



Memo

To: Debi Sandlin, Director, Com. & Econ. Development
From: Jeff Ulysse, City Planner
CC: Tracey Douglas, City Administrator
Date: July 1, 2024
Re: Amended Zoning Variance Request V-11-24 – 4105 Oliver St, Hyattsville
Attachments: Application for Variance (Appeal No. V-11-24)
City of Hyattsville Variance Policy

The purpose of this memorandum is to provide the Director of Community & Economic Development with a briefing on the amended Zoning Variance request V-11-24, for the subject property located at 4105 Oliver St, Hyattsville.

Summary of Variance Conditions:

The applicant, Pablo Contreras and Simon C. Osorio, has made an appeal to the Prince George’s County Board of Zoning Appeals (BZA) for a zoning variance to validate existing conditions (lot width at the building line, frontage width at front street line, security exemption for a wall over 4 feet and waiver of parking area location), to obtain a building permit for the new retaining wall (4’ 6” height) in the front yard.

The requested variances are outlined in the table below:

Residential Zone Use Table	Description	Variance Requested
Section 27-4202 (e)(1)	Requires that a lot shall have a minimum width of 65 feet at the building line and a lot frontage minimum width of 52 feet at front street line.	Variance of 15 feet lot width at the building line and 2 feet frontage width at the front street line.
Section 27-11002(a)	requires that no parking space, parking area, or parking surface other than a driveway no wider that its associate garage, carport, or other parking structure may be built in the front yard of a dwelling, except a “dwelling, townhouse” or	Variance for a wavier of the parking area location requirement

	“dwelling , multifamily”, in the area between the front street line and the sides of the dwelling.	
Section 27-6603(a)	Requires that walls more than 4 feet shall not be located in any required yard, shall meet the setback requirements for main buildings and shall require a security exemption approval	Request for a security exemption for a wall with the height of 4’6” in the required front yard

Illustrated in Figure 1 below, the subject property includes an existing single-family detached residential structure. The subject property is located in City Council Ward 2 and is located within residential parking zone 2.

