ordinance to erect a 6-foot fence
- Applicant:** Erroll and Mercile Ashond
- Location:** 5003 Eutaw Place

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a 2-foot height variance from the College Park City Code §87-23-C to allow a 6-foot high fence at the rear of a through lot and a 2-foot height variance from the Prince George's County Zoning Ordinance, Section 27-420 (a) to allow a 6-foot front yard fence.

The property is a triangular-shaped corner lot and contains 5,036 square feet and is improved with a 1-story, single-family frame house with a shed. The house faces and has access from Eutaw Place. Previously, a 4-foot high chain-link fence existed where the 6-foot high board-on-board fence is located. A 4-foot high chain-link fence remains along the eastern side yard, a part of which encroaches in the front yard. There are other similar side yard chain-link fences in the surrounding area.

This section of Indian Lane has an extreme slope from the road to the rear yard of the properties. Neighboring properties along Indian Lane have installed 6-foot high stockade fences which serve as a safety measure to prevent falling down the slope onto the street.

Prince George's County Zoning Ordinance, Section 27-421. Corner lot obstructions, states "on a corner lot, no visual obstruction more than three (3) feet high (above the curb level) shall be located within the triangle formed by the intersection of the street lines and points on the street lines twenty-five (25) feet from the intersection."

Staff recommends approval for a 2-foot and 3-foot fence height variance, as applicable, to allow a 6-foot high board-on-board fence along Indian Lane conditioned on compliance with Prince George's County Zoning Ordinance, Section 27-421 corner lot obstruction restrictions.

Miriam Bader submitted the staff report, Exhibits 1-10, and the PowerPoint presentation into the record.

Erroll Ashond, applicant, testified that the fence has been in disrepair for a long time, so he decided to replace it. He thought he was making his yard more aesthetic for the neighborhood. He stated that he apologize for not obtaining a building permit, but he did not know he would need a permit to repair the fence.

Lawrence Bleau stated because of the steep slope, it would be a safety issue not having the fence there.

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

- 1) This property has an exceptional shape in that it has a triangular shape and is a corner lot. In addition, the property has an exceptional topographic condition in that it has an extreme slope along the rear frontage where the fence is now located.
- 2) Denial of the variance will result in a- a peculiar and unusual practical difficulty to the property owner by preventing the erection of a fence of a height sufficient to guard against falls due to the extreme slope.
- 3) This request will not impair the intent of the City Fence Ordinance which is to prevent creating a negative impact on neighboring front yards. Neighboring properties do not front Indian Lane.

- 4) The property is not located in the regulated Old Town College Park Historic District.
- 5) The Applicant erected a board-on-board fence which incorporates openness as much as is practicable, particularly when compared to nearby 6-foot high, stockade fences. The portion of the property used as a front yard will in larger part remain open, except for the existing side yard chain-link fence and there are no properties in this location that front on Indian Lane.

Lawrence Bleau moved to recommend approval of variance CEO-2020-01 based on the criteria outlined in the discussion. Ben Flamm seconded. Motion carried 6-0-0.

**VIII. 20-432**                      Appeal of Violation for Inoperative Vehicle parked in driveway  
**Applicant:**                      Thomas E. Wilson  
**Location:**                        9504 49<sup>th</sup> Avenue

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. CEO Carlos Parada summarized the staff report. The appellant is requesting a waiver of Chapter 125, Section 125-10 (I) – Responsibilities of owners and occupants. It is unlawful for any person to park or allow to be parked or to store or allow to be stored any vehicle, of every kind and description, which is inoperable, dismantled, wrecked or not bearing current license plates.

CEO Parada stated that the City's Animal Control Officer observed and reported to him that a green Ford Mustang with flat tires and no tags was parked on the property. An inspection was conducted by CEO Parada and confirmed that the described vehicle was parked on an unpaved area of the property.

On February 6, 2020, a violation notice was issued. A letter of appeal from the appellant dated, February 10, 2020, was received by the Department of Public Services within the required timeframe. CEO Parada stated that the corrective action for this violation is to remove the inoperable vehicle or obtain valid tags.

Lawrence Bleau asked when the photos were taken was there any entrance to the property?

Carlos Parada stated that there was no entrance to the property. As he was taking the photos, Mr. Wilson came out and confirmed that the vehicle does not have any registered plates.

Thomas E. Wilson, appellant, testified that the vehicle is a 1991 Ford Mustang GT and belongs to his step-daughter. She and her son have used the car throughout the years. He stated that the tires are low, but not flat. He stated that the car has personal and sentimental value to his step-daughter. Mr. Wilson stated that if he removes the car, he would have to rent a place to store it. Mr. Wilson suggests covering the car up or building a 10 x15 shed to store the car until it can be fixed.

Christopher Gill asked when was the last time the vehicle had valid tags?

Thomas Wilson stated that the last time the vehicle had valid tags was about a year ago.

Santosh Chillah asked if the only reason why the vehicle is untagged is that its not driveable?

Thomas Wilson stated that the insurance lapsed on the vehicle and the tags were not turned in so the State put a lien on the title. The tags can't be obtained until the lien is settled.

Thomas Wilson asked if he could build a garage on the side of his house to store the car?

Terry Schum stated that if the garage is attached to the house, it would have to meet the setback requirement and if it is a free-standing garage, it would have to be in the rear.

Ben Flamm asked if the appellant is granted a 30-day extension to bring the violation into compliance, is there any assurance that he will not be issued further violations?

Robert Ryan, Public Services Director, stated that code officers give extended compliance time to accommodate residents as long as there is progress being made.

Christopher Gill moved to postpone the decision for appeal 20-432 until the April 2, 2020 meeting to give the applicant time to bring the violation into compliance. Llatetra Brown Esters seconded. Motion carried 5-1-0, with Lawrence Bleau voting nay.

## **IX. Approve 2019 Annual Report**

Commissioners made the following edits to the draft Annual Report:

### **III. Goals for the coming Year**

Add a goal to address the specific nature of Code Appeals that occasionally come to the APC dealing with violations of the College Park Code for Housing Regulations, Building Construction, and Property Maintenance. The APC would like to meet with Counsel to discuss the Code Appeal process and what steps to follow in regard to the decision making on these cases.

### **IV. Issues or problems to bring to the attention of the City Council**

The APC frequently hears variance cases that cite lack of street parking among their justifications, and nearly all are on streets without residential permit parking. We believe this indicates a structural problem with how the city manages its residential street parking. If street parking can be better managed, it might reduce the need for driveway variances and expansion of impervious surfaces in the city.

**Updat on Development Activity** Terry Schum reported on the following:

**Knox Road Development (Greystar)** – New proposed student housing project on property controlled by the Terrapin Development Company. The subdivision plans were approved a couple of months ago and the Detailed Site Plan will be heard by the Planning Board on April 23. The proposed project will be nine stories with over 300 dwelling units and 20,000 SF retail.

**WaWa** - The proposed development is for a gas station and convenience store located on the pad site where the Holiday Inn is located next to Ikea.

**X. Other Business:** There was no Other Business.

The Census is coming in mid-March 2020. There is an all-out push to raise awareness to make sure that people respond to the census. The City sent an informational postcard to every residence in the City and additional information is posted in the weekly bulletin. You can find more information and complete the Census questionnaire at [my2020census.gov](http://my2020census.gov).

**XII. Adjourn:** There being no further business, the meeting was adjourned at 9:38 p.m.

Minutes prepared by Theresheia Williams