



**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  
November 1, 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 Stullich	_____	_____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 7:30 p.m.

**II. Approval of Minutes:**

Christopher Gill moved to postpone approval of the October 4, 2018 minutes until the next meeting to confirm a statement in the applicant’s testimony. James McFadden seconded. Motion carried 4-0-0.

**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. CEO-2018-02** Variance to replace a retaining wall and fence  
Applicant: Natividad L. Ramirez  
Location: 9730 52<sup>nd</sup> Avenue

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance of 2.5-feet from the maximum height of 4-feet to replace a worn and deteriorating front yard masonry retaining wall and chain-link fence with a new brick retaining wall with brick piers and metal fence. The property was built in 1950 and contains 5,390 square feet and is improved with a 1-story, single-family brick house and shed. Due to the steep topography of the front yard, a retaining wall and chain-link fence was constructed at the time the lot was developed. The applicant removed the existing retaining wall and intended to construct a new wall but did not have a building permit. A “Stop Work” order was issued for not obtaining a building permit prior to removal.

The proposed retaining wall is 3-feet 8-inches in height with a brick veneer. Brick piers will be constructed at 4-foot intervals with a metal fence in between. The piers will be topped with a concrete capstone less than 1-foot in height.

Staff recommends approval of the 2.5-foot height variance and supports the dimensions, placement and materials of the proposed fence and retaining wall. Miriam Bader submitted the staff report, Exhibits 1-5 and the PowerPoint presentation into the record.

James McFadden asked if the top of the retaining wall is flush with the yard or is the retaining wall a foot higher than the yard?

Miriam Bader stated that the retaining wall is a foot above grade.

Christopher Gill asked how high could the retaining wall be without a ledge?

Miriam Bader stated 18 inches.

Terry Schum stated that the City Fence Ordinance now allows a 3-foot fence in the front yard and the proposed fence is less than that.

James McFadden asked how high does the safety fence have to be?

Miriam Bader stated that in the City Code, it states “landscaping up to a height of 3-feet or a railing or fence as required for health and safety reasons by Prince George’s County may be placed as approved on retaining walls.”

James McFadden asked how high is the safety fence the applicant is requesting?

Miriam Bader stated that the requested safety fence is 2’x 10”.

Natividad Ramirez, applicant, testified through Geidy Ramirez, that when she went to the County, they told her that the new retaining wall cannot exceed the height of the previous retaining wall. She stated that the contractor said that he was familiar with the City regulations and said he would build the new retaining wall the same height as the previous wall.

Christopher Gill asked if the previous retaining wall was 3’x 8”?

Geidy Ramirez stated yes.

Terry Schum stated that the retaining wall plus the railing is considered the fence. The County reviewed the case and indicated that a variance was required. There is a maximum height under the County regulations of a 4-foot fence in the front yard. The retaining wall and the railing measure 6.5-feet. Therefore, a fence variance of 2.5 feet is being requested for approval. APC would also address the City requirements for the materials of the retaining wall.

Christopher Gill asked if an additional height variance is needed from the City's Fence Ordinance?

Terry Schum stated no because, with the City Code, no variance is required for a retaining wall if it's necessary and staff determined that a retaining wall was necessary because it was there before it was removed.

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

- 1) There is an extraordinary condition due to the extreme slope in the front yard which makes a retaining wall necessary.
- 2) Denial will result in peculiar practical difficulty by preventing the property owner from replacing a deteriorated retaining wall. Failure to replace the removed retaining wall will impair the structural integrity of the lot. Also, County Code requires a fence be installed on top of the retaining wall for safety purposes.
- 3) Granting the variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. It is consistent with the intent of the fence ordinance as it allows the home owner to replace a deteriorated retaining wall and fence with improved materials.

James McFadden moved to recommend approval of variance CEO-2018-02 for the reasons stated above. Santosh Chelliah seconded. Motion carried 4-0-0.

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

**Zoning Rewrite** – The Zoning Rewrite legislation was approved with amendments, but it may take up to 18 months to implement the zones in the new Zoning Ordinance.

**Maryland Hillel Center** – The Preliminary Plan of Subdivision was approved by the Planning Board and the Detailed Site Plan will be before the City Council on November 13<sup>th</sup> and the Planning Board later in the month.

**City Hall Redevelopment** – On November 1<sup>st</sup>, a meeting was held with the architects for City employees to provide input on concepts for the new City Hall. So far, three open-house community meetings have been held for the community.

**Calvert Road Daycare** – City staff will be included in a conference call on November 2<sup>nd</sup> with the Maryland Historical Trust (MHT) and MEDCO, the University developer, to talk about the adverse impact of their proposal on the site. The Maryland Historical Trust determined that the proposed demolition of the rear addition and the proposed new construction will constitute an adverse impact to the historic nature of the site. Terry stated that she will have additional information after the conference call.

**VII. Other Business:** Terry Schum reported on the following:

The following cases were scheduled for Oral Argument before the Mayor and Council:

**Karen Tang** – 9808 53<sup>rd</sup> Avenue - Appealed to City Council on September 7, 2018, Oral Argument was held October 9<sup>th</sup>. The City Council granted a larger variance than recommended by APC to allow the applicant to construct a driveway that lines up with the existing curb-cut and apron.

**Wanjing Hu** – 8719 36<sup>th</sup> Avenue – Appealed to City Council on September 26, 2018, Oral Argument scheduled for November 20, 2018.

**Robert Kidwell** – 4705 Howard Lane – Appealed to City Council on October 6, 2018, Oral Argument scheduled for December 4, 2018.

**XI. Adjourn:** There being no further business, the meeting was adjourned at 8:30 p.m.

Minutes prepared by Theresheia Williams