



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION

Approved Minutes of Meeting

April 4, 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 Stullich, Vice Chair	<u> </u>	<u> x </u>
Llatetra Brown Esters	<u> </u>	<u> x </u>

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

I. Call to Order: Lawrence Bleau called the meeting to order at 7:32 p.m.

II. Approval of Minutes:

Christopher Gill moved to adopt the minutes of March 7, 2019. Lawrence Bleau 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-2019-03 Lot coverage and front yard setback variances to cover an existing front porch

Applicant: Gregory Sears
Location: 9604 51st Place

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting lot coverage and front yard setback variances to cover an existing front porch. The property has a skewed rectangular shape, with each property line having a different dimension. The existing structure has a total area of 1,904 square feet with no basement. The property is improved with a one-story, single-family frame structure, a concrete stoop, two sheds located side by side, a driveway, concrete walkway and a concrete paver patio. The original structure was built in 1953 and an addition was constructed in 2007. The applicant would like a covered stoop/porch to protect residents, visitors, and packages delivered to his house from inclement weather.

The applicant appeared before the APC in 2003 to validate his property to obtain a permit to repair his roof. The applicant was granted variances from the minimum net lot area; the minimum lot width at the front building line, the minimum depth of both side yards combined and the minimum side yard depth for the southern side yard for an existing side yard deck.

The applicant also appeared before the APC in 2007 to request the following variances to construct a driveway and build an addition: a 6.9% lot coverage variance, a 2-foot minimum side yard setback variance for the northern side yard and a waiver of the front yard parking prohibition. These variances were granted except the lot coverage request was reduced to 5.7% with the condition that the smaller 8-foot by 10-foot shed be removed.

Staff recommends approval of the 3-foot front yard setback variance for a covered porch and denial of the lot coverage variance subject to the following conditions:

1. Install a barrier such as a concrete planter or fence between the driveway and concrete walkway to ensure cars do not park on the walkway which, if accessible to cars on the driveway, would have to be included in lot coverage calculations.
2. Submit a revised site plan that shows compliance with lot coverage not to exceed 35.7% prior to obtaining a County building permit.

Miriam Bader submitted the staff report, Exhibits 1-12 and the PowerPoint presentation into the record. She also submitted a letter from an adjoining property owner, which was entered as Exhibit 13.

Ben Flamm asked if permeable surfaces count against lot coverage?

Miriam Bader stated that it does count if you can park on it.

Gregory Sears, applicant, testified that he would like a covered porch to protect packages that are delivered to his home and visitors from inclement weather. He stated that the reason for the extra shed is because he is compiling items that are currently in two rented storage spaces. He stated that his wife passed last May, and he is currently going through her things. He also has items in one of the rooms in his house that belong to his in-laws.

Christopher Gill asked what is the size of the second shed on the property?

Miriam Bader stated 10 x 15.

Lawrence Bleau asked how much does the roof overhang?

Gregory Sears stated about 1-foot.

Christopher Gill asked the applicant when he added the second shed, why didn't he apply for a lot coverage variance?

Gregory Sears stated that the shed was only supposed to be temporary until he had a chance to clean out everything in the two rooms in the house. He stated that he has two storage spaces that are over \$500 a month and it is a financial burden since his wife passed away last May.

Christopher Gill asked when was the shed added?

Gregory Sears stated about 1 ½ years ago.

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

- 1) Setback Variance for Covered Porch: The siting of the house is an exceptional condition. The house is located to the front of the lot. Any additional encroachment toward the street would result in violation of setback requirements.
- 2) Lot Coverage Variance: There is no exceptional or extraordinary condition to justify additional lot coverage from what was previously granted.
- 3) Setback Variance for Covered Porch: The strict application of the County Zoning Ordinance will result in a practical difficulty to the applicant by not allowing a covered front stoop. The applicant is seeking to protect his packages, residents and visitors from inclement weather which are currently insufficiently protected due to the narrow roof overhang.
- 4) Lot Coverage Variance: The APC concluded that there would be no hardship or practical difficulty on the applicant if he complies with the previous lot coverage variance that was granted in 2007.
- 5) Setback Variance: Granting the 3-foot front yard setback variance does not substantially impair the intent, purpose and integrity of any applicable plans because the existing porch/stoop will not be enlarged and is already constructed of an impervious surface. In addition, the three-foot setback variance is the minimum necessary to adequately cover the front stoop.
- 6) Lot Coverage Variance: Increasing the lot coverage beyond the previously granted 35.7% to 37.61% does impair the intent, purpose and integrity of applicable plans because the lot with the house addition, large shed, and driveway is becoming overbuilt for the neighborhood.

Christopher Gill moved to approve staff's recommendation for variance CPV-2019-03 as amended. Ben Flamm seconded. Motion carried 4-1-0, with James McFadden voting nay.

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

The Alloy Apartments (formerly Fuse) – located on Berwyn House Road in Lakeland. Opened a month ago, with 25% occupancy. This is a market-rate apartment building, not student housing.

Comprehensive Rezoning – The new Zoning Ordinance is approved but not effective yet. It is now at the County Council level. The Planning Board hearing that was held on March 28, 2019, where the staff briefed the County Planning Board, is available for viewing on their site. Very soon, the County Council will release the Sectional Map Amendment and hold public hearings. Before this happens, it will be come before the City Council. Staff will be reviewing it and making a recommendation. It may be included on a future APC agenda for comments.

Burger King site – Staff met on site to walk the trails and property with the developers, Department of Parks and Recreation and Army Core of Engineers. For new properties being built in the flood plain, the County requires the property to provide compensatory storage or take the land out of the flood plain by providing that compensatory storage somewhere else. The developer is checking other locations off-site to see where they might want to provide this compensatory storage.

VII. Other Business: There was no Other Business.

XI. Adjourn: There being no further business, the meeting was adjourned at 8:57 p.m.

Minutes prepared by Theresheia Williams