

The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



Note: Staff reports can be accessed at www.mnccppc.org/pgco/planning/plan.htm.

Special Exception

SE-4533 & VSE-4533

Application	General Data
Project Name: Chen's Apartment Location: Southwest side of College Avenue and Rhode Island Avenue, known as 4619 College Avenue. Applicant/Address: Tom Chen 4505 College Avenue College Park, Maryland 20740	Date Accepted: 9/19/2005
	Planning Board Action Limit: N/A
	Plan Acreage: 0.40
	Zone: R-18
	Dwelling Units: 8
	Square Footage: 7,593.2
	Planning Area: 66
	Tier: Developed
	Council District: 03
	Municipality: College Park
	200-Scale Base Map: 209NE04

Purpose of Application	Notice Dates
SE-4533—Nonconforming buildings, structures, and uses; alteration, enlargement, extension, or reconstruction	Adjoining Property Owners Previous Parties of Record Registered Associations: 8/30/05 (CB-12-2003)
VSE-4533—Variance for setback of portico from street line	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Jimi Jones	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X—SE-4533	X—VSE-4533	

February 15, 2006

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

FROM: Jimi Jones, Acting Zoning Supervisor

SUBJECT: **Special Exception Application No. 4533/VSE-4533**

REQUEST: **Alteration of Existing Parking Lot and
Restoration of Garage, Portico and Stairs**

RECOMMENDATION: **APPROVAL, with conditions for SE-4533
DENIAL of VSE-4533**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

- A. Location and Field Inspection:** The property is a rectangular-shaped parcel located on the southwest corner of College and Rhode Island Avenues in the City of College Park. The property is developed with a large two-and-a-half-story brick apartment building and a six-car brick garage. Access to the property is provided via a driveway on Rhode Island Avenue that is connected to a small gravel parking lot.

B. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	R-18	R-18
Use(s)	Multifamily Residential	Multifamily Residential
Acreage	0.40 ac.	0.40 ac.
Lots	2	2
Parcels	1	1
Square Footage/GFA	7,593	7,593
Dwelling Units:		
Multifamily	8	8

- C. History:** The subject property was developed in 1930 in the Commercial D Zone to be used as an eight-unit apartment building, which was a permitted use at that time. In 1949, the property was rezoned to the C-1 Zone, then on May 1, 1990, rezoned to the R-18 Zone. The subject apartment building was used as a fraternity house (without a valid permit) from the early 1980s to 1993, when the District Court determined that the use was in violation of the Zoning Ordinance. The applicant received approval of a certification of a nonconforming use (CNU-5572-2001) for the apartments in 2003.
- D. Master Plan Recommendation:** The approved Master Plan for Langley Park-College Park-Greenbelt (October 1989) recommends “Urban” density residential development (12-16.9 dwelling units per acre) for the subject property. The General Plan (October 2002) places the subject property in the Developed Tier, which seeks, among other things, to strengthen existing neighborhoods and encourage appropriate infill.
- E. Request:** The applicant proposes to pave the existing parking lot, restore the garage, construct exterior stairs, and re-establish a portico for an existing, nonconforming, eight-unit apartment building. The portico is subject to a minimum 30-foot setback from the property line. The portico is set back 18 feet from the property line along Rhode Island Avenue. A variance of 12 feet is required.
- F. Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries:

North—	Paint Branch Parkway
South—	Calvert Road
East—	Baltimore & Ohio Railroad tracks
West—	Baltimore Avenue (US 1)

The property is surrounded by the following uses:

- | | |
|--------|---|
| North— | Across College Avenue is a dry cleaner in the C-1 Zone and single-family detached homes in the R-18 and R-55 Zones. |
| East— | Across Rhode Island Avenue are single-family detached homes in the R-55 Zone and multifamily housing to the southeast in the R-18 Zone. |
| South— | Single-family detached homes in the R-18 and R-55 Zones. |
| West— | Single-family detached homes in the R-18 Zone. |

The neighborhood consists of a mixture of single-family detached homes and low-rise multifamily units.

