



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
FENCE ORDINANCE LISTENING SESSION

Approved Minutes of Meeting
December 3, 2015 – 7:30 P.M.
City Hall – Council Chambers

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Mary Cook, Chair	<u> x </u>	<u> </u>
Lawrence Bleau	<u> x </u>	<u> </u>
James McFadden	<u> x </u>	<u> </u>
Rose Greene Colby	<u> </u>	<u> x </u>
Christopher Gill, Vice Chair	<u> x </u>	<u> </u>
Kate Kennedy	<u> x </u>	<u> </u>
Javid Farazad	<u> x </u>	<u> </u>

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

I. Welcome and Introductions: Mary Cook called the meeting to order at 7:35 p.m.

Mary Cook opened the meeting with the welcome and informed the audience of the order of the agenda for the listening session. She stated that there will be an overview by Terry Schum, Director of Planning, and then comments from the audience. Individuals will have 3 minutes to speak and anyone representing an organization will be allowed 5 minutes.

II. Overview of City & County Fence Ordinances:

Terry Schum gave an overview and explained why and how the City regulates fences. She introduced Miriam Bader, Senior Planner for the City, who accepts and reviews the variance applications to be brought before the Commission.

History & Background

In October 2005, the City enacted its first City-wide ordinance. The County approved the City Ordinance through a County Council resolution in January 2006 and sometime after that the City Ordinance became effective. The City has amended the ordinance twice. The first time was June 2007. The Advisory Planning Commission initially would hear the variances and be the final decision maker, but the amendment allowed the final decision to be made by the Mayor and Council. The second amendment was July 2014, which were just minor corrections.

Purpose of Ordinance

When the ordinance was first enacted in 2005, it stated that the purpose of the fence ordinance was to:

- Preserve, improve and protect the character of residential neighborhoods
- Add to comfort and attractiveness of residential areas
- Create a better home environment
- Prevent obstruction of visibility at corners
- Allow for unobstructed streets and sidewalks

Another reason for why the City pursued this is that chain link fences were proliferating in the neighborhood and this was a way to control that from happening into the future.

City Fence Ordinance Definition

A fence is defined as any structure, barrier, wall, partition or natural growth greater than four feet that encloses a piece of land, divides a piece of land, separates two adjoining properties, or creates an obstacle to a pedestrian crossing.

Scope of Ordinance

- Applies to new fences and reconstructed or replacement fences
- Requires a building permit for all fences (City and County)
- Prohibits front yard fences
- Prohibits barbed wire, electrically charged or other hazardous materials
- Chain link prohibited unless it was the original material
- Excludes property in commercial zones

All existing fences prior to the enactment in 2005 are allowed to remain on the property. You are also allowed to repair and replace the fence in-kind.

Variance Process

There is a process in the law that allows you to be excepted from that law if you have a good reason. The APC is the body that hears requests for variances from the City's or County's Ordinance.

The Variance Process is as follows:

1. File an application with the City Planning Dept. that addresses the 7 criteria required to be met
2. Attend public hearing before APC
3. 15-day appeal period
4. City Council decision

Key Differences between City and County Ordinances

- County allows front yard fences, City does not.
- County requires building permit only for fences higher than 4-feet, City requires a permit for all fences.
- County does not regulate fence materials, City does.
- The City and County have conflicting definitions of apparent front yard, rear and side street yard and through corner lots.

Terry stated that in the 10 years that the Fence Ordinance has been in effect, there have been just over 30 applications that have been for variances before the APC. The vast majority of those variance requests have been approved. Three of them were denied outright, two were withdrawn and two were modified. This board looks carefully at the request coming in and the justification provided then makes a determination.

III. Comments from the Audience:

Below is testimony of the five residents who spoke at the listening session. Written comments were also submitted by the Committee for A Better Environment (CBE) and Patrick O'Brien of 9032 48th Place (attached).

John Krouse, 9709 53rd Avenue, testified that he was a councilmember for the City when the Fence Ordinance was passed. He stated that in early 2000, there were a lot of additional new fences being constructed because there was a tremendous amount of turn-over in the housing market. In his neighborhood, chain link fences are most common. A typical height is about 40". He stated that there are a lot of concerns from other College Park residents, not just North College Park, about the fences that are being erected. He stated that he thinks that the fence ordinance is somewhat complicated and needs to be streamlined. There are too many hurdles to go through to try to get something reasonable done on your property. He stated that having an ordinance that makes people go through certain formalities to get their permit helps to reduce problems down the road and he supports that.

Frances Sutphen, 4822 Erie Street, testified that she purposely bought a house that had a chain link fence because she has a dog. She also moved into College Park in a single-family home because she did not want to be bothered with a Home Owners Association. She stated that she has no problem with chain link fences in her neighborhood, but she feels like the City took a few bad instances and placed a restriction on everyone. She would like to have the Fence Ordinance revised because she feels it is too restrictive. She stated that electric fences do not work because another dog can come into the yard and attack her dog.

Christopher Gill asked how tall is her front yard fence?

Frances Stuphen stated that it is 4-feet. She stated that she lives on a corner lot and would like to put up a fence on her back lot also where she has a lot of overgrowth.

Linda Rioux, 4900 Blackfoot Road, testified that she moved into her place in 1999. She stated that it is a corner lot and when she moved there, the fence was buried in the hedge; you could barely see the fence. She stated that if you can prove that there is an extraordinary situation or condition, then the City should approve the variance for a front yard fence.

Gemma Evans, 9419 Rhode Island Avenue, stated that she went through the fence process back in 2010 to install a fence, which was granted. She stated that the APC and the City Council should consider changing the ordinance when it prohibits owners who are interested in front yard vegetable gardens. She stated that anyone who wants to grow their own vegetables should be able to do that without going through the variance process. She feels that the fence ordinance is unnecessarily, restrictive and burdensome on residents who have corner and through lots. She stated that the standard fence height should be changed from 4 feet to 4 ½ feet.

Mary Cook asked when she stated that the fence ordinance is too burdensome, what was she referring to?

Gemma Evans stated that the height is unnecessarily restrictive and the process makes the whole thing restrictive. As a homeowner, when you make the decision to hire someone to build a fence or build it yourself, it's a commitment to the purchase of the materials, the contractor, and the maintenance and upkeep of the fence. She stated that as a working professional, it's an inconvenience to keep taking off to complete the process.

David Dorsh, 4607 Calvert Road, testified that the ordinance needs to be less restrictive. A lot of money is going into improving your property, so the fence application process should be easier. A lot of people don't need a fence, but they just want something around their house to make it look nice.

Mary Cook stated that the Advisory Planning Commission appreciates everyone coming out and expressing their concerns and giving their recommendations. She stated that the APC will be discussing the comments at a later meeting and submitting a letter to the Mayor and Council. Anyone wishing to submit written comments may do so until December 10, 2015.

IV. Adjourn: There being no further business, the listening session adjourned at 8:50 p.m.

Minutes prepared by Theresheia Williams