



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION

Approved Minutes of Meeting

June 2, 2016 – 7:30 P.M.

City Hall – Council Chambers

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

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

I. Call to Order: Christopher Gill called the meeting to order at 7:30 p.m.

Suellen Ferguson introduced her colleague, Susan Cook, who will be attending some of the APC meetings while Sue Ford is on sabbatical.

Terry Schum introduced the City Manager, Scott Somers, who will be sitting in and observing the meeting. Scott started with the City in September 2015.

II. Approval of Minutes:

John Rigg moved to adopt the minutes of May 5, 2016. Kate Kennedy seconded. The motion carried 6-0-0.

III. Amendments to Agenda

Mr. Shontz (Appeal 16-1166) submitted a letter dated May 31, 2016, requesting a hearing postponement until the July 7, 2016 meeting. Kate Kennedy moved to postpone the hearing until the July meeting. John Rigg seconded. Motion carried 6-0-0 and this item was removed from the agenda.

IV. Public Remarks on Non-Agenda Items: There were no Public Remarks on Non-Agenda Items.

V. Public Hearings:

CEO-2016-01 Variance to Erect Two Fences
Applicant: Timothy Edmond Purvis
Location: 9507 48th Place

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting the following variances to erect two fences:

1. Fence 1 (along Iroquois Street) is a variance to replace a 3-foot split-rail fence with a 6-foot board and batten fence in the backyard to restrain two large dogs.
2. Fence 2 (along 48th Place) is a variance to erect a 4-foot tall wood-picket fence in the apparent front yard as additional exercise area for the dogs.

The property is a square-shaped corner lot with street frontage on 48th Place and Iroquois Street. The property contains 6,555 square feet and is improved with a 2-story, split-level, single-family frame house with attached garage, two sheds and a deck. The surrounding neighborhood is single-family residential with many front yard fences.

The house faces 48th Place. According to the City fence ordinance, this is defined as the apparent front yard. The County defines the front yard, for fence purposes, as any yard abutting a street. A corner lot has two front yards. Due to the location of the house, the deck and two sheds, the remaining back yard is exceptionally small.

The applicant is proposing that the top one foot of the fence be made of lattice in order to incorporate openness and visibility as much as is practical. The proposed replacement picket fence is characteristic and consistent with the surrounding neighborhood.

The property owner has two large-breed dogs. The dogs are currently contained via an invisible fence; however, passers-by and services professionals are frequently concerned that the dogs are not restrained since they do not see an adequate physical fence. According to the property owner, this leads to many unnecessary “unrestrained dog” complaints to the City animal control officer.

Staff recommends disapproval for Fence 2 and approval for Fence 1 for a variance of 2-feet from the maximum height of 4-feet for a front yard fence and a variance of 25 feet from the required 25-foot setback, with the condition that Fence 1 be located behind the tree line along Iroquois Street.

Miriam Bader submitted the staff report, Exhibits 1-7 and the PowerPoint presentation into the record. She also submitted a letter of support from Ana and Lou Kalil of 9509 48th Place, which was entered into the record as Exhibit 8.

Rebecca Purvis, applicant, testified that from the measurements taken by Long Fence, the property line appears to be located in front of the tree line, not behind. She stated that their dogs are restrained by an invisible fence, which incorporates the back yard and a little of the front yard toward the front tree line. When the dogs are out and people are walking past the property, the dogs are able to go through the split-rail fence into the front yard, which causes people discomfort.

Christopher Gill asked if there would be a separate fence going from Iroquois Street to the side of the house?

Rebecca Purvis stated yes, it would replace the existing split-rail.

Christopher Gill asked if there is a proposed fence for along the driveway?

Rebecca Purvis stated no.

Kate Kennedy asked if the area along Iroquois Street and the side yard would be sufficient room for the dogs to exercise?

Timothy Purvis stated that the dogs are really large and need a lot of space to run around and get a lot of exercise. Unfortunately, there is no free Dog Park in College Park for the residents. Mr. Purvis stated that he is an active duty navy sailor and spend a lot of time away from home and will be deployed at the end of June. He stated that with his wife's work schedule and other activities, it would be burdensome if she had to also take the dogs out and walk them every day.

Rebecca Purvis stated that she would like clarification on exactly what the site triangle code states. Her property slopes, so would the fence actually be a hindrance for safety if it is within the site triangle?

