



Memo

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

From: Kate Powers, City Planner

CC: Tracey Nicholson, City Administrator

Date: October 27, 2020

Re: Zoning Variance Request V-18-20 – 5004 38th Avenue, Hyattsville

Attachments: Application for Variance (Appeal No. V-18-20)
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-18-20, for the property located at 5004 38th Avenue, Hyattsville, MD, 20782.

Summary of Variance Conditions:

The applicant, Maria Aviles de Arce, has applied to the Prince George's County Board of Zoning Appeals for a zoning variance to validate existing conditions and to obtain a building permit for the unauthorized construction of a one-story addition. Specific violations of the Zoning Ordinance are outlined below:

- Section 27-442(e)(Table IV) states each lot shall have a side yard at least 8 feet in width.
- Section 27-442(i)(Table VIII) prescribes that accessory buildings shall be set back 2 feet from any side.

Variances of 4 feet side yard width and 2 feet side lot line setback are being requested.

The property is within the R-55 Property Zone and the City of Hyattsville Ward 5. The subject property is a one-story dwelling with a basement and extensive front yard. The property also has an existing shed at the southwestern corner of the property (Figure 1 in yellow). The applicant is proposing a new one-story addition, approximately 12' by 25.3' along the rear of the dwelling (Figure 1 in red).

