



**CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION**  
**4500 KNOX ROAD COLLEGE PARK, MARYLAND 20740**  
**TELEPHONE: (240) 487-3538**

**ADVISORY PLANNING COMMISSION**  
*Draft Minutes of Meeting*  
**March 7, 2019 – 7:30 P.M.**  
**City Hall – Council Chambers**

<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>  x  </u>	<u>      </u>
Stephanie Stulich, Vice Chair	<u>      </u>	<u>  x  </u>
Llatetra Brown Esters	<u>  x  </u>	<u>      </u>

Also Present: Planning Staff – Terry Schum, Miriam Bader and Theresheia Williams;  
 Attorney – Susan Cook; City Engineer – Steve Halpern

**I. Call to Order:** Lawrence Bleau called the meeting to order at 7:35 p.m.

**II. Approval of Minutes:**

Christopher Gill moved to adopt the minutes of February 7, 2019. 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-2019-01** Front and street side yard setback variance to construct a second story cantilevered addition and validate existing conditions  
Applicant: Abel Cabrera Sanchez  
Location: 4911 Hollywood Road

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a front and street side yard setback variance to construct a second story cantilevered addition and validate existing conditions. The property was purchased in 2018 and is a rectangular-shaped corner lot with frontage on Hollywood Road and 49<sup>th</sup> Place. The property has an area of 9,375 square feet and is improved with a 1.5 story, frame house with a basement, enclosed front porch and shed. The subject house was constructed in 1922, prior to zoning regulations being adopted in Prince George’s County in 1928. The house is required to have a 25-foot setback from 49<sup>th</sup> Place due to the orientation of the abutting house on 49<sup>th</sup> Place.

The house when purchased in 2018 did not comply with the front and street side yard setbacks. The enclosed front porch has a 15-foot front yard setback. The proposed second-floor addition will be located partially over the front porch area.

The existing one-story house has two bedrooms on the first floor, which will be relocated to the new second floor. These bedrooms will be replaced by an office and relocated dining room. The second floor will have four bedrooms to serve the needs of the family. The County issued a building permit in error. The applicant removed the roof of the house and started construction of the second floor. When the applicant applied for the City building permit, staff found the error and issued a Stop Work Order.

Staff recommends approval of the variances to validate existing conditions and approval of the variance to allow the construction of a second-story cantilevered addition with the condition that the applicant reapplies for a County building permit and obtain a City building permit.

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

Abel Cabrera Sanchez, applicant, testified that he would like to add a second addition, which will include 4 bedrooms, to serve the needs of his family. He stated that he misunderstood the County and City regulations and started construction on the addition. He stated that other homes in his neighborhood have 3-4 bedrooms.

Christopher Gill asked if he could build straight up rather than construct the cantilever on the second floor?

Abel Sanchez stated that he could not meet the minimum requirements for an average size bedroom, bathroom and hallway if he built straight up.

Terry Schum stated that trying to fit an average size bedroom along with hallway, bathroom circulation, requires the cantilever to make it practical.

Christopher Gill asked if variance 1 and 2 could be considered the same?

Miriam Bader stated that the front porch doesn't cover the full front of the house, so it has to be two separate variances.

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

- 1) There is an extraordinary condition associated with the property in that the house was constructed in 1922 prior to the adoption of the first comprehensive County zoning ordinance in 1928 which first established setback requirements.
- 2) The strict application of the Zoning Ordinance will result in an undue hardship for the property owner because construction was started in good faith due to the County's error in issuing a building permit without there also being City approval. To require the innocent property owner to bear the financial burden of reconstruction would be an undue hardship.

- 3) Applicant is required to obtain a City building permit as well as reapply and obtain a County building permit.
- 4) Granting the variances will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. The setback of the house as originally constructed will not change. Any new impact is minimal as the second story cantilever will only cause an additional two-foot encroachment.

Christopher Gill moved to recommend approval of variance CPV-2019-01 as amended. Llatetra Brown Esters seconded. Motion carried 6-0-0.

- VI. CPV-2019-02**                      Variance to construct a driveway.  
**Applicant:**                              Fulvio Cativo  
**Location:**                                Lackawanna 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 161 square feet of parking area to construct a driveway in the front yard. The property is rectangular with a total square footage of 5,500. The property was built in 1950 and is improved with a two-story brick and frame house, shed and brick retaining wall. The property currently does not have a driveway or curb cut. The driveway encroachment amendment to the Zoning Ordinance, Sec. 27-120.01(c), was not adopted until 2002. Despite having permit parking on this street, parking is limited. There are several speed bumps located on this street, which indicates a history of speeding. Lackawanna is a heavily trafficked street. In addition, the house is located at a “T” intersection with 51<sup>st</sup> Avenue. Neither side yard setback is wide enough to meet the County Code requirements for a 3.5-foot side yard setback and recommended driveway width of 10-feet without the driveway encroaching into the front yard.