Suellen Ferguson attorney, stated that as noted in the staff report, Section 27-421 of the County Code states that "on a corner lot, no visual obstruction more than three (3) feet high shall be located within the triangle formed by the intersection of the street lines and points on the street lines 25-feet from the intersection."

James McFadden asked if they had problems with other dogs coming into the yard?

Timothy Purvis stated yes, several times.

James McFadden asked if people walked through their yard?

Rebecca Purvis stated yes, people will come and sit in their yard at the corner to talk on the phone.

James McFadden asked if a condition could be put on the variance approval that the fence at the side of the driveway be enclosed?

Suellen Ferguson stated that the applicant could proffer to install a fence along the side of the yard.

Christopher Gill asked how big are the dogs?

Rebecca Purvis stated that at their last vaccination, they weigh 80 and 79 pounds.

Timothy Purvis stated that they are first-time home buyers and was not aware of the Fence Ordinance for College Park. He had no idea that you could not install a fence on your own property. If he had known that the fence ordinance existed, he would have chosen another home.

Lawrence Bleau asked why couldn't Fence 1 (along Iroquois Street) be 4-feet instead of 6-feet?

Rebecca Purvis stated that the breed of dogs they have can jump higher than 4 feet, so they could get out. The topography is on a slant and a 4-foot fence at the bottom of the yard is not really that tall so you would be able to see their entire yard.

John Rigg moved to approve staff recommendation for Fence 1, with the condition that the fence be installed behind the tree line along Iroquois Street and outside of the City right-of-way. Lawrence Bleau seconded. Motion carried 5-1-0, with Lawrence Bleau voting nay.

Kate Kennedy moved to recommend approval of Fence 2 along Iroquois Street, with the condition that the fence will comply with Section 27-421 which regulates corner lot sight-line obstructions and that the owner will close in the front yard by adding fencing along the driveway. James McFadden seconded. Motion carried 4-2-0, with John Rigg and Lawrence Bleau voting nay.

CPV-2016-04 Variance to Construct a Driveway in the Front Yard
Applicant: Erika Rubio Sosa
Location: 5008 Huron Street

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance not to exceed 24 feet in width and 24 feet in length of parking area in the front of the dwelling to construct a driveway and curb-cut.

The subject house was constructed in 1966 and has an area of 5,000 square feet. The house is rectangular in shape and the property measures 50-feet in width by 100-feet in length. The immediate neighborhood is zoned R-55, single-family residential and has many narrow side yards with single and double-wide driveways in the front of the homes.

The applicant does not currently have a driveway or curb-cut. The recommended driveway size for a single-wide driveway is 10 feet by 19 feet. There is no permit parking on Huron Street and on-street parking is very limited.

According to the Prince George's County Ordinance no parking space may be constructed in the front yard. The Department of Permitting, Inspections and Enforcement (DPIE) requires a driveway setback of 3.5 feet from the side property line.

Staff recommends approval of a variance not to exceed 10 feet in width and 19 feet in length or 190 square feet of parking area in the front of the dwelling to minimize encroachment in front of the residence.

Miriam Bader submitted the staff report, Exhibits 1-7 and the PowerPoint presentation into the record. She also submitted a letter of support from Richard Newhouse, which was entered into the record as Exhibit 8.

Kate Kennedy asked why is staff recommending a single-wide driveway?

Miriam Bader stated that a double-wide driveway would require a double-wide driveway apron, which may only be granted by the City Council.

Erika Rubio Sosa, applicant, testified that he is requesting a double-wide driveway because there is nowhere to park on his street. He stated that during the winter when it snows, he has to park at least 50' from the house. He stated that he has a child and one on the way and it is dangerous for his wife to have to walk so far to the house.

Kate Kennedy asked if there are any storm water management issues in reference to lot coverage?

Miriam Bader stated that there is no lot coverage issue.

Lawrence Bleau asked if there is permit parking on Huron Street?

Erika Rubio Sosa stated no.

Christopher Gill asked what is the current parking situation on Huron street?

Erika Rubio Sosa stated that parking is bad on the weekends. The residents and their visitors take up a lot of space.

Christopher Gill asked the applicant how many vehicles does he own?

Erika Rubio Sosa stated that he owns two vehicles.

Kate Kennedy moved to recommend approval for the variance for a 24-foot by 24-foot double-wide driveway be granted contingent upon the City Council granting a double-wide curb-cut and if the curb-cut is not granted, the APC recommends approval of a 10-foot wide by 19-foot long driveway. James McFadden seconded. Motion carried 6-0-0.

