



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
7401 BALTIMORE AVENUE, COLLEGE PARK, MARYLAND 20740
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ADVISORY PLANNING COMMISSION
Approved Minutes of Meeting
August 4, 2022

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Stephanie Stulich, Chair	_____	_____ x
Santosh Chelliah, Vice-Chair	_____	_____ x
Daejauna Donahue	_____ x	_____
Vernae Martin	_____ x	_____
Kiersten Johnson	_____ x	_____
Malaika Nji-Kerber	_____ x	_____
Michael Meadow	_____ x	_____

Also Present: Planning Staff – Miriam Bader and Theresheia Williams; Attorney – Suellen Ferguson

- I. **Call to Order and Amendments to Agenda:** Malika Nji-Kerber (serving as meeting Chair due to the Chair, Stephanie Stulich and Vice-Chair, Santosh Chelliah being absent) called the meeting to order at 7:32 p.m.
- II. **Approval of the Agenda:** Vernae Martin moved to approve the agenda as posted. Michael Meadow seconded. Motion carried 5-0-0.
- III. **Approval of Minutes:** Kirsten Johnson moved to approve the minutes of June 2, 2022. Michael Meadow seconded. Motion carried 5-0-0.
- IV. **Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.
- V. **CPV-2022-03** **Variance from the Prince George’s County Zoning Ordinance to construct property improvements**
Applicant: **Willie Sellers**
Location: **5004 Navahoe Street**

Malaika Nji-Kerber explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting three setback variances for property improvements: A variance of 2-feet from the minimum front yard setback of 25-feet for a porch, a variance of 9.3-feet from the minimum side yard setback of 15-feet for an attached carport and a variance of 12-feet from the minimum setback of 15-feet from a side lot line along a street for an accessory building. The subject house was constructed in 1900, prior to zoning. The property has an area of 16,241 square feet and is improved with a 2-story, frame house and two accessory structures. The property is a triangular-shaped, corner lot, with frontage along Navahoe Street, Rhode Island Avenue, and an unimproved section of Potomac Avenue. The existing front porch is set back 23 feet from the front property line.

An elderly person resides in the residence with the applicant. She currently uses a walker and may need a wheelchair in the future, which would be accommodated with the construction of an ADA ramp. One of the two accessory structures will be razed and will be rebuilt as a den/office. The applicant would like to have the porch extension and carport line up with the existing front porch for aesthetic and practical reasons. The height of the accessory structure is proposed to be 19 feet which exceeds the ordinance maximum of 15-feet. The Ordinance does not allow a height variance to be granted for an accessory structure.

Staff recommends approval of a 2-foot front yard setback variance for a porch, a 9.3-foot street side yard setback variance for a carport, and a 12-foot street side yard setback for an accessory structure subject to the following conditions:

1. The height of the accessory structure shall not exceed 15 feet.
2. Existing asphalt and gravel north of the carport shall be removed.

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

Willie Sellers, applicant, testified that his main concern is the height of the accessory structure. He would like to know if the calculation for the height will be measured from the street level or the yard.

Miriam Bader stated that the County will calculate the height of the accessory structure and make that determination. Whatever height is approved by the County, will be accepted by the City. The county will not grant a height variance.

Kiersten Johnson asked if the property was being used as a multi-family residence. She indicated that pictures of the property show multiple vehicles and trash/recycling bins. She wanted to know if some specific questions or criteria should be addressed if the property is being expanded for multi-family use.

Suellen Ferguson stated that this property is zoned as a single-family residence so only the variance criteria are being used. The variance is addressed by the Advisory Planning Commission. Code enforcement would address any issues of how many families are living in the home.

Daejauna Donahue asked if the site plan included in the packet (Exhibit 2) is the proposed or existing plan?

Miriam Bader stated that the site plan included with the packet is the proposed plan, but it includes existing and proposed structures.

Malika Nji-Kerber asked if the accessory structure will be connected to the main building?

Miriam Bader stated no, it's not connected. An accessory structure has different setbacks. Typically, an accessory structure only must be 2 feet from the rear property line. If it is attached to the house, it would meet the same setbacks as the house, which would be 25 feet.

Malika Nji-Kerber asked if the accessory addition will need other upgrades like water and power?

Willie Sellers stated that the structure has always been separate from the main house and his mother is currently living there. He stated that there is no plan to rent the structure. The accessory addition will have water and power.

Miriam Bader stated that this structure won't meet the definition of a dwelling unit because it will not have a living room, bedroom or full kitchen.

Daejauna Donahue asked what is the setback for the right-of-way for the accessory addition?

