



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
May 6, 2021

(Due to COVID-19 Pandemic, this was a Virtual Meeting)

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Stephanie Stullich, Chair	<u> x </u>	<u> </u>
Santosh Chelliah, Vice-Chair	<u> x </u>	<u> </u>
James McFadden	<u> </u>	<u> x </u>
Daejauna Donahue	<u> x </u>	<u> </u>
Vernae Martin	<u> x </u>	<u> </u>

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

- I. Call to Order and Amendments to Agenda:** Stephanie Stullich called the meeting to order at 7:36 p.m. There were no Amendments to the Agenda.
- II. Approval of the Agenda:** Santosh Chelliah moved to approve the agenda as published. Daejauna Donahue seconded. Motion carried 4-0-0.
- III. Approval of Minutes:**
 Vernae Martin moved to adopt the minutes of March 4, 2021. Santosh Chelliah seconded. Motion carried 4-0-0.
- IV. Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.
- V. CPV-2021-04** Variance to construct a second-story addition
Applicant: Edgar Antonio Gonzalez Ramires
Location: 9022 49th Place

Stephanie Stullich explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance of 1 foot from the minimum side yard setback of 8 feet to build a second-story addition. The subject house was constructed in 1943 and purchased by the applicant on February 3, 2021. The property has an area of 6,414 square feet and is improved with a 1.5-story, brick and frame house with dormers, a shed, a barbeque area, a deck, and a rear yard fence. The property is a rectangular lot with a depth of 110 feet and a width of 58.33 feet.

From on-site observation, it appears that a side-yard addition was constructed on the southern side of the property. No County or City permits exist for this work. Archival aerial photographs show this addition has existed at least since 1965. The second-story addition will be built atop this addition and the main house.

The house was built prior to the adoption of zoning when the house was permitted to be located 7 feet from one of the side lot lines. The existing house is grandfathered but the addition must comply with the current side yard setback requirement of 8 feet.

Staff recommends approval of the 1-foot side-yard setback variance to allow the construction of a second-story addition. Miriam Bader submitted the staff report, Exhibits 1-9, and the PowerPoint presentation into the record.

Roberto Osorio, representing the applicant, testified that the new addition will be added on top of the existing addition and the footprint will remain the same. He stated that he was unable to obtain the County permit until a variance was obtained from the City. Mr. Osorio stated that if the addition is set in by one foot, it would affect the appearance of the house and would not look aesthetically pleasing to the neighborhood.

Veronica J. Nixon, 9023 49th Place, testified that she lives across the street from the applicant. She stated that she is concerned about the construction noise and debris from the project. She is also concerned about overcrowding, which would make the parking situation worst. She stated that all the homes on the street are small and jammed together and parking is a huge issue. Her daughter works from home and she fears that the construction will be an interruption.

Roberto Osorio stated that there will only be one family living in the house - husband, wife, and one child. There are only three bedrooms in the house and there is no intent to rent to anyone.

Jose Salaza, 9020 49th Place, asked if the one-foot variance is just for the construction addition?

Roberto Osorio stated yes, but if the variance is not granted, the addition will be reduced by 1-foot and the applicant will still be able to obtain the County permit.

Stephanie Stullich stated that residents are allowed to build or add on to their homes consistent with the County Zoning Code Ordinance. The applicant is requesting a variance to build an addition. The addition can be built without the variance, but it would have to be one foot narrower than the existing footprint of the house. This would not affect the square footage, but it would affect the appearance.

Veronica Nixon asked if construction is allowed 7 days a week?

Terry Schum stated that hours of construction are controlled by the City Code. Construction cannot be started before 7:00 am and must end by 5:00 pm, Monday through Saturday, no construction is allowed on Sunday. If the contractor is violating those hours, the City's Public Services Department or Code Enforcement

Office should be notified, and they will address the issue. Regarding construction debris, the building permit that is released for this project will require the site to be kept clean for sediment and erosion control. The City's Code Enforcement Office or the County Permit office can be notified if you suspect that there is a violation of the permit.

Veronica Nixon asked what is the time frame for the addition to be completed?

