



**CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION**  
**4500 KNOX ROAD COLLEGE PARK, MARYLAND 20740**  
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**ADVISORY PLANNING COMMISSION**  
**Approved Minutes of Meeting**  
**May 2, 2013 – 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>
Clay Gump, Vice-Chair	<u>  x  </u>	<u>      </u>
Lawrence Bleau	<u>  x  </u>	<u>      </u>
James McFadden	<u>  x  </u>	<u>      </u>
Charles Smolka	<u>      </u>	<u>  x  </u>
Rose Greene Colby	<u>  x  </u>	<u>      </u>

Also Present: Planning Staff- Terry Schum, Jonathan Brown and Theresheia Williams;  
Attorney – Sue Ford.

**I. Call to Order:** Mary Cook called the meeting to order at 7:35 p.m. Terry Schum introduced Jonathan Brown, who has been with the Planning Department since August 2012, but tonight will be his first time presenting before the APC.

**II. Approval of Minutes:**

Lawrence Bleau moved to accept the minutes of March 7, 2013, after correcting the spelling of “dead-end” on page 3. Clay Gump 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:**

**CPV-2013-02:           Variance to widen an existing driveway for parking  
in front yard**  
**Applicant:           Richard Kager**  
**Location:           3533 Marlborough Way**

Mary Cook explained the hearing procedures and placed witnesses under oath. Jonathan Brown summarized the staff report. The request is for a variance to expand a driveway in the front yard to 20 feet by 17 feet and a waiver to extend a retaining wall in the front yard in conjunction with an expanded driveway. The property is irregular in shape and is zoned R-55, single-family residential. The property is improved with a two-story brick single-family house, a storage shed and a concrete driveway. The front property line measures 50 feet. The rear property line measures 65.09 feet. The northern side property line measures 139.55 feet and the southern side property line measures 136.13 feet. The property has an area of 8,060 sf. The existing driveway is paved with concrete to a width of 10 feet and a length of 17 feet, accommodating one vehicle and is comparable to neighboring driveways in the College Park Woods community.

The property has steep slopes, stone retaining walls on three sides and a concrete stairway to the house. Widening the driveway apron to match the 20 foot width would require approval from the City Council and a Declaration of Covenants from the applicant. The Americans with Disabilities Act (“ADA”) standard for parking spaces for vans requires a minimum width of 16 ft.

Staff is recommending approval with the following two conditions: 1) that the width of the driveway expansion be reduced from the requested 10 ft to 6 ft, and reduce the length of the expanded driveway from the requested 17 feet to 12 feet, with no access to the driveway apron; 2) The retaining wall shall be constructed of similar gray stone materials and at the same height as the existing retaining wall.

Jonathan Brown submitted the staff report, Exhibits 1-7 and amended Exhibit 6, which was shown in the powerpoint presentation into the record. Commissioners accepted unanimously.

Clay Gump asked if staff’s recommendation requires the driveway apron to be reconstructed or removed?

Jonathan Brown stated that the intent is not to enlarge the apron, which would require another approval from the City Council.

Clay Gump asked if there is a particular grade that the ramp has to be?

Terry Schum, Planning Director, stated that the applicant didn’t submit construction drawings for the new retaining wall or the sidewalk ramp. But in order to get a permit, the ramp coming off the standard driveway would have to meet the American’s with Disabilities Act (ADA) Standards, which require no more than a 12% slope.

James McFadden asked what is the reason for not granting the additional four feet?

Jonathan Brown stated that staff was trying to minimize the stormwater and visual impact of the neighborhood by doing the minimum needed for easy access getting in and out of the van.

Terry Schum stated that the intent was not to provide an additional parking space, which would require you to widen the apron, which would require a variance from the City Council.

James McFadden asked if the 10 feet can be approved without increasing the apron?

Terry Schum stated yes.

Lawrence Bleau asked staff to describe how the conditions of this property are different from those of surrounding properties?

Jonathan Brown stated that there are similarities in the homes on that side of the street because all have a higher grade.