G. Specific Special Exception Requirements: Section 27-384(a)(4) and (5) provide the requirements relevant to this request:

- (4) **When not otherwise allowed, a certified nonconforming use may be otherwise altered by the addition or relocation of improvements, such as fencing, landscaping, off-street parking and loading areas, and outdoor trash enclosures, or the relocation of buildings or other improvements within the boundary lines of the lot as it existed as a single lot under single ownership at the time the use became nonconforming.**
- (5) **Any new, or any addition to, or alteration or relocation of an existing building or other improvement (which is either nonconforming or utilized in connection with a certified nonconforming use), shall conform to the building line, setback, yard, and height regulations of the zone in which the certified nonconforming use is located. The District Council may further restrict the location and bulk of the building or structure where the evidence so warrants. If the use is presently permitted by Special Exception in the zone, the new building, improvement, or addition shall conform to all of the physical requirements of the specific Special Exception use.**

H. Parking Regulations: Staff notes that both the use and associated parking area predates the parking requirements and, technically, no parking is required. The applicant is, however, providing ten parking spaces (six in the existing garage and four spaces in the parking lot). The dimensions of the six spaces in the garage must be shown on the site plan. The applicant should also revise the parking schedule to note that the parking area predates the parking requirements and no parking spaces are required.

I. Landscape Manual Requirements: The application does not propose the construction, alteration or enlargement of a building. Although the applicant is replacing an existing garage, this building would remain in its original location and footprint. This renovation effort does not require compliance with the *Landscape Manual*. The applicant, as agreed with the City of College Park, proposes to provide landscaping around the parking area in accordance with Section 4.3(a) and (b) of the manual.

J. Zone Standards: The applicant has filed a variance request (VSE-4533) to allow the applicant to restore a portico. Pursuant to Section 27-27-442(e), the portico must be setback at least 30 feet from the property line. The proposed portico would be setback 18 feet from the property line. A variance of 12 feet is required. Staff also notes that a similar variance may be necessary for the

steps associated with the portico if the steps extend closer to the property line than what was certified. It is unclear on the site plan where the steps end.

In order for a variance to be granted, the applicant must demonstrate how the required findings for a variance are met by its proposal. These findings, which are in Section 27-230, provide that variances may be granted when:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**
- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
- (3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The applicant has the burden of proof regarding these findings. The statement of justification does not explain how the above findings are met by the applicant's proposal.

K. Sign Regulations: No signs are proposed.

L. Other Issues: The City of College Park, in a memo dated January 26, 2006 submits that the applicant has worked with the city and is proposing improved landscaping and parking lot design. The city indicates that they are in support of this special exception and offer a list of conditions if this application is approved (see attached memo).

In a memo dated October 28, 2005, the Historic Preservation and Public Facilities Planning Section provides the following comments:

“The subject application for a Special Exception for alterations to non-conforming buildings, alterations to a parking lot, and a variance from the building restriction line involve the property at 4619 College Avenue, College Park (southwest corner of the intersection of College Avenue and Rhode Island Avenue) known as Chen's Apartments. The subject property is a large, brick, multifamily dwelling constructed c. 1930 with primary facades on both College Avenue and Rhode Island Avenue. At the southwest corner of the property is a one-story brick and concrete block shed-roof garage that accommodates six cars; there is also a driveway and parking area.

“Both the main building on the property and the existing garage are contributing resources within the proposed Old Town College Park Historic District (Historic District #66-21). The Old Town College Park Historic District, designated by the Historic Preservation Commission in February 2004, has been appealed. Zoning Hearing Examiner recommendations on the appeal to the county council are anticipated in the near future. However, proposed alterations to subject property are not subject to the requirements of Subtitle 29 (the Prince George's County Historic Preservation Ordinance) at this time because of the appeal. Nevertheless, the proposed paving and parking associated with these applications will impact the historic and residential character of Old Town College Park. The prominent corner location of the property is unusual in that the area traditionally considered as a rear yard is exposed to a public street. As a result, the impact of paved parking in this instance is greater than would be typical of a traditional rear yard.

“Under current historic preservation regulations, the subject applications will be addressed outside of the requirements of Subtitle 29. However, should the Old Town College Park Historic

District be upheld by the county council, proposed alterations such as these, regardless of whether or not variances are required, would be subject to review and approval by the Historic Preservation Commission through the Historic Area Work Permit (HAWP) process. *In the interim, the subject applications will have no affect on 4619 College Avenue.*”

M. Required Findings:

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.

The proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The proposal to renovate this existing apartment building will provide additional housing for students from the University of Maryland. The use is in a neighborhood containing similar types of housing. Approval of this application will provide sound, sanitary housing in accordance with the purposes of the Zoning Ordinance.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle. While staff cannot recommend approval of the variance from the setback requirements for the portico, this feature can either be eliminated or redesigned to meet the setback requirements. The applicant also has the option of submitting a persuasive argument to the Planning Board or Zoning Hearing Examiner that explains how the variance meets the criteria of Section 27-230.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.