CPV-2016-05 Variance to Construct a Driveway in the Front Yard
Applicant: Dennis and Janet McGrath
Location: 8405 48th Avenue

Christopher Gill explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a variance not to exceed 16 feet in width and 31 feet in length of parking area in the front of the dwelling to replace and expand a driveway.

The property owner replaced the original driveway and constructed a new 18-foot by 22-foot brick driveway pad without obtaining a county or city building permit. The property owner received a Building Permit Violation notice on May 5, 2016 for failure to obtain a building permit for the installation of a brick driveway.

The original house was constructed in 1928 and is rectangular in shape with an area of 20,000 square feet. A detached garage was constructed in 1972 and a driveway apron was most likely constructed at this time in order for a vehicle to access the garage. An addition was constructed at the location of the driveway in 1973. There is an extreme slope, 15-25%, to the north of the house. The immediate neighborhood is zoned R-55, single-family residential. There are other driveways in the neighborhood that encroach in front of the house.

Staff recommends approval of a variance not to exceed 16 feet in width and 31 feet in length or 496 square feet of parking area in the front of the dwelling.

Miriam Bader submitted the staff report, Exhibits 1-7 and the PowerPoint presentation into the record.

John Rigg asked what relevance does Exhibit 3 have to the current variance?

Miriam Bader stated that Exhibit 3 is the building permit issued in 1973 for the addition. It was used to track when the driveway was first constructed and removed.

Dennis and Janet McGrath, the applicants, testified that they have lived in this property for 36 years and have never had any problem with parking on their street until the last couple of years. They are one block from Route 1, and students park in front of her house and walk to campus. The construction workers park all up and down her neighborhood. She stated that when she comes home from work there is nowhere to park, she has to park in her neighbor's driveway to unload groceries. Mr. McGrath stated that occasionally their daughter comes by with her children and they usually call first to find out if there is a parking space near their house.

Lilly Fountain, 8411 48th Avenue, testified that she supports the applicant's variance request. She has two driveways that she shares with the applicant when they need someplace to park. She stated that occasionally, she has problems with cars blocking her driveway. She stated that she thinks that the applicant's driveway is beautiful and adds to the appearance of their street.

Harry Pitt, Vice President of Berwyn District Civic Association, testified that he is also a neighbor and the contractor who installed the driveway. He stated that he had no idea that they had to apply for a permit since they were not replacing the existing apron. Mr. Pitt stated that the parking problem is not only an issue for 48th Avenue, but for the whole neighborhood. He stated that the Berwyn Civic Association will be requesting permit parking for the neighborhood. He said he lives in the last house on a dead-end street and is constantly calling the City to come and ticket and tow vehicles that have been sitting for weeks.

Lawrence Bleau asked why couldn't the driveway be placed on the north side of the property?

Harry Pitt stated that they were trying to work with the existing driveway apron and the lot starts to slope down on the north side.

John Rigg moved to adopt staff recommendation and approve the requested variance of 16 feet in width and 31 feet in length of parking area in the front of the dwelling. James McFadden seconded. Motion carried 6-0-0.

V. Update on Development Activity: There was no update on development activity.

VI. Other Business: The following items were discussed:

- Fence Ordinance - Terry Schum stated that the City Attorney is taking the lead on changes to the Fence Ordinance. Suellen will be meeting with staff to discuss the changes and it will come before the APC as a proposed draft for review at a future meeting.
- Christopher Gill asked about the process for establishing permit parking and if it would be more effective for the City to establish permit parking zones universally without having to go through a petition process. Terry Schum stated that the City Manager, Scott Somers, will be addressing this issue sometime in the near future. Lawrence Bleau moved to draft a letter to City Council addressing APC concerns about the mechanisms used to alleviate on-street and permit parking. John Rigg seconded. Motion carried 6-0-0.
- Zoning Rewrite Module 2 – Terry Schum stated that Module 2 consists of Development Standards including Neighborhood Compatibility, which are found in the TDOZ, DDOZ and Rt. 1 Sector Plan. Terry stated that there will be a preview meeting held on Wednesday, June 8th for members of the Technical Committee and Miriam will be attending the meeting for Terry and will discuss the outcome at the next APC meeting. A Public meeting will be held on the same date in the evening.

VII. Adjourn: There being no further business, the meeting was adjourned at 10:01 p.m.

Minutes prepared by Theresheia Williams