



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION

Approved Minutes of Meeting

October 4, 2018 – 7:30 P.M.

City Hall – Council Chambers

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

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

I. Call to Order: Christopher Gill called the meeting to order at 7:35 p.m.

II. Approval of Minutes:

Lawrence Bleau moved to adopt the minutes of September 6, 2018. James McFadden seconded. Motion carried 5-0-0.

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-2018-09 Variance to enclose a front porch (continued from 9/6)
Applicant: Juan Blanco
Location: 9627 52nd Avenue

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. This case was continued from the September 6, 2018 meeting because the APC had several questions and request that the applicant be present at the hearing. The applicant purchased the house with a roof over the front porch in 2001 and the house was built in 1952. Aerial photographs show the roofed front porch existed as early as 1977. In 2018, the property owner began enclosing the front porch without first obtaining a building permit. The building inspector stopped the work and informed the homeowner that he needed to obtain a building permit. He went to the County to obtain a building permit and was told he needed to apply for a front yard setback variance.

Staff learned from the County that the structure was non-complying when the roof was constructed. When a roof is added to a structure it must comply with setbacks and with lot coverages. There is no evidence that the roof was constructed legally with a building permit.

Staff recommends the 8-foot front yard setback variance to allow an enclosed front porch be approved. Miriam Bader submitted the staff report, memorandum, Exhibits 1-11 and the PowerPoint presentation into the record.

Christopher Gill asked if a setback variance was already approved for the roof, would the enclosure require a building permit?

Miriam Bader stated yes.

Stephanie Stullich asked if a variance could be granted for someone who wanted to install the same type of porch?

Terry Schum stated yes.

Stephanie Stullich asked staff to explain the “Red Roof Inn” case.

Terry Schum stated that the Red Roof Inn Case is an established case in the variance area that uses the judicial language in the decision to help with the practical difficulty and hardship criteria for variances.

Lawrence Bleau asked if the roof and enclosure should be discussed as two separate motions?

Miriam Bader stated no, because it was the enclosure that caused the violation, but the roof is what makes it non-conforming.

Timothy Blanco, applicant, testified that he has lived in College Park for almost 18 years. He stated that his house is very small but comfortable for four people. The front door opens to the living room, which is the common area of the house. He stated that the front porch is used as a mudroom and where the children toys and bicycles are stored. During the winter months, it gets cold, but the summer months aren't that bad. He stated that he has a problem with mosquitos around his house because there is a pond close by that attracts the mosquitos. He also stated that there is no garage attached to the house or on the property.

Christopher Gill asked if the porch area was used before it was enclosed?

Timothy Blanco stated that they have a big dog and that is where he stayed most of the time.

James McFadden asked if the variance is approved will it include the roof and the enclosure?

Terry Schum stated that the resolution will indicate that it's for the existing porch, roof and proposed enclosure.

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 encroachment of the front porch and roof are an existing condition, that may have been part of the original construction or added by a prior owner at least 40 years ago and will remain unchanged by the Applicant's proposal.
- 2) The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty for the Applicant by not allowing him to enclose an area already under roof and that does not encroach beyond existing conditions and by requiring the Applicant to remove a roof that has been there for over 40 years, prior to his purchase of the house. Applicant seeks the additional space provided by the enclosed porch for use as a mudroom as the front door currently opens directly into the living room of the house.
- 3) Granting the variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. Neighboring houses are located with similar reduced setbacks and have similar front porches with roofs. The enclosure does not enlarge the existing encroachment into the front yard.

Stephanie Stulich moved to recommend approval of variance CPV-2018-09 for a variance to permit an 8-foot front yard setback variance to enclose a front porch under a roof that was already existing without a permit. Ben Flamm seconded. Motion carried 5-0-0.