The Applicant states he would prefer to build the driveway 5-feet from the western property line in order “to avoid paving over several drainage pipes vital to the continued drainage of rainwater from our property.” The City Engineer assessed the situation and determined that the drains can and should be relocated to discharge on the downhill side of the driveway. There is a fire hydrant and utility pole located close to the eastern property line which limits on-street parking by the house.

Staff recommends approval of the modified encroachment of 126.5 square feet (5.5 feet by 23 feet), requiring the driveway to be located 3.5-feet from the western property with the following two conditions

- 1) The drainage pipes shall be relocated to discharge on the downhill side of the driveway.
- 2) The grading of the driveway shall not exceed a cut slope greater than 1.5-foot run by 1-foot rise.

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

Lawrence Bleau asked if any of the drainage pipes are visible in the photos?

Miriam Bader stated that the drainage pipes are not shown in the photographs, but you can see the wet areas around the property.

Fulvio Cativo, applicant, testified that he would like to construct a driveway in front of his house to improve the quality of life for his family. He stated that it is dangerous when his wife has to remove his children in and out of the vehicle while parked on the street. He stated that he lives on a very busy street and his car has been scratched and damaged because they can't park off-street. Mr. Cativo stated that they have been in the home for 6 ½ years and have spent thousands of dollars on maintenance on the home. He believes that doing this project will improve the drainage to the front of the house.

Lawrence Bleau asked the applicant if he agreed with staff recommended changes to the proposal?

Fulvio Cativo stated that it seemed reasonable, but he would have to discuss it with the contractor as to what impact putting pipes under a driveway would have.

Steve Halpern, City Engineer, testified that he is familiar with this property, it was a foreclosure many years ago and had a lot of water problems. Mr. Halpern stated that the drainage should be relocated to discharge on the downhill side of the driveway.

Lawrence Bleau asked what type of issues are involved in running a pipe under a driveway?

Steve Halpern stated that there are really no issues. If it is hard plastic it will support the load above it and drainage will not be a problem.

Fulvio Cativo asked if the driveway can be shorter.

Christopher Gill stated yes.

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 is situated such that a standard driveway cannot be constructed without encroaching in the front yard.
- 2) The strict application of the County Zoning Ordinance will result in unnecessary hardship to the Applicant by not allowing a driveway which is common in the area. The Applicant's house is located near a busy intersection and the Applicant is concerned about the safety of his children and the protection of his vehicle.

- 3) Granting this variance to allow a single-width driveway will not substantially impair the intent, purpose and integrity of the County General Plan and County Master Plan because most of the homes in this area have driveways, some of which encroach in front of the home. Locating the driveway closer to the western property line will further minimize the amount of encroachment.

Ben Flamm moved to recommend approval of variance CPV-2019-02 as amended. Christopher Gill seconded. Motion carried 6-0-0.

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

**Burger King site** – The Burger King site combined with the abandoned site to the south sold for 30 million dollars. The property is proposed for student housing and no plans have been submitted yet.

**Sterling Place** – This property was inherited by the University years ago and was turned over to the Terrapin Development Company. An RFP went out to solicit developers and a developer has been selected. The developers are proposing a 7-9 story building with existing retail and another 10,000 to 12,000 square feet of retail, student housing, and underground parking. This project is private property, so it must go through the development review process. The City has some concerns about height, lot coverage and traffic circulation.

**College Park Metro Apartments** – The developer submitted their Detailed Site Plan to the County for an expedited review, but it has not been accepted yet. Once approved by the Planning Board, they can apply for their building permits and start construction. Sometime in the near future, the developer will be meeting with Old Town and Calvert Hills Civic Associations.

**Motels on Cherokee Street/Route One** – Staff met with the broker representing Days Inn, Red Roof Inn and Ramada Inn, which are all owned by one property owner. The properties are being listed for sale. Staff requested no student housing be built on the site, but indicated senior housing, affordable housing or assisted living might be appropriate. The broker seems interested in this suggestion.

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

**XI. Adjourn:** There being no further business, the meeting was adjourned at 9:03 p.m.