



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-2020-02 Name: Iben Eno

Address: 5010 Erie Street, 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-2020-02,
5010 ERIE STREET, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF
A FRONT YARD SETBACK VARIANCE FROM THE PRINCE GEORGE'S COUNTY
ZONING ORDINANCE SEC. 27-442(E) TABLE IV WHICH SPECIFIES A MINIMUM
FRONT YARD SETBACK OF 25-FEET IN THE R-55 ZONE TO CONSTRUCT A ROOF
OVER A FRONT STOOP.**

- 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, of the Zoning Ordinance specifies a minimum front yard setback of 25-feet in the R-55 zone; and
- WHEREAS,** on February 19, 2020, Iben Eno ("Applicant"), submitted an application for a 5-foot front yard setback variance in order to construct a roof over an existing stoop (5' x7') at 5010 Erie Street, 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 5-1-0 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-2020-02 for a five foot front yard setback variance:

Section 1 Findings of Fact

- 1.1 The property has an area of 4,961 square feet and is improved with a 2-story, frame house with an uncovered front stoop.
- 1.2 The property has an odd 5-sided shape, averaging a depth of 70-feet and a width of 70-feet.
- 1.3 The subject house was constructed in 1989.
- 1.4 The house is set back 25 feet from the front property line with a 5' x 7' front stoop that is not covered. The rear lot line is on a diagonal angle to the front and side lot lines. This required the house as originally constructed to be placed more to one side of the lot in order to meet rear setback requirements. The siting placed the front of the house on the front setback line. While an uncovered stoop is allowed to encroach into the front yard, a covered stoop is prohibited without a variance. The property and immediate neighborhood are zoned R-55.
- 1.5 Six of the neighboring 8 properties have covered front porches.
- 1.6 Inclement weather can cause the steps on an uncovered stoop to become wet or icy and as a result difficult to maneuver, creating a hazard.

Section 2 Conclusions of Law

- 2.1 The property has an unusual or exceptional shape in that the rear lot line is on a diagonal angle to the front and side lot lines. This required the house as originally constructed to be placed more to one side of the lot in order to meet rear setback requirements. This siting placed the front of the house on the front setback line,.
- 2.2 The strict application of the County Zoning Ordinance results in peculiar and unusual practical difficulties for the Applicant by preventing the construction of a roof over an existing stoop because of how the house was originally sited. This practical difficulty also creates a hazard for the Applicants during inclement weather when the front steps might become wet or icy.

2.3 Granting the 5-foot front yard setback variance does not substantially impair the intent, purpose and integrity of any applicable plans because the front stoop is not being expanded and a front stoop with a roof will blend in with the surrounding neighborhood. Covered stoops are common in the neighborhood and support safe access.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park to approve CPV-2020-02 for a 5-foot front yard setback variance to allow a roof over the front stoop.

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

CITY OF COLLEGE PARK

DocuSigned by:

Janeen S. Miller

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Janeen S. Miller, CMC
City Clerk

DocuSigned by:

Patrick Wojahn

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Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

DocuSigned by:

Suellen M. Ferguson

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Suellen M. Ferguson
City Attorney