



# Memo

To: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development

From: Taylor Robey, City Planner

CC: Tracey Douglas, City Administrator

Date: October 26, 2022

Re: Zoning Variance Request V-67-22 – 5820 31<sup>st</sup> Place, Hyattsville

Attachments: Application for Variance (Appeal No. V-67-22)  
City of Hyattsville Variance Policy

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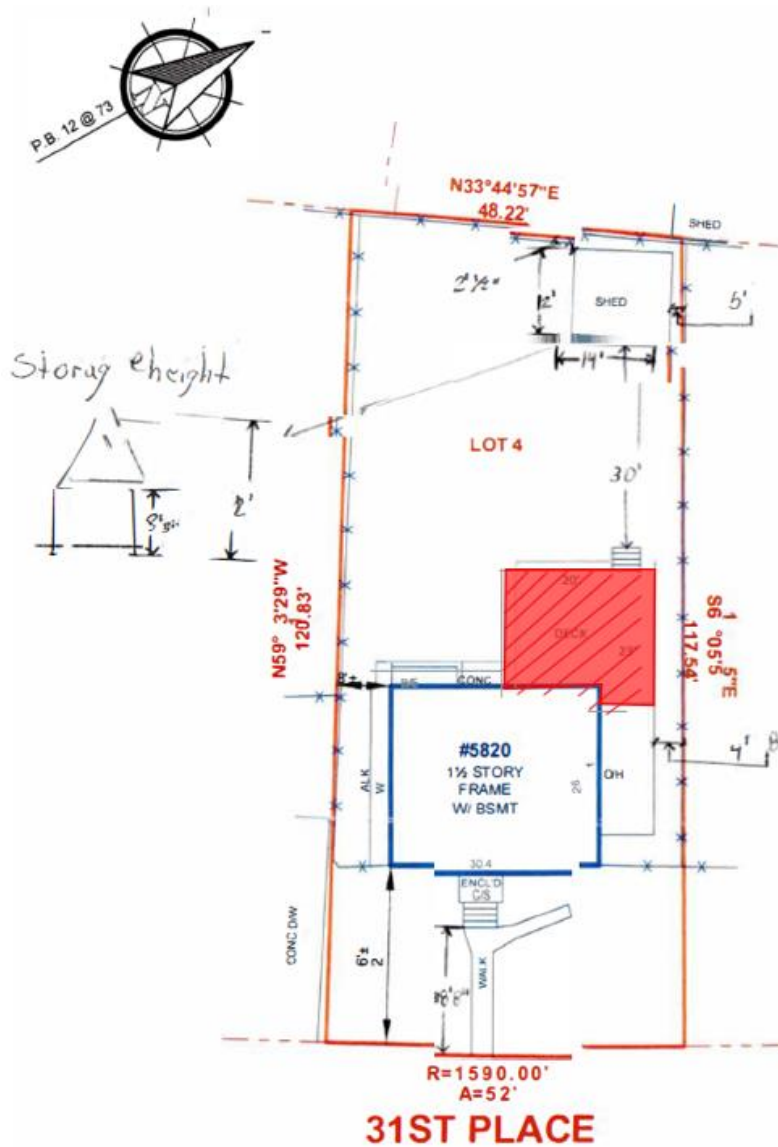
The purpose of this memorandum is to provide the Director of Community & Economic Development with a briefing on the Zoning Variance request V-67-22, for the subject property located at 5820 31<sup>st</sup> Place, Hyattsville, Maryland.

**Summary of Variance Conditions:**

The applicant, Rosario Salgado, has applied to the Prince George’s County Board of Zoning Appeals for a zoning variance to validate existing conditions (net lot area, lot width, front yard width, side yard width) and to obtain a building permit for the unauthorized construction of a deck on the property. Specific violations of the Zoning Ordinance are summarized in the table below. The dimensions of the deck are shown in red in Exhibit A.