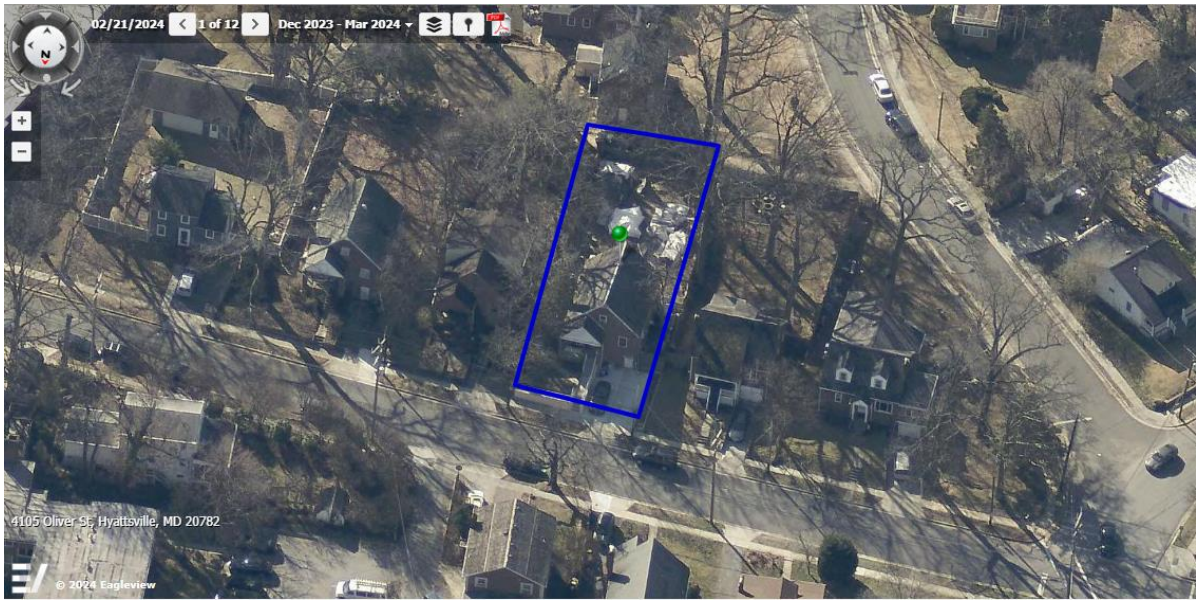


Figure 1 Aerial Imagery

The location of the existing retaining wall is depicted in Figure 2 and is situated along the property line in the required front yard. Pursuant to PGCC section 27-420(d) walls more than 4ft high shall be considered structures requiring building permits. At a height of 4' 6" the existing retaining wall is nonconforming and therefore requires a variance from BZE.

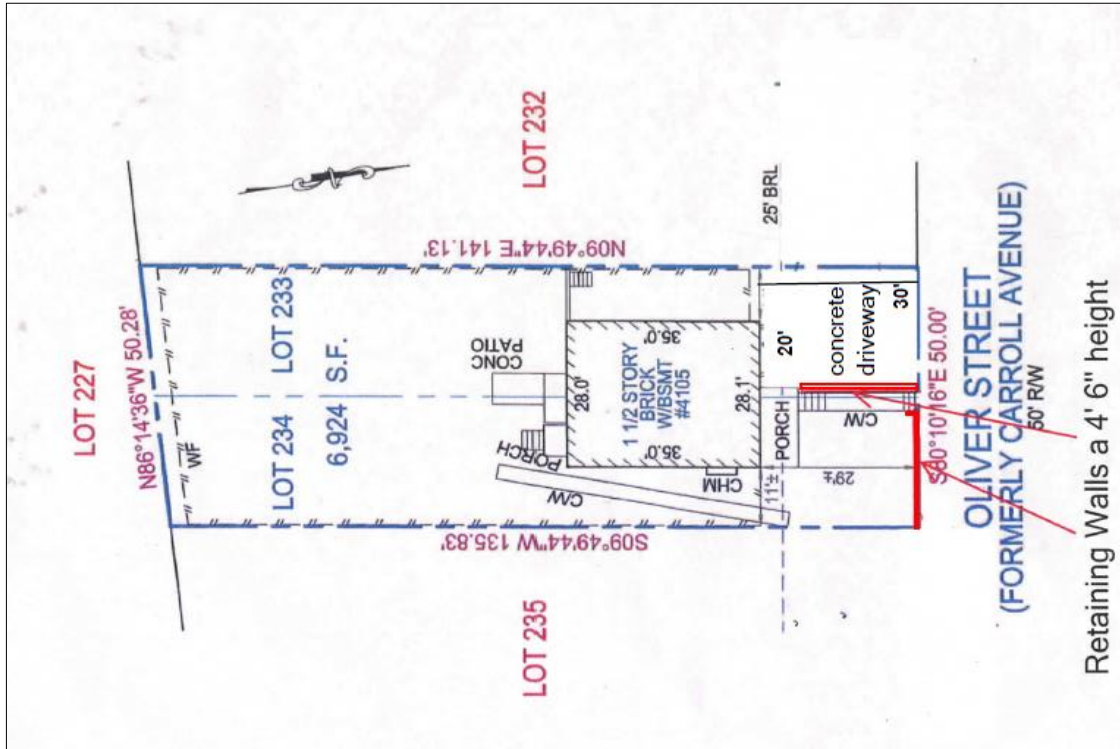


Figure 2 Existing Retaining Walls



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."

On May 6th the Hyattsville City Council submitted correspondence in support V-11-24 for the subject property located at 4105 Oliver street, Hyattsville. At the time the applicant's variance request was specific to the lot width at the building line and front yard depth, and a security exemption for a wall with the height of 4'6" in the required front yard. The amended variance application now includes a waiver of the parking area location, an existing condition of the subject property. This additional request does not alter the scope of the initial variance application and therefore will not present a significant hazard to public safety and will not have a significant adverse effect on the functioning appearance, or value of the surrounding area as a whole. Staff recommends the issuance of an updated letter of support incorporating the request for the waiver of the parking area location standard to the Prince George's County Board of Zoning appeals