The proposed use will not substantially impair the integrity of the Approved Master Plan for Langley Park-College Park-Greenbelt (October 1989), which recommends “Urban” density residential development (12–16.9 dwelling units per acre) for the subject property. The General Plan (October 2002) places the subject property in the Developed Tier, which seeks, among other things, to strengthen existing neighborhoods and encourage appropriate infill. The subject nonconforming multifamily dwelling does exceed the density recommended by the current master plan. This eight-unit building on a 0.4-acre parcel achieves a density of 20 dwelling units per acre. The use does, however, predate current requirements.

(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The subject use has functioned as a multifamily dwelling since 1929. The conditions of approval will ensure that the impacts of the subject use are minimized.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The applicant has worked with staff from the Planning Department for the City of College Park to create a plan that allows the existing structures to be renovated in a manner that will not be a detriment to neighboring properties. With the attached conditions, the proposed use will provide housing and adequate parking for its residents.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The proposed use is exempt from the provisions of the Woodland Conservation Manual because the lot is less than 40,000 square feet in area and has no previous Tree Conservation Plan.

CONCLUSION:

The applicant filed this special exception in order to restore an apartment building that has served as student housing for many years. He has worked with the City of College Park to achieve a design that is compatible with surrounding uses. The proposed improvements also require that a variance from setback requirements be granted to allow the restoration of a portico. In order for the Planning Board to grant such a variance, the applicant must provide testimony as to how the findings in Section 27-230 are met. The applicant has not provided the required justification and the staff therefore, recommends DENIAL of VSE-4533. Staff further recommends APPROVAL of SE-4533, subject to the following conditions:

1. The site plan shall be revised as follows:
 - a. A note should be added to the Site Data on Sheet 1 of 1 indicating that the property is a certified nonconforming use per PGCPB Resolution No. 03-243 and 5572-2001-CGU.
 - b. The dimensions and setback of both the portico and the attached open steps along Rhode Island Avenue must be clearly provided on the site plan.
 - c. The limits of parking lot paving shall be shown as well as car stops and striping.
 - d. The dimensions of the garage as well as the six parking spaces in the garage shall be shown on the plan. The height of the garage shall also be provided.
 - e. Provide sidewalks on both sides of the driveway entrance to merge with the existing sidewalks.
 - f. The adjacent use to the north should be reflected as single-family dwelling, not residential, per the approved nonconforming site plan.
 - g. The width of the driveway entrance and drive isle must be provided on the site plan. A driveway apron and curbing shall also be provided. A minimum width of 22 feet is required for the driveway.

- h. The dimension of the compact parking space in the parking schedule and on the site plan are not the same. These dimensions must be consistent with each other.
 - i. The dimensions of the exterior fire stairs on the site plan do not match the dimensions provided on the elevations, Sheet AS.1. This must be clarified.
 - j. The appropriate landscape schedules for Section 4.3(a) and (b) shall be provided on the plan.
 - k. Relocate the two Pin Oaks in the middle of the property's front yard on College Avenue, on either side of the walkway.
 - l. Relocate one of the red maples on the northern buffer yard entrance to the parking lot and the other red maple in the courtyard area north of the garages.
 - m. Remove the existing four-foot fence along the western side yard.
 - n. Add 3 additional sky rocket junipers, and two additional Japanese Holly along the western side yard, to adequately screen the single-family home at 4617 College Avenue.
 - o. Relocate the dogwoods, the azaleas and the dwarf Japanese holly, (shown along College Avenue) closer to the building entrance to serve as foundation plantings.
 - p. Use the "constellation" series variety of dogwood instead of the "cornus florida rubic."
 - q. Relocate or add two additional azaleas and two additional dwarf Japanese Hollies along the parking lot buffer.
2. Revise Exhibit 2 "Existing Garage 4619 College Ave." as follows:
- a. Show the six garage bays with the keystones removed and replaced with brick.
 - b. Replace the garage doors with doors that have 24 panels (four rows of six square panels) indicating the doors are to be painted white.
3. The justification statement shall be revised to indicate that the portico is being re-established and enlarged from the original size after having been removed from the building many years ago, thus requiring the special exception. The portico was not identified on the site plan that was certified by the Planning Board, and it was therefore not included in the certification. The portico is not just being "repaired" as the justification statement indicates.