Roberto Osorio stated that the contractors usually try to complete the project as soon as possible, but it usually takes around six months.

Terry Schum asked if a dumpster will be placed on the property?

Roberto Osorio stated that the dumpster will be placed in the driveway.

Santosh Chelliah asked what is the R-55 height limit and what is the total height of the applicant's property with the addition?

Miriam Bader stated that the maximum height limit in the R-55 zone is 35 feet and the total height of the property with the addition is 30 feet.

Santosh Chelliah asked if the siding will be changed to match the rest of the house?

Roberto Osorio stated that the siding will be changed to match the brick siding.

Andrew Nixon asked when would construction start?

Terry Schum stated that based on the outcome of tonight's meeting, the recommendation will be written up in the form of a resolution. The resolution will be sent to everyone participating in this hearing. As a party of record, you have the ability to ask the City Council to hold an Oral Argument appeal hearing on the case. If there is an appeal, there would be a second public hearing before the City Council. If there is no appeal, the recommendation is sent to the City Council to be included on their next regular meeting agenda. The approval process will probably take about 4 to 8 weeks.

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

1. There is an extraordinary situation associated with the property because the existing house does not meet current regulations for side yard setbacks. It is grandfathered but the proposed second story addition is not.
2. The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty to the applicant by requiring a second story addition be set in one foot from the first floor. Aesthetically this would look odd.

3. Granting the variance will not substantially impair the intent, purpose, or integrity of any applicable County General Plan or County Master Plan because the existing setbacks will not change and are consistent with other houses in the neighborhood.

Vernae Martin moved to recommend approval of variance CPV-2021-04 based on staff recommendation and the criteria outlined in the discussion. Daejauna Donahue seconded. Motion carried 4-0-0.

VI. CEO-2021-01 Variance from the City Fence Ordinance to erect a 4-foot-high front yard fence

Applicant: Jason & Devika Yizar

Location: 4714 Howard Lane

Stephanie Stullich explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicants are requesting a variance of 1 foot to permit a 4-foot-high fence in the front yard of a corner lot. The property is a rectangular, corner lot, 60-feet wide by 92.50-feet deep. The property contains 5,550 square feet and is improved with a 2-story, frame house and a detached garage. The house fronts on Howard Lane but driveway access to the detached garage is from Dartmouth Avenue. There is much pedestrian traffic due to the neighborhood's proximity to the Metro Station and the University of Maryland. The applicants state that their son uses the basketball hoop in the driveway area adjacent to Dartmouth Avenue, and a fence will help prevent the ball from entering the street and causing traffic conflicts.

The applicants state that a 3-foot-high fence would not be tall enough to adequately protect their property from the repeated trespassing they have experienced. If a variance is granted, a Historic Area Work Permit (HAWP) will need to be obtained prior to obtaining a City Building Permit. The proposed 4-foot-high wrought iron fence will incorporate openness and is an acceptable material according to the Historic District Guidelines. A fence permit is not required from the County for fences 4-feet in height or less.

Staff recommends approval of the 1-foot fence height variance to allow a 4-foot-high fence in the front yard along Dartmouth Avenue subject to the issuance of a Historic Area Work Permit (HAWP). Miriam Bader submitted the staff report, Exhibits 1-7, and the PowerPoint presentation into the record.

Stephanie Stullich asked if the front entrance is on Howard Lane or Dartmouth Avenue?

Miriam Bader stated that the front of the house is facing Howard Lane, but the fence ordinance states when you have a corner lot, you are considered to have two front yards.

Devika & Jason Yizar, applicants, testified that they have lived in the State of Maryland for 7 years and moved to the City of College Park last year. They would like to install a fence to prevent trespassing and prevent their son from running into the street while playing ball in the driveway. Frequently, vehicles speed down Dartmouth Avenue and there are no speed humps on that street. She stated that there was an incident where someone was on her property looking into her house and someone came onto her property without permission and started using her basketball court in her driveway.

Daejauna Donahue asked what substantiates the claim that a 3-foot wrought-iron fence would not suffice to curtail trespassers and keep the basketball within the property?

