



# Memo

To: Jim Chandler, Assistant City Administrator and Director, Com. & Econ. Development  
From: Holly Simmons, City Planner  
CC: Tracey Douglas, City Administrator  
Date: December 12, 2022  
Re: Zoning Variance Request V-76-22 – 6117 42<sup>nd</sup> Avenue, Hyattsville  
Attachments: Application for Variance (Appeal No. V-76-22)  
City of Hyattsville Variance Policy

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The purpose of this memorandum is to provide the Director of Community & Economic Development with a briefing on the Zoning Variance request V-76-22, for the subject property located at 6117 42<sup>nd</sup> Avenue, Hyattsville.

**Summary of Variance Conditions:**

The applicant, Felix Rivas, has applied to the Prince George’s County Board of Zoning Appeals (BZA) for a zoning variance to obtain a building permit for the construction of a second story addition on an existing dwelling.

The requested variance is outlined in the table below:

Residential Zone Use Table	Description	Variance Requested
Section 27-4202 (h)(3)	Requires each lot shall have a side yard at least 8 feet in width.	Variance of 5 feet side yard width.

The subject property includes an existing single-family detached residential structure and one shed structure. This is further illustrated in the aerial photo shown in Exhibit A below. The property is split-zoned RMF-20 (Residential, Multi-Family - 20) and RSF-65 (Residential, Single-Family – 65). While the majority of the existing dwelling is located in the RSF-65 zone, the Board of Zoning Appeals has determined that the appropriate zone for review of the variance is RMF-20. The subject property is located in City Council Ward 3 and is not located within a Residential Parking Zone.

*Exhibit A. Aerial Imagery of 6117 42<sup>nd</sup> Avenue, Hyattsville*



The existing dwelling was built prior to modern zoning standards and is located as close as 3 feet to the existing lot side yard lot line. The second story addition is proposed to be built primarily in the footprint of the existing dwelling and would not be located closer to the side yard lot line than the existing dwelling. The existing dwelling is shown on Exhibit B in bolded blue, and the proposed second story addition is shown in pink.



**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-76-22 for the subject property at 6117 42<sup>nd</sup> Avenue, Hyattsville, as the side yard width is an existing condition of the dwelling. In addition, the applicant is proposing the second story addition maintain the existing side yard width, which is a logical configuration for the site.