- VI. CPV-2018-11** Variance to construct a wraparound covered porch
Applicant: Steve & Jennifer Cibor
Location: 6905 Wake Forest Drive

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance of 8 feet from the minimum street side yard setback of 25 feet to add a wrap-around porch with a roof along the front yard and a portion of the side yard which faces Clemson Road. The property has an area of 8,070 square feet and is improved with a 2-story, brick house and a detached garage. The lot has a width that ranges from 50-feet to 65-feet and a length that ranges from 112.51 feet to 127.51 feet. The subject house was constructed in 1940 and the applicants purchased the house in 2017. The property is a rectangular-shaped corner lot with frontage on two streets. Wake Forest Drive is the front yard street and Clemson Road is the side yard street. The property previously had a deck, although smaller in size, on Clemson Road at the approximate location of the proposed porch. The house is required to have a 25-foot setback from Clemson Road due to the orientation of the abutting house on Clemson Road. The adjoining property owners signed a petition that they have no objection to the proposed, wrap-around roofed porch.

Staff recommends approval of an 8-foot street side yard setback variance for the wrap-around porch. Miriam Bader submitted the staff report, Exhibits 1-7 and the PowerPoint presentation into the record.

Lawrence Bleau asked how would the reasoning or requirements change if this was not a covered porch?

Miriam Bader stated that the setback variance is only needed for the roof. An uncovered porch does not need a variance.

Christopher Gill asked if the property is in the Historic District?

Miriam Bader stated that it is not in the Old Town Historic District, but the proposed porch would be consistent with the National Register Designated Calvert Hills Neighborhood District.

Christopher Gill asked when was the first setback requirement approved?

Miriam Bader stated in 1949.

Steve Cibor, applicant, testified that he initially didn't want to build the wrap-around deck, but his neighbors wanted him to. He stated that there is no undue burden on the neighbors because the location of the proposed porch will not be near the adjoining properties. He stated that the neighbors signed a petition indicating they have no objection to the addition and would attend the meeting to testify on his behalf.

Miriam Bader stated that the unique situation for this property is that this is such a large lot, that it is not necessary to have the 25-foot setback.

Christopher Gill asked how many other doors are included on the structure?

Steve Cibor stated that there are three doors, one below grade.

Christopher Gill asked what would be the hardship for him if the variance were denied?

Steve Cibor stated that he will be living in the basement and the only exit would be through the main floor.

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 sited and constructed in 1940 prior to the first comprehensive Zoning Ordinance in the County in 1949 which first established setback requirements. In addition, the unique nature of corner lots in this circumstance requires that the 25-foot setback requirement be met on both the front as well as the additional street side of the lot.

- 2) The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty for the Applicants by not allowing them to safely and conveniently access the above-grade side door which provides the most convenient access to the basement and provides additional egress from the home.
- 3) Granting the variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. The wrap-around porch would be an enhancement to the house and neighborhood. The proposed porch does not block the viewshed of the abutting property on Clemson Road and is a significant distance away from that property. In addition, the style of porch proposed would be consistent with the National Register Designated *Calvert Hills* Neighborhood.

Lawrence Bleau moved to recommend approval of variance CPV-2018-11 based on criteria discussed in the reasoning stated above. Stephanie Stulich seconded. Motion carried 5-0-0.

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

Maryland Hillel Center – The property is located on Mowatt Lane and will be relocating to Yale Avenue as part of a land swap with the University of Maryland. The applicant will present the Preliminary Plan of Subdivision to the City Council on October 16th and the Detailed Site Plan in November.

The proposed development on their former property is for below market rate graduate student housing and a townhouse for sale project with additional land assemblage.

The Purple Line will include a stop on Campus Drive in front of University College. Infrastructure needs to be included to connect to Adelphi Road. There was a Charrette done years ago to discuss the area and how it may be redeveloped. Most of the property is not in the City limits, but the City would be interested in annexing.

Terrapin Development Co. – This property is located on the vacant lot between Knox Road and Lehigh Road. There is an RFP out soliciting a developer for mixed-use project, which will include the surface parking lot that the University manages, the parking lot that the City manages and the strip of retail.

City Hall Redevelopment – There are two community meetings scheduled to explore the design, uses and functions of the new City Hall. One is scheduled for Wednesday, October 17th at City Hall and the other is Thursday, October 18th at Davis Hall. Both meetings start at 7:00 p.m. There will be more meeting opportunities throughout the design process.

VIII. Other Business: There was no other business

XI. Adjourn: There being no further business, the meeting was adjourned at 9:20 p.m.