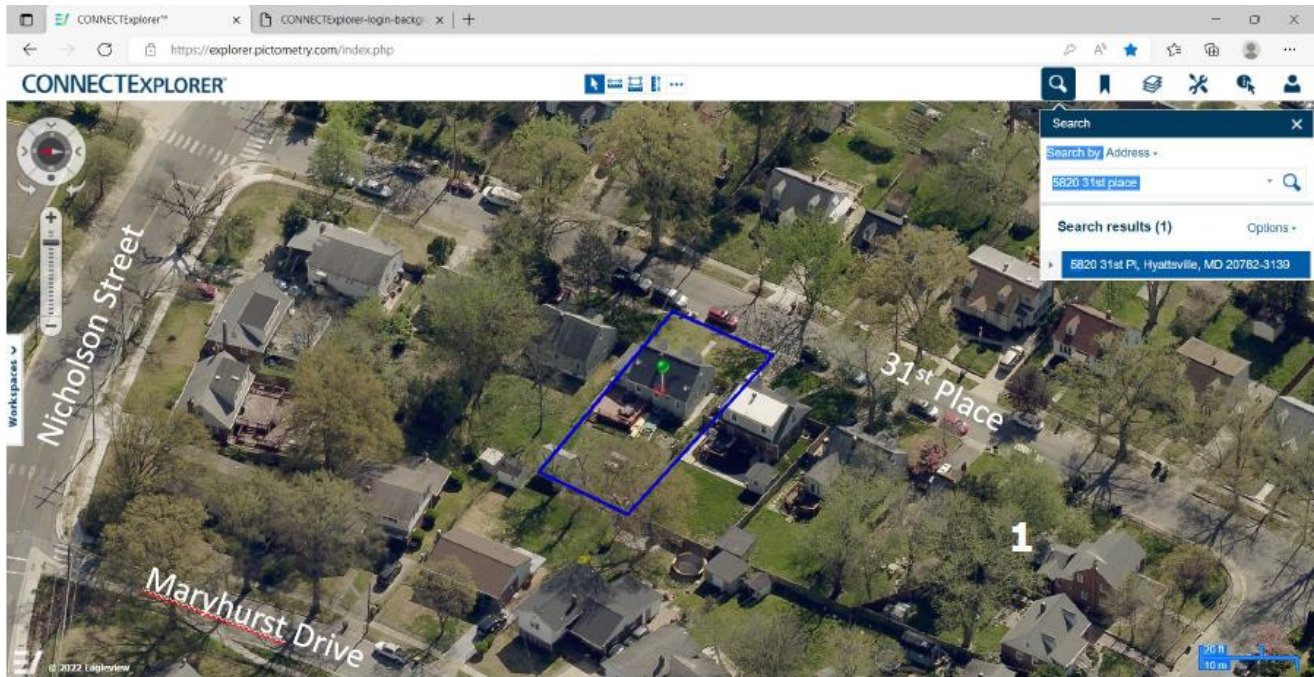
<b>Residential Zone Use Table</b>	<b>Description</b>	<b>Variance Requested</b>
Section 27-4202 (e)(1)	Requires each lot shall have a minimum net lot area of 6,500 square feet, minimum width of 65 feet measured along the front building line.	Variance of 578 square feet net lot area, 15 feet front building line width.
Section 27-4202 (e)(2)	Requires each lot shall have a front yard at least 25 feet in depth.	Variance of 4 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 3.2 feet side yard width.

**Exhibit A. Deck at 5820 31<sup>st</sup> Place, Hyattsville**



The subject property includes an existing single-family detached residential structure, a shed structure, and a deck on the back of the residential structure. This is further illustrated in the aerial photo shown in Exhibit B below. The property is zoned R-65 (One-Family Detached Residential). It is located in City Council Ward 4 and is not located within Residential Parking Zone.

### Exhibit B. Aerial Imagery of 5820 31<sup>st</sup> Place, Hyattsville



On July 14<sup>th</sup>, 2022, a warning notice was issued for the subject property by City of Hyattsville’s Office of Code Compliance. The order indicates the property owner needed to obtain a building permit from the County regarding a deck in the backyard and to stop work until the permit was obtained.

#### **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.

The validation of existing conditions expressed in this application involves documenting a non-conforming lot in regard to minimum lot size, front build line width, side yard width, and front yard depth. Specifically, the deck structure that was built without adequate permits is flush with an existing structure on the property and therefore does not violate the City’s Variance Policy.

Based upon the findings of the application and corresponding Variance Policy, City Staff recommends the City Council support V-67-22 for the subject property at 5820 31<sup>st</sup> Place, Hyattsville, and request that the Board of Zoning Appeals approve this application.