



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, 20229
Re: Zoning Variance Request V-76-22 – 6117 42nd Avenue, Hyattsville (RECONSIDERATION)
Attachments: Application for Variance (Appeal No. V-76-22)
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-76-22, for the subject property located at 6117 42nd 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 validate existing conditions (side yard width and front yard depth) and to obtain a building permit for the construction of a second story addition on an existing dwelling, as well as 1,153 square feet of new driveway to the rear of the dwelling.

This case was before the Council on January 3, 2023, but at that time the BZA had not identified that a variance to lot coverage requirements is necessary to permit the proposed development. The site plan and application have been revised to include the lot coverage variance. The requested variances are outlined in the table below:

Residential Zone Use Table	Description	Variance Requested
Section 27-4202 (e)(1)	Requires each lot shall have not more than 35% of the net lot area shall be covered by buildings and off-street parking.	Variance of 18% net lot coverage.
Section 27-4202 (e)(2)	Requires each lot shall have a front yard at least 25 feet in width.	Variance of 2 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 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 Figure 1 below. The property is split-zoned

RMF-20 (Residential, Multi-Family - 20) and RSF-65 (Residential, Single-Family – 65), as illustrated in Figure 2. As 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 RSF-65. The subject property is located in City Council Ward 1 and is not located within a Residential Parking Zone.



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



Figure 2. Zoning at 6117 42nd 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 and as close as 23 feet to the existing front yard lot line. The second story addition is proposed to be built primarily in the footprint of the existing dwelling. The addition would not

be located closer to the side yard or front yard lot lines than the existing dwelling. The existing dwelling footprint is shown on Figure 3 in bolded blue, and the proposed second story addition is shown in pink.

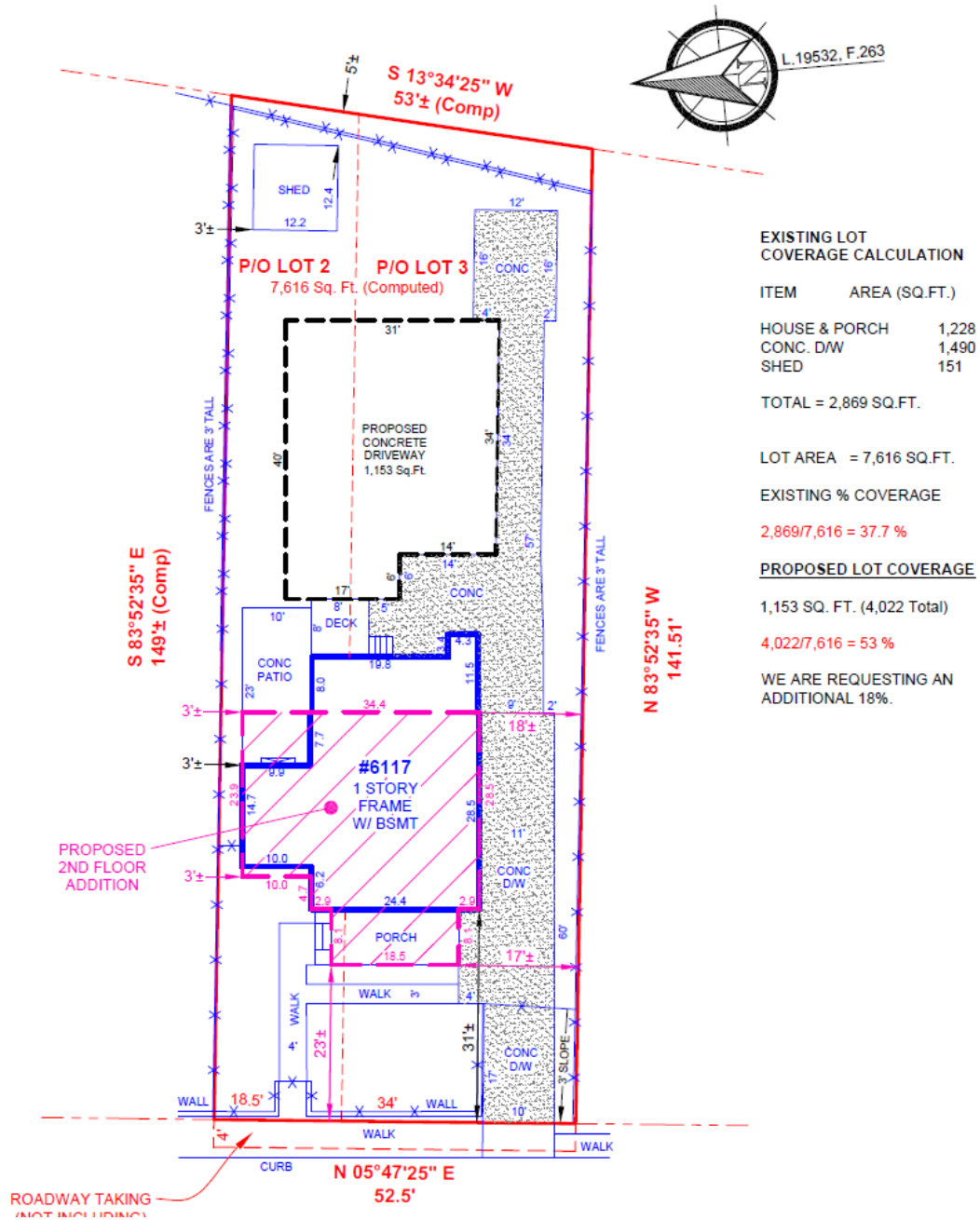


Figure 3. Proposed addition at 6117 42nd Avenue, Hyattsville

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.”

While the City voted on January 3, 2023, to support the front yard width and side yard depth variance requests associated with this case, the BZA referral must be considered as a whole with either a recommendation of ‘support’ or ‘denial’ and cannot be conditioned.

Based on materials submitted with this revised application, the petitioners have proposed a total lot coverage of 53%, exceeding the maximum permissible lot coverage (35%) by 18%. The proposal includes a large amount of lot coverage associated with parking (1,490sf existing and an additional 1,153sf proposed). Based upon the application and the City’s Variance Policy, City Staff recommends the City Council oppose V-76-22 for the subject property at 6117 42nd Avenue, Hyattsville, and request that the Board of Zoning Appeals deny this application. Staff also recommends that correspondence include language to Prince George’s County Department of Permitting, Inspections, and Enforcement (DPIE) requesting a reasonable degree of remediation to restore permeable surface to the subject property.