Devika Yizar stated that when the ball bounces, it can go higher than 3-feet and could bounce into the street. She stated that her house is surrounded by college kids on all three sides and they are very tall and can easily step over a three-foot-high fence. She plans to purchase a dog and the 3-foot-high fence would not be sufficient to contain the dog.

Stephanie Stullich asked where will the fence be installed in relation to the basement door?

Devika Yizar stated that she would like to propose that the fence starts at the basement door.

Santosh Chelliah asked can people enter the yard from behind the basketball hoop?

Devika Yizar stated yes, she was also going to propose putting a gate connecting the house and the garage to avoid anyone entering on that side.

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

1. This property has an extraordinary situation in that trespassers use the property as a cut-through which a 4-foot fence would help to curtail.
2. Denial of the variance will result in an undue hardship to the owner by preventing adequate protection of the property from trespassers and result in a practical difficulty to contain basketballs from entering the street.
3. The proposed 4-foot high, decorative, wrought iron fence is compatible with the character of the neighborhood.
4. The property is in a Historic District and the fence was designed to comply with the Historic District Design Guidelines.
5. A wrought iron fence incorporates openness and visibility as much as is practical.

Daejauna Donahue moved to recommend approval of variance CEO-2021-01 based on staff recommendation and the criteria outlined in the discussion. Vernae Martin seconded. Motion carried 4-0-0.

VII. Debrief Discussion on the Development Concept Presentation at the March 4th meeting.

Commissioners discussed the Development Concept presentation made by Mark Vogel and his team on the vacant land on Rhode Island Avenue between Knox Road and Calvert Road. The meeting allowed attendees to join in through the Zoom platform to hear the presentation and ask questions. Commissioners thought overall, the meeting went well. The residents had a lot of concerns. Some residents expressed support for the project, and several voiced their objections with some criticism that the developer felt was unnecessary.

Commissioners made the following suggestions to incorporate in future Developer Informational Meetings:

- 1) Draft an opening statement to be made by the Chair at the beginning of the presentation explaining the rules and order of the presentation.
- 2) Set a time limit for the applicant presentations.
- 3) Inform attendees that comments should be made appropriately.
- 4) Consider not allowing attendees to speak directly. Have attendees include their comments in the chat and have staff read them to solicit a response.
- 5) Control how many times a given question or comment is asked and answered.
- 6) Consider a hybrid situation where questions would be allowed, and there could also be a rebuttal.

Staff will work with the Chair to draft an opening statement and other guidelines for future development presentations.

VIII. Update on Development Activity: There was no Update on Development Activity.

Bozzuto Project – This project is under construction. It is proposed for about 67,000 square feet of retail, which will add a lot of retail to Downtown College Park. The anchor tenant will be a grocery store.

Tempo – Gilbane Project - This project is under construction. It is proposed for a 6-story building with student housing. The developer is working closely with Park & Planning regarding some creek restoration on part of their land which will include a trail system for a river walk on the east side of the creek.

New City Hall – The City Hall project is on time and in budget. The construction will be substantially complete in early October. The next step will be the delivery of the furniture and a final inspection. If everything goes as planned, the city staff and the University of Maryland will be moving in sometime in mid-November. The University of Maryland will occupy the upper two floors.

IX. Other Business:

Paint Branch Golf Course – Commissioner Santosh Chelliah provided information about a meeting with the University of Maryland on changes to the Paint Branch Golf Course amenities. It will be held on Thursday, May 13, 6-7 pm. Santosh will forward the email with meeting information to commissioners and staff.

APC Vacancies - James McFadden will be resigning, which will leave an opening for District 3. Under the new Board and Commission rules, the Mayor and Council will be making their next quarterly appointments in June. The vacancies have been advertised and they have candidates for APC.

- X. Adjourn:** There being no further business, Vernae Martin moved to adjourn the meeting. Daejauna Donahue seconded. Motion carried 4-0-0. The meeting was adjourned at 9:18 p.m.

Minutes prepared by Theresheia Williams