



**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*

*July 11, 2019 – 7:30 P.M.*

*City Hall – Council Chambers*

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

Also Present: Planning Staff – Terry Schum, Miriam Bader and Theresheia Williams;  
 Public Services Staff, CEO Flordeliza Llaneta; Attorney – Susan Cook;

**I. Call to Order and Approval of the Agenda:** Lawrence Bleau called the meeting to order at 7:30 p.m. Commissioners voted 6-0-0 to approve the agenda as published.

**II. Approval of Minutes:**

Lawrence Bleau moved to adopt the minutes of May 2, 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. CPD-2019-01** Departure From Sign Design Standards under the US 1 Corridor Sector Plan Development District Standards

**Applicant:** Michael Kiel/Next Day Signs Express

**Location:** 9515 Baltimore Avenue

Miriam Bader informed commissioners that the applicant is requesting a Financial Hardship Waiver. Because it is a small business, the applicant is requesting that the \$2,000 application fee be reduced to \$200. James McFadden moved to approve the Financial Hardship Waiver Request and reduce the \$2,000 fee to \$200. Llatetra Brown Esters seconded. Motion carried 6-0-0.

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a departure from Sign Design Standards under the US 1 Corridor Sector Plan Development District Standards to keep an existing free-standing sign that was erected prior to obtaining a building permit. The lot is 10,290 square feet. The property is 60.70 feet wide by 170-feet deep. The property is located on the east side of Baltimore Avenue between Hollywood Road and Indian Lane. The property is located in the College Park US 1 Corridor Sector Plan. The neighboring building to the south, Azteca, blocks the view of the sign store when traveling north on Baltimore Avenue. Freestanding signs are prevalent in this section of US 1/Baltimore Avenue. The subject property is located north of the current right-of-way improvement plan for US-1/Baltimore Avenue. The subject building complies with this requirement since it is set back 44.3-feet from the front street line. In addition, the sign complies with the maximum height and square footage regulations. The sign is located on private property, 6.6-feet from the street right-of-way. The sign is behind a 6-inch high retaining wall, elevated behind a concrete sidewalk, on a grassy island. There was a previous free-standing sign on the property.

Staff recommends approval of the requested departure to permit the existing free-standing sign with the condition that if Right-of-Way is acquired for US-1/Baltimore Avenue improvements then the sign shall be relocated at the property owners expense.

Miriam Bader submitted the staff report, Exhibits 1-6, and the PowerPoint presentation into the record.

Christopher Gill asked if the sign has to be relocated, will it require a new departure?

Miriam Bader stated yes.

James McFadden asked if the old sign can be resurfaced and used?

Miriam Bader yes, if the face is just replaced, it would be grandfathered in.

James McFadden asked if any of the neighbors submitted anything?

Miriam Bader stated no.

Michael Kiel, applicant, testified that the sign is small and clean and he really needs the sign to advertise his business since his building sets so far back from the road.

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

- 1) The departure is the minimum necessary, given the specific circumstances of the request.

The sign conforms to the Sector Plan in terms of size (16.2-square feet), and height (5.5-foot high). Freestanding signs are not permitted; however, since the building is set back so far from the road, the wall sign is ineffective, and a freestanding sign becomes necessary.

- 2) The departure is necessary to alleviate circumstances that are special to the subject use, given its nature at this location or alleviate circumstances which are prevalent in the district.

The departure is necessary due to the setback of the building. The Zoning Ordinance allows freestanding signs when the commercial building is located over 40-feet away from the right-of-way which is the case for the subject property.

- 3) The departure will not impair the visual, functional or environmental quality or integrity of the site or that of the surrounding neighborhood.

Since the proposed sign is small (16.2-square feet), low (5.5-feet high) and set back 6.6-feet from the street right-of-way, the sign does not contribute to sign clutter. The departure will not impair the visual, functional or environmental quality or integrity of the site or that of the surrounding neighborhood.

Christopher Gill moved to recommend approval of departure CPD-2019-01 because the request meets the criteria for granting the departure for the reasons stated above. Ben Flamm seconded. Motion carried 6-0-0.

- VI. CPV-2019-16** Variance to construct a covered front porch  
**Applicant:** Stephen and Sarah Robie  
**Location:** 4610 Guilford 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 5 feet from the minimum front yard setback of 25 feet to construct a covered front porch. The property is improved with a two-story single-family ½ brick ½ framed structure, concrete stoop, shed and driveway. The property is oddly shaped with an area of 5,950 square feet. Each property line has a different dimension. The existing structure has a total area of 1,196 square feet. The original structure was built in 1940 and has a 27' setback. The proposed porch is 7' deep.

The applicants have a small child that needs to be carried into the house and during the winter months, the steps and porch become icy, creating a potential hazard for mother and child. Also, the front door, which faces south is in need of constant maintenance due to sun exposure. They have to scrape and repaint the door on an annual basis.

Staff recommends approval of the 5-foot front yard setback variance for a covered porch. Miriam Bader submitted the staff report, Exhibits 1-6, and the PowerPoint presentation into the record.

James McFadden asked if the property is in the Historic District?

Miriam Bader stated that it is in the National Historic District.

James McFadden asked were there any comments from the neighbors?

Miriam Bader stated no.

Stephen Robie, applicant, testified that they wanted to put something functional over the door they would protect them from the elements. He stated that it is dangerous when he tries to open the door while holding his child during the rain and ice. The door is always in need of repair due to sun exposure. Mr. Robie stated that when his child is in the backyard playing sometimes the neighbors are a little loud so he moves to the front yard to play. He stated that he thinks that adding a porch would be keeping in with the rest of the community. He stated that he would like to increase the feasibility of his front yard space and contribute to the aesthetic of the home.

Lawrence Bleau asked if there is a storm door on the house?

