



Memo

To: Jim Chandler, Assistant City Administrator and Director, Com. & Econ. Development
From: Holly Simmons, City Planner
CC: Tracey Douglas, City Administrator
Date: March 9, 2023
Re: Zoning Variance Request V-8-23 – 3814 Nicholson Street, Hyattsville
Attachments: Application for Variance (Appeal No. V-8-23)
City of Hyattsville Variance Policy

The purpose of this memorandum is to provide the Director of Community & Economic Development with a briefing on the Zoning Variance request V-8-23, for the subject property located at 3812 Nicholson Street, Hyattsville.

Summary of Variance Conditions:

The applicants, Edward Meidenbauer and Carol-Lynn Swol, have applied to the Prince George’s County Board of Zoning Appeals (BZA) for a zoning variance to validate existing conditions (net lot area, lot width, lot frontage, front yard depth, and side yard width) and to obtain a building permit for the construction of a one-story addition on an existing dwelling.

The requested variances are outlined in the table below:

Residential Zone Use Table	Description	Variance Requested
Section 27-4202(e)	Requires each lot shall have a minimum net lot area of 6,500 square feet.	Variance of 1,888 square feet net lot area.
Section 27-4202 (e)(1)	Requires each lot shall have a minimum width of 65 feet measured along the front building line and 52 feet measured along the front street line and not more than 35% of the net lot area shall be covered by buildings and off-street parking.	Variance of 21.18 feet front building line width, 8.18 feet front street line width, and 4.5% net lot coverage.
Section 27-4202 (e)(2)	Requires that each lot shall have a front yard at least 25 feet in depth.	Variance of 3.3 feet front yard depth.

Section 27-4202 (e)(3)	Requires each lot shall have a side yard at least 8 feet in width.	Variance of 0.96 feet side yard width.
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The subject property includes an existing single-family detached residential structure, one shed structure, and associated improvements, as illustrated in the aerial photo shown in Figure 1 below. The property is zoned RSF-65 (Residential, Single-Family – 65). The subject property is located in City Council Ward 2 and is not located within a Residential Parking Zone.



Figure 1. Aerial Imagery of 6117 42nd Avenue, Hyattsville

The existing dwelling was built prior to modern zoning standards and is located as close as 7.04 feet to the existing lot side yard lot line and as close as 21.7 feet to the existing front yard lot line. The addition would not be located closer to the side yard lot line than the existing dwelling, and the petitioner is further proposing to remove a portion of deck and stairs that projects into the side yard. The proposed addition is shown on Figure 2 in pink and the portions of structure to be removed are shown in blue.

The petitioner is also requesting a variance to allow them to exceed the maximum lot coverage for the site by 4.5%, or 209 square feet. The lot is undersized for the RSF-65 zone, and this variance would not be necessary if the net lot area were the minimum 6,500sf anticipated for the zone.

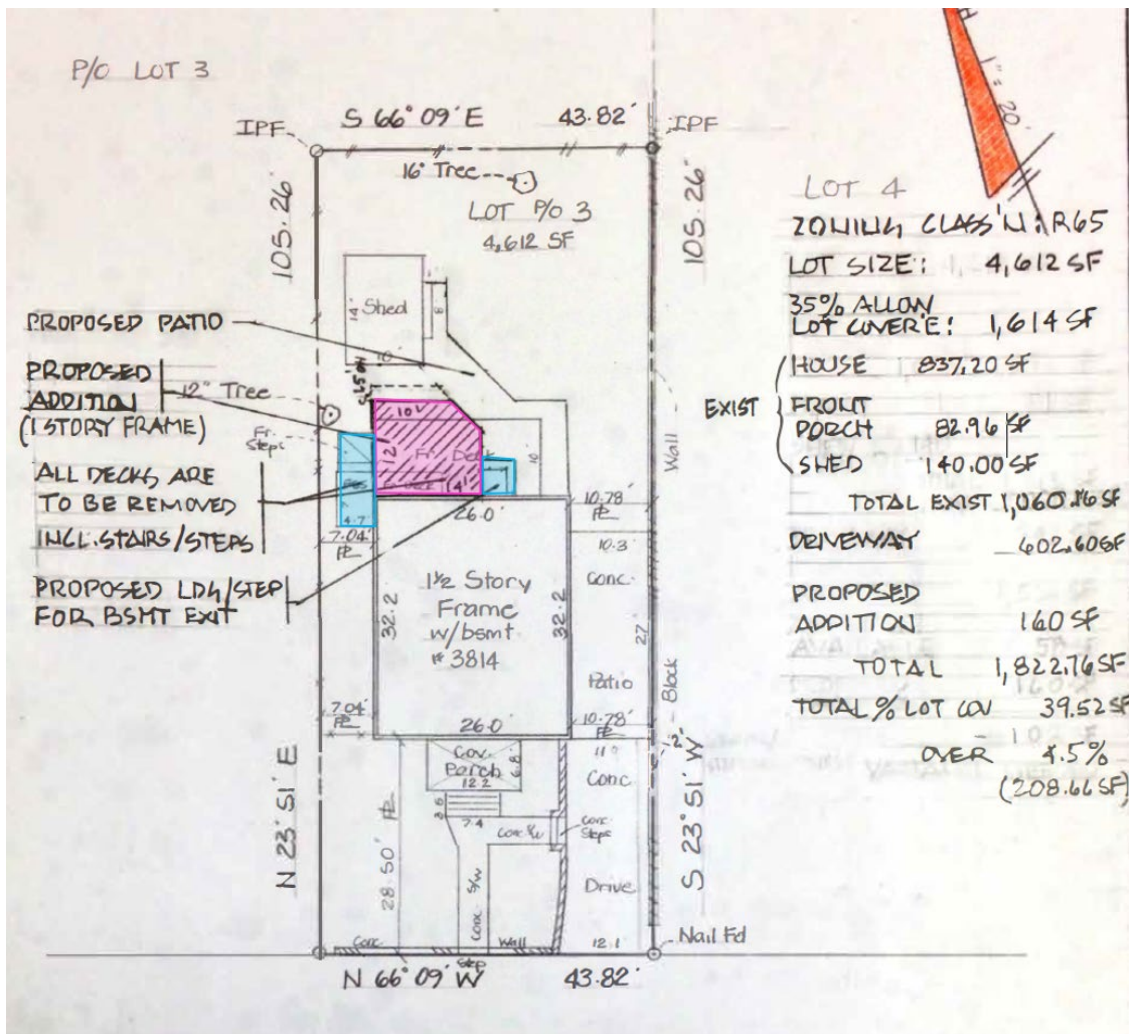


Figure 2. Proposed addition at 3812 Nicholson Street, Hyattsville

Recommendation:

The City's Variance Policy states that "the City shall as a matter of policy provide letters of support for residents to document a 'non-conforming lot' as part of the normal permitting process for projects complying with all other aspects of zoning regulations, unless the matter at hand is the certification of a non-conforming use on a non-conforming lot."

Based upon the application and the City's Variance Policy, City Staff recommends the City Council support V-8-23 for the subject property at 3814 Nicholson Street, Hyattsville. The net lot area, front building and front street line widths, front yard depth, and side yard width are existing conditions of the dwelling. The petitioner is proposing the rear addition in alignment with the existing side building facade, which is a logical configuration for the site. The applicant is also proposing to exceed the allowable lot coverage by 4.5%,

which Staff finds reasonable as the lot is undersized for the RSF-65 zone and the configuration of the dwelling and parking on the lot would not be out of character for the neighborhood.