Duane Bailey, contractor for the applicant, testified that he is trying to get Mr. Kager as much room as possible. He stated that the ramp is actually 8 feet so 10 feet would give Mr. Kager a little more room to exit and enter his van. The ramp the he will be installing on the side will be 12% maximum slope and will be curved around and sloped so that he can get in and out without assistance. The ramp will go around the outside and come across the existing sidewalk, which will be replaced to the correct elevation so that Mr. Kager can just come in and out without any help. He stated that the driveway is not very long, so he would also like to expand the apron to give Mr. Kager an alternative access in case there is a car in the driveway. Mr. Bailey submitted a photo of the ramp coming out of the side of the van, which was entered into the record as Exhibit 8.

Richard Kager, applicant, testified that the ramp is a special ramp for handicapped vehicles. He stated that his power wheelchair weighs around 300 pounds and he has a lot of difficulty getting lifts for that weight. He purchased a special van that would handle up to 1000 pounds. He has a sign on the van indicating that he needs 8 feet clearance. If the ramp is sitting on the ground with no support, the weight will damage the area.

Lawrence Bleau asked if the ramp from the van, when extended, would meet the lower part of the walkway?

Richard Kager stated yes it would be on a hard surface and the wheelchair can just roll right into the van.

Richard Kager, Jr., applicant's son, stated that the ramp only works properly when it is level with the bottom of the tires. For example, if you try to use it next to a curb, it won't extend properly. That's why the width that is requested would be very beneficial.

Clay Gump asked how wide is the van?

Richard Kager, Jr, stated between 6 and 8 feet.

Lawrence Bleau asked if the concrete steps would be kept in place or removed?

Duane Bailey stated that they would be removed and everything would be taken out and widened.

Clay Gump asked the contractor if he was bringing in equipment to regrade the front section?

Duane Bailey stated yes, it will be done with a small bobcat that would take care of everything.

James McFadden asked if there were any comments from the civic association?

Terry Schum stated no.

Mary Cook asked if there were any letters of support from the neighbors?

Jonathan Brown stated no.

Lawrence Bleau asked if the applicant had considered extending the walkway from the house to the street?

Duane Bailey stated that the ramp should be level with the tires so that it would work properly.

Clay Gump asked if the grade of the driveway have to be changed?

Duane Bailey stated no because the driveway is pretty flat and the van will come down the same grade as the driveway.

Sue Ford, City Attorney, asked how wide is the side yard between the property line and the house?

Richard Kager stated that the property line runs up to the neighbors retaining wall, about 5 feet from the end of the driveway.

Mary Cook asked if permission was granted to extend the apron by the City Council, would a County permit still be required?

Terry Schum stated that the City controls the City right-of-way, so the permit for widening the driveway apron is only from the City. The County requires a permit for the rest of the construction, as well as the City.

James McFadden asked the applicant how does he exit the van in his wheel chair?

Richard Kager stated that with the power chair, he comes out head first. He stays in the chair once he gets into the van and he can turn around to exit.

Commissioners reviewed the criteria that need to be met before the variance and appeal can be granted and determined that:

- 1) With regard to a Variance from Section 27-120.01(c) of the Prince George's County Zoning Ordinance, "Front Yards of Dwellings," to expand a driveway in the front yard to a width of twenty (20) feet and length of seventeen (17) feet.
  - a. The property has an exceptional topographic condition with steep slopes on three sides of the eastern end of the existing driveway which will require a curved walkway accessible from the driveway to the rear of the property at grade sufficient to allow the wheel chair to maneuver. There is also an extraordinary situation in that the applicant is disabled and uses a power wheelchair and special van with an automatic lift that has clearance requirements for its operation including for the ramp extending from his van