Stephen Robie stated that they used to have a storm door, but it was replaced with a glass door after his dog damaged it. Since the house faces south, the glass door magnifies the issue because of the constant sun exposure. The paint around the frame of the door is bubbling and needs to be repaired.

Christopher Gill asked if the neighbors have the same problem with their door because of being directly in the heat?

Stephen Robie stated that the neighbors immediately next to them have a glass door, but it sets back about 3-4 feet, so it doesn't get direct sunlight.

Lawrence Bleau asked if he considered replacing the front door with a different material that will withstand the elements better?

Stephen Robie stated that the cost is pretty high, several thousand dollars. They prefer a porch because it protects them from the rain and ice.

Terry Schum stated that the drawings include an addition also. Are there any issues with the addition?

Stephen Robie stated that his architect said there were no setback or variance requirements for the new addition. He stated that he was trying to complete them at the same time.

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

- 1) The property has an unusual shape in that the rear lot line is at a unique (non-90 degree) angle. This unusual shape required the house to be situated forward on the lot in order to comply with rear setback requirements from the closest rear lot corner.
- 2) The strict application of the County Zoning Ordinance will result in a practical difficulty for the applicants because a porch with only a 2-foot overhang would not provide the necessary protection from the elements to alleviate the sun damage to the door. In addition, not having an adequate covered porch creates a potential hazard the applicants carrying their small child, as well as for visitors during inclement weather including winter months when the steps and porch may become 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 proposed front porch is reasonably sized to be functional and will add character to the house and blend in with the surrounding neighborhood. Porches are common in the neighborhood (4 out of 5 properties have porches).

Christopher Gill moved to recommend approval of variance CPV-2019-16 because the request meets the criteria for granting the variance for the reasons stated above. Santosh Chillah seconded. Motion carried 6-0-0.

**VII. 19-1182**                      Section 87-3(A) Failure to obtain a City Building Permit  
**Applicant:**                      Richard Schefer  
**Location:**                        5203 Lackawanna Street

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. CEO Flordeliza Llaneta summarized the staff report. Pursuant to an anonymous complaint about a fence installation without a permit on September 18, 2017, the Code Enforcement Officer assigned to the area at the time posted a stop-work order and issued a violation notice, case number 17-00002677, to Mr. Schefer. The issuing officer at the time, CEO Cabrera, spoke with the homeowner. He stated he erected a 9-foot by 6-foot fence to keep his dog inside the rear yard. Once he completes moving in he will look for the site plans to obtain a City and County permit. The issuing officer then closed case number 17-00002677, citing stopped work and Mr. Schefer's stated intention to apply for a building permit.

On April 16, 2019, a call made to the Noise Hotline included an inquiry on permit obtained for Mr. Schefer's fence. A City of College Park Correction Order/Violation Notice was issued under case number 19-00001182 dated May 1, 2019. Mr. Schefer was informed in person that a permit for the fence is all that is required to correct the violation. Mr. Schefer stated he would be removing the fence instead. To date, the fence remains erect. A letter of appeal from the appellant dated, May 8, 2019, was received by the Department of Public Services within the required timeframe

Lawrence Bleau asked CEO Llaneta if the photo attachments are part of her report or submitted by the appellant.

CEO Llaneta stated that the attachments are part of her staff report.

James McFadden asked if there is a fence in the front yard?

CEO Llaneta stated no, just posts. The fence in question is the 6' x 9' fence.

Richard Schefer, appellant, testified that he purchased the house 17 years ago. For 15 years it was kept in perfect condition and maintained. It was not rented, it looked as if someone lived there and he visited the house twice a week. He stated that he moved in two years ago. He has a dog and decided to install the 6 x 9 feet fence to protect his dog and the community. He said that his neighbors informed the Department of Public Services that he had installed the fence, that's why he was issued the violation notice.

Christopher Gill asked why wasn't a permit applied for the fence once the code enforcement officer informed him that was all that was needed to keep the fence?

Richard Schefer stated that he had several court cases that he had to attend and didn't have time to apply for a permit.

Lawrence Bleau asked the CEO what would be the next step if the applicant doesn't apply for a permit?

CEO Llaneta stated that a municipal infraction citation would be issued and abatement. If the appellant doesn't apply for a permit the case will be sent to court for judgment.

Susan Cook, attorney, asked if the appellant were to apply to the City and County for a permit, would it be granted?

CEO Llaneta stated, yes.

Santosh Chelliah asked what type of time frame does the appellant have to apply for the permit?

CEO Llaneta stated that as long as she knows he is moving forward, she can give him additional time. Usually, 10 days to apply for the permit.

The appellant stated that he will be appealing the Advisory Planning Commission decision and decided not to stay for the remainder of the hearing.

Christopher Gill stated that there was no reason presented that the waiver should be granted and moved to allow the appellant thirty (30) days to apply for the City building permit or remove the 6 x 9 fence. Santosh Chelliah seconded. Motion carried 6-0-0.

**VIII. Maryland Planning Commission Association Regional Workshop**

Terry informed commissioners that the MPCA Regional Planning Commissions Workshop is being held in Annapolis on July 19<sup>th</sup> and the Annual Conference on November 6 & 7. There are funds in APC's budget to attend either event. Contact staff if you are interested in attending.

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

**Oral Arguments** – Miriam attended the Oral Argument hearing on July 11<sup>th</sup> for Gregory Sears and Charlotte Hu. On both cases, APC decision was upheld by the City Council.

**New Zoning Requirements** – The new zoning ordinance will not include the regulation about parking in the front yard, it is not being carried forward. Lot coverage will be increased from 30% to 35%.

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

**XI. Adjourn:** There being no further business, the meeting was adjourned at 9:25 p.m.

Minutes prepared by Theresheia Williams