



Office of the Mayor and Council  
City of College Park  
8400 Baltimore Avenue, Suite 375  
College Park, Maryland 20740  
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION  
of the  
MAYOR AND COUNCIL  
of the  
CITY OF COLLEGE PARK**

RE: Case No. CPV-2020-01 Name: 4715 Norwich Road, LLC  
Address: 4715 Norwich Road, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:  
April 14, 2020.

**CERTIFICATE OF SERVICE**

This is to certify that on April 17, 2020 the attached Resolution was mailed, postage prepaid, to all persons of record.

**NOTICE**

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

*Janeen S. Miller*

\_\_\_\_\_  
Janeen S. Miller, CMC  
City Clerk

Copies to: Advisory Planning Commission  
City Attorney  
Applicant  
Parties of Record

PG Co. DER, Permits & Review Section  
M-NCPPC, Development Review Division  
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK  
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING  
COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2020-01, 4715  
NORWICH ROAD, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF  
A VARIANCE FROM THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE SEC.  
27-442(e) TABLE IV, FOOTNOTE 5, WHICH SPECIFIES A MINIMUM SIDE YARD  
SETBACK OF 15-FEET IN THE R-55 ZONE IN ORDER TO ENLARGE A DORMER  
WINDOW.**

- WHEREAS,** the City of College Park ("City") has, pursuant to §190-1 *et seq.* of the Code of the City of College Park ("City Code"), and in accordance with Sec. 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot coverage, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by § 190-1 *et seq.* to grant an application for a variance where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission ("APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and similar requirements including variances from Sec. 27-442(e) Table IV, of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; and
- WHEREAS,** Sec. 27-442 (e) Table IV, footnote 5, of the Zoning Ordinance specifies a minimum side yard setback of 15-feet in the R-55 zone; and
- WHEREAS,** on February 12, 2020, Isabel and Thomas Ahman ("Applicants"), agents for Clarke Simpson, Managing Partner for 4715 Norwich Road, LLC submitted an application for a 9-foot side yard setback variance to enlarge a front dormer at 4715 Norwich Road, College Park, Maryland ("Property"); and
- WHEREAS,** on March 5, 2020, the APC conducted a hearing on the merits of the variance, at which time the APC heard testimony and accepted evidence, including the staff report, exhibits, and the staff presentation with respect to whether the subject application meets the standards for granting a variance set forth in §190-4 of the City Code.

**WHEREAS**, based upon the evidence and testimony presented, the APC voted 6-0-0 to recommend the approval of the variance; and

**WHEREAS**, the Mayor and Council are authorized by §190-6 of the City Code to accept, deny or modify the recommendation of the APC or return the variance application to the Commission to take further testimony or reconsider its recommendation with respect to variance requests; and

**WHEREAS**, the Mayor and Council have reviewed the recommendation of the APC as to the application for a variance and in particular have reviewed the APC's findings of fact and conclusions of law; and

**WHEREAS**, no exceptions have been filed.

**NOW THEREFORE**, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC with regard to CPV-2020-01 to approve a nine foot side yard setback variance:

**Section 1 Findings of Fact**

- 1.1 The property has an area of 6,937.50 square feet and is improved with a 1.5-story frame house and detached garage.
- 1.2 The property is rectangular in shape; 75 feet wide by 92.5 feet long.
- 1.3 The subject house was constructed in 1938.
- 1.4 The house is set back two feet from the side property line fronting Dartmouth Avenue at its closest point. The second-floor dormer expansion will result in the side with the dormers being only six feet from the side property line. The footprint of the house will remain unchanged.
- 1.5 The neighborhood is in the Old Town College Park Historic District.
- 1.6 The property and immediate neighborhood are predominately zoned R-55. The property at the northeast corner of Norwich Road is zoned MUI, DDOZ.
- 1.7 Second floor dormers are common in the neighborhood.
- 1.8 The surrounding residential neighborhood consists of one- and two-story dwellings.
- 1.9 The property located on the southeast corner of Norwich Road and Dartmouth Avenue is two stories in height and is similarly located on the lot with a very narrow side yard.
- 1.10 Even though the existing house does not meet the side yard setback, new construction is required to meet current zoning ordinance setbacks and the existing house does not have to be validated.
- 1.11 A side yard setback variance to construct the second story was granted in 2003.

**Section 2 Conclusions of Law**

- 2.1 There is an extraordinary condition associated with the property in that the house was constructed in 1938 unusually close to Dartmouth Avenue and does not meet current side yard setback regulations. Even though no change in the footprint of the house is proposed, reconstruction of the second floor dormer is not grandfathered.
- 2.2. The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to the Applicants by preventing the reasonable expansion of second story space. This expansion would be permitted if the original house had been constructed in a way that met current side yard setback requirements.
- 2.3 Granting the variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan because neighboring houses also have reduced setbacks and second-story dormers.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of College Park to approve CPV-2020-01 for a 9-foot side yard setback variance.

**ADOPTED**, by the Mayor and Council of the City of College Park at a regular meeting on the 14<sup>th</sup> day of April, 2020.

CITY OF COLLEGE PARK

DocuSigned by:

*Janeen S. Miller*

1CF5ED36FC84B8...

Janeen S. Miller, CMC  
City Clerk

DocuSigned by:

*Patrick Wojahn*

67A1A72557D4405...

Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

DocuSigned by:

*Suellen M. Ferguson*

AF5E89A7C68E4A9...

Suellen M. Ferguson  
City Attorney