



Memo

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

From: Taylor Robey, City Planner

CC: Tracey Nicholson, City Administrator

Date: November 22, 2021

Re: Zoning Variance Request V-98-21 – 6213 43rd Avenue, Hyattsville

Attachments: Application for Variance (Appeal No. V-98-21)
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-98-21, for the subject property located at 6213 43rd Avenue, Hyattsville, Maryland, 20781.

Summary of Variance Conditions:

The applicant, Metropolitan Building and Development Corporation, has applied to the Prince George’s County Board of Zoning Appeals for a zoning variance to validate three (3) existing conditions pertaining to minimum lot size, lot frontage, and side yard depth. Specific violations of the Zoning Ordinance and requested variance is outlined in the table below:

Residential Zone Use Table	Description	Variance Requested
Section 27-442. (b) Table I - Net Lot Area	Lots in R-55 Zone a minimum of 6,500 square feet in size.	Variance to validate existing lot size of 6,000 square feet.
Section 27-442. (d) Table III - Lot/Width Frontage	Requires minimum frontage of 65 feet.	Variance to reduce frontage requirement from 65 feet to 50 feet.
Section 27-442. (e) Table IV – Side Yards	Requires total of both side yards/minimum of either side yard of 17/8 feet.	Variance to reduce side yard requirement from 25 to 16 feet.

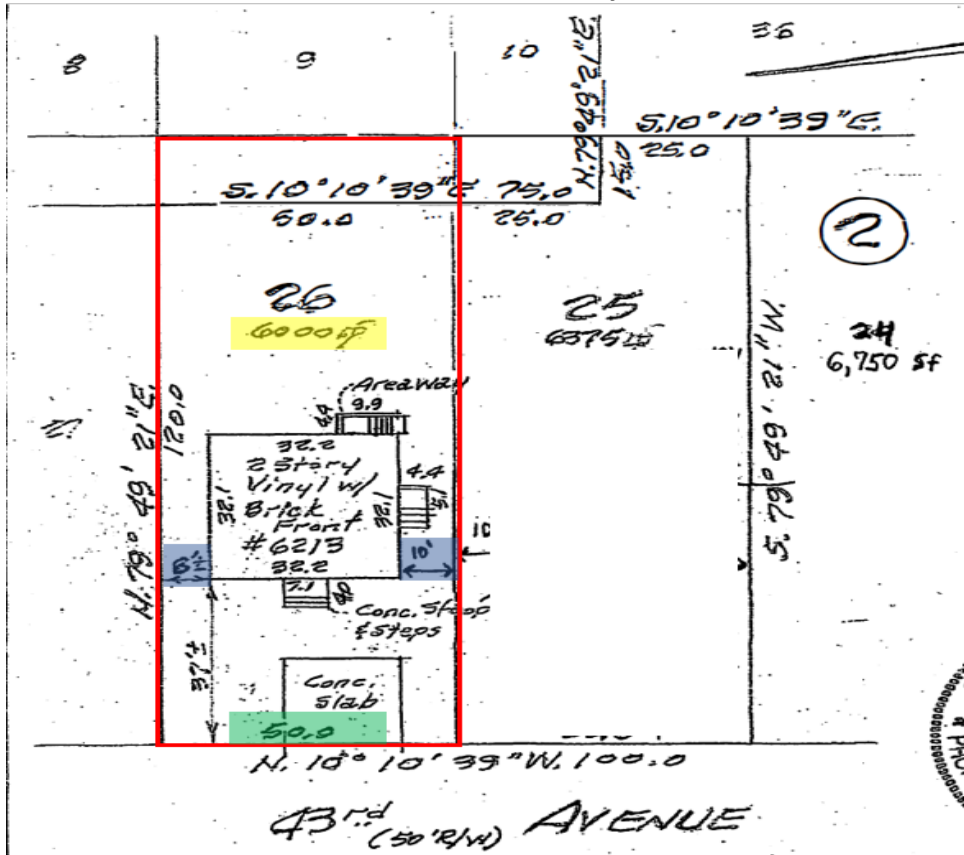
Property History:

The subject property includes an existing single-family detached residential structure and is zoned R-55 (One-Family Detached Residential) and is located in City Council Ward 1. The subject parcel is also located within the 2004 approved Gateway Arts District Traditional Residential Neighborhood (TRN) Character Area, per the Gateway Arts District Sector Plan, R-55 zoned properties in the TRN character area within the incorporated limits of the City of Hyattsville are exempt from the development standards and will abide by the requirements of the R-55 zone .

The variance application includes three development standard variances in order to validate existing conditions are shown in Exhibit A. Validation of existing conditions provide the property owner to, in the future, replace 'in-kind' improvements such as awnings, stairs and patios by-right. The boundary of the parcel is shown in red, lot size is shown in yellow, frontage measurement is shown in green, and side yard measurements are shown in blue.

The applicant had originally submitted a companion variance (V-97-21) for the undeveloped adjacent property, 6211 43rd Avenue, with the intention of building a single-family dwelling. That variance application has been withdrawn.

Exhibit A. 6213 43rd Avenue, 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. The standard for the support of the certification of a non-conforming use on a non-conforming lot would revert to the instant aforementioned requirements for City support of a zoning variance. Per the Policy, the zoning variance for a non-conforming lot shall be placed on the Consent Item agenda for approval by the City Council.

Based upon the findings of the application and corresponding Variance Policy, City Staff recommends the City Council support V-98-21, the applicant’s variance requests regarding minimum lot size, frontage, and side yard setback to validate existing conditions of the property.