Miriam Bader stated that an accessory structure normally needs to be setback 2-feet from the property line, but since it is a triangular side lot line along the right-of-way, the requirement is 15 feet, and a variance of 12 feet is needed.

Malika Nji-Kerber asked what is the timeline for completing the project?

Willie Sellers stated that the proposed timeline depending on supply chains will be approximately 7 months.

Malika Nji-Kerber asked if the City requested endorsements from the adjoining property owners?

Miriam Bader stated that a notice is sent to all adjoining property owners to inform them of the requested variance and the date and time of the public hearing. It is up to them if they want to submit comments or join the meeting.

Eric Justh, 8207 Potomac Avenue, stated that he sees nothing objectionable about Mr. Sellers' plan and that he would be glad to submit an endorsement if needed.

Maxine Gross testified that she supports Mr. Sellers' proposal to make the necessary adjustments to his home to facilitate multi-generational living. She stated that it is an asset to be able to keep neighbors in the community. There are very few homeowners in the Lakeland community and she would hate to lose Mr. Sellers. She stated that she can attest to the fact that Mr. Sellers is the current resident and she thinks he plans to transition into one household once the necessary work is completed.

Kiersten Johnson asked what type of siding would be on the accessory building?

Willie Sellers stated that the siding would match the house.

Robert Thurston, President of Lakeland Civic Association, testified that he supports Mr. Sellers' variance requests to make the requested modifications so that they can remain residents in the community. The Livable Community Concept that is in place within the City fosters the ability to allow residents to age-in-place. This is a perfect example of supporting these exceptions to allow that to happen.

Malika Nji-Kerber asked Mr. Sellers how many years has he and his family lived in College Park at this residence?

Willie Sellers stated that his parents have been in College Park since 1955 and have lived in this residence since 1962.

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

- 1) The property has an exceptional triangular shape and is a corner lot with frontage on the Rhode Island right-of-way (both the Trolley Trail and roadway). There is an extraordinary situation because the house and accessory buildings were constructed prior to the establishment of the Rhode Island Avenue right-of-way, which made them nonconforming.
- 2) The strict application of the County Zoning Ordinance results in peculiar and unusual practical difficulties for the Applicant by not allowing a reasonable design for the construction of a porch extension and carport to the existing house utilizing the existing setback. The proposed improvements will provide protection from inclement weather and aid accessibility for the occupants of the house.
- 3) Granting the setback variances will not substantially impair the intent, purpose, and integrity of any applicable plans because the proposed improvements build on existing construction and is not out of character with nearby development. Decreasing the street side yard setback will not negatively affect neighboring properties to the west because Rhode Island Avenue has a wide right-of-way, the accessory building abuts the trolley trail, and the adjoining property to the east fronts on Navahoe Street and not Rhode Island Avenue.

Kiersten Johnson moved to recommend approval of variance CPV-2022-03 based on staff recommendations and the criteria outlined in the staff report. Daejauna Donahue seconded. Motion carried 5-0-0.

VI. Update on Development Activity – Miriam Bader reported on the following:

Caliber Collision – Proposed location is 9520 Baltimore Avenue (formerly the Piano store). The developer will be filing a Special Exception for review to M-NCPPC to turn the existing facility into an auto body paint and repair shop. A neighborhood meeting was held on August 4th, which staff attended. They are proposing to use the existing building to do car repair internally only. Cars that are being repaired will be stored in a fenced area towards the rear.

Paint Branch Preserve – located at 9700 Autoville Drive. A Preliminary Plan of Subdivision and Detailed site plan will be submitted to M-NCPPC for review. The proposed development is for 131 single-family residential units at Cherry Hill Road and Kiernan Dr. A neighborhood meeting will be held on August 31, 2022 at Mamma Lucia at 4734 Cherry Hill Road.

City Council Meeting – On the September 6 Council worksession agenda, there are two development projects scheduled: EcoGrads Detailed Site Plan for 123 graduate student apartments and the Preliminary Plan for RST Development located on Baltimore Ave. between Cherokee and Delaware Streets. Three hotels are currently located on site - Days Inn, Howard Johnson's and Red Roof Inn. The proposal is to raze the hotels and construct 331 dwelling units and 4,000 sf of retail.

Trader Joe's – Staff went on a tour of the project. There is a tentative opening date for the end of August or the beginning of September.

VII. Other Business: There was no other business.

VIII. Adjourn: There being no further business, Kiersten Johnson moved to adjourn the meeting. Michael Meadow seconded. The meeting was adjourned at 9:28 p.m.

Minutes prepared by Theresheia Williams