- b. The strict application of the county Zoning Ordinance will result in practical difficulties for the applicant by not allowing him to make improvements required for the use of his specially-equipped van and power wheelchair. This will also be a hardship on the applicant by denying him independent access to his home.
  - c. Granting the variance will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. The Fair Housing Act mandates “reasonable accommodations” to allow persons with disabilities an equal opportunity to use their dwelling.
- 2) With regard to an appeal from the City of College Park Code, Section 87-23. Fences to extend a retaining wall in the front yard in conjunction with an expanded driveway.
- a. Extending the existing retaining wall is needed to prevent soil erosion and degradation of the driveway and is thus necessary pursuant to Section 87-23 (E) of the City of College Park Code.
  - b. There is an extraordinary situation or condition that supports the grant of the appeal because of the exceptional topographic conditions including steep slopes on three sides of the existing driveway.
  - c. Denial of the appeal would result in a peculiar and unusual practical difficulty to or an exceptional or undue hardship on the owner. Without the retaining wall, the Applicant is not able to expand the driveway to a width that will meet ADA standards for a side loading van with wheel chair access
  - d. Granting the variance will not impair the intent, purpose or integrity of the Fence Ordinance. The retaining wall will not extend more than one foot above finished grade, meeting the requirements of the City of College Park Code and is necessary.
  - e. The property is not located in any Historic District.
  - f. The variance will not adversely affect the public health, safety, welfare or comfort. The expansion of the retaining walls to support the earth surrounding the driveway will allow adequate wheelchair access. The retaining wall will not prevent access to residences by emergency vehicles.
  - g. The criteria requiring openness and visibility as much as practicable does not apply because the proposed retaining wall is necessary for retaining a portion of the Applicant’s yard to accommodate the expanded driveway.
  - h. The retaining wall is characteristic of both the type and positioning of retaining walls among adjacent properties.

James McFadden moved to approve the variance and appeal because the requests meet the criteria for the reasons stated above, with the following conditions:

- 1) Variance of the parking area requirements prohibiting driveways in the front yard be granted to allow the applicant to construct a 10 foot by 12 foot driveway expansion with the condition that the existing apron of the driveway remain as-is and no additional driveway apron be added.
- 2) An appeal to allow a 10 foot expansion of an existing retaining wall in the front yard in conjunction with the widening of the existing driveway and subject to the retaining wall being constructed of similar gray stone materials and at the same height as the existing retaining wall.

Clay Gump seconded. Motion carried 4-1-0, with Lawrence Bleau voting nay.

**VI. Discussion of inspection report for 7400 Dartmouth Avenue**

The applicant submitted a request for postponement of their May 2, 2013 progress report until the July meeting. Commissioners accepted the request, but discussed the inspection and progress report that was submitted. The commissioners voted unanimously to have the applicant attend the July meeting and based on the July progress report, make a final decision for the disposition of the case.

**VII. Update on Development Activity** Terry Schum reported on the following:

**Koons Ford Detailed Site Plan** – The property consists of a Marriott Courtyard Hotel, CVS, miscellaneous retail and structured parking in the rear. It was approved by the Planning Board with conditions and the resolution of approval has been signed. There is a District Council hearing required but no date has been scheduled yet. It will probably be another 6 weeks before they can pull building permits.

**Maryland Book Exchange** – They are going through the certification process where they have to address all the conditions that were placed on the project. Staff is reviewing the final architecture to make sure it meets the conditions. Construction is slated for this fall.

**Cafritz** – Both Preliminary Plan and Detailed Site Plan have been filed for the entire project. They are still waiting on approval for the bridge. As of today, CSX and the University of Maryland support the project and are supportive of the bridge. Staff will update as more information becomes available.

**Metropolitan at College Park** – The property is located at Route 1 and Cherokee Street on the east side of Route 1. The property will consist of 290 units, 235 multifamily and 55 townhomes with little retail. Plans should be submitted in the next couple months. The developer recently met with the North College Park Citizens Association.

**College Park Metro Station** – There will be a listening session on the update to the 1997 College Park-Riverdale Park Transit District Development Plan for the area around the College Park Metro Station. It will be held on Thursday, May 9, 2013 in the College Park Council Chambers from 7:00 p.m. to 9:00 p.m. It is sponsored by the Maryland-National Capital Park and Planning Commission.

**VIII. Other Business:** There was no other business.

**IX. Adjourn:** There being no further business, the meeting was adjourned at 9:37 p.m.

Minutes prepared by Theresheia Williams