



CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION
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ADVISORY PLANNING COMMISSION
Minutes of Meeting
December 6, 2012 – 7:30 P.M.
City Hall Council Chambers

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Lawrence Bleau, Chair	<u> x </u>	<u> </u>
Mary Cook, Vice-Chair	<u> x </u>	<u> </u>
James McFadden	<u> </u>	<u> x </u>
Charles Smolka	<u> x </u>	<u> </u>
Clay Gump	<u> x </u>	<u> </u>
Rose Greene Colby	<u> x </u>	<u> </u>

Also Present: Planning Staff- Theresheia Williams; Department of Public Services Staff – Jeannie Ripley and Attorney - Sue Ford.

I. Call to Order: Lawrence Bleau called the meeting to order at 7:34 p.m.

II. Approval of Minutes:

Mary Cook moved to accept the minutes of November 1, 2012, after changing the word “her” to “she” in the first sentence of the second paragraph on page 4. Charles Smolka seconded. The motion carried 5-0-0.

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. Public Hearing:

APC-CEO-0001-2012: Appeal from Section 125-6(b) – Basic equipment and facilities

Applicant: Peter Mullings

Location: 4705 Erie Street

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Jeannie Ripley, Code Enforcement Manager, presented the staff report on behalf of Code Enforcement Officer Jocye Dent-Shuler who initiated the violation and prepared the report but was unable to attend the meeting. Ms. Ripley testified that the property is owned by Kim Capps and the applicant, Peter Mullings, is the property manager. The applicant is requesting a waiver of City Code Section 125-6(b) Basic Equipment and Facilities, which states every dwelling, and rooming or dwelling unit, shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good

working condition and properly connected to a water and sewer system approved by the Public Services Department. The water closet is on the first floor of the structure near the kitchen. The subject room measures approximately three and one half feet by three feet with a standard commode. There is no basin in the space and the kitchen sink is approximately six feet from the doorway. The one and one-half story structure was built in 1928 and includes a full bathroom on the second floor including a toilet and sink. It has been the primary residence of the current property owner since purchased in 1996.

The property owner applied for a residential occupancy permit for a new rental in May, 2012. The property was cited by the inspector on July 12, 2012, during an inspection for a new Residential Occupancy Permit for failure to have a basin in the room housing a water closet. CEO Dent-Shuler determined that the room housing the water closet (commode) was not equipped with a lavatory basin as required by Section 125-6(b).

The Department of Public Services requested that the Advisory Planning Commission accept their staff report and exhibits into the record for the subject property.

Mary Cook asked if the entire house is one rental unit?

Jeannie Ripley stated yes.

Mary Cook stated that in the City Code Section 125-6(b), it is unclear whether a basin is required in each lavatory room where there is a commode in the dwelling.

Clay Gump asked if the house was occupied at this time?

Jeannie Ripley stated yes.

Peter Mullings, applicant, testified that he is the property manager for the property. He stated that because of the age of the house and its first floor configuration, it would require substantial remodeling to move walls or enlarge the size of the space of the room containing the water closet to install a basin. Mr. Mullings stated that the current renters use the water closet on the first floor for themselves and guests so that they won't have to go up to the second level where the other bathroom is located.

Rose Colby asked how many people live in the house?

Peter Mullings stated that there are two adults living there, a husband and wife.

Clay Gump asked if a plumber was consulted about installing a basin in the room?

Peter Mullings stated that the owner, Kim Capps, spoke with a plumber and was advised that it was not feasible to put a basin in the space. Mr. Mullings stated that another alternative to mitigate spreading of germs is to have hand sanitizer available for use.

Lawrence Bleau moved to grant the requested waiver because it does not impair/and or endanger the health, safety and general welfare of the occupants of the dwelling. Mary Cook seconded. The motion carried 3-2-0, with Clay Gump and Rose Colby voting nay.

Commissioners voted 5-0-0 to send a letter to the Mayor and Council recommending that Section 125-6(b) of the City of College Park code be amended to read that EACH room in a dwelling with a flush water closet must have a lavatory basin.

VI. Discussion of status report for 7400 Dartmouth Avenue

Commissioners reviewed and discussed the status report for the period October 4, 2012 through November 30, 2012 and voted unanimously to have the applicant submit another written status report by December 28, 2012 to be reviewed at the January 3, 2013 meeting. Also, the APC would like the Department of Public Services to conduct another inspection of the property and present their report at the February 7, 2013 meeting, which they would also like the applicant to attend.

VII. Other Business: There was no Other Business.

VIII. Adjourn: There being no further business, the meeting was adjourned at 8:32 p.m.

Minutes prepared by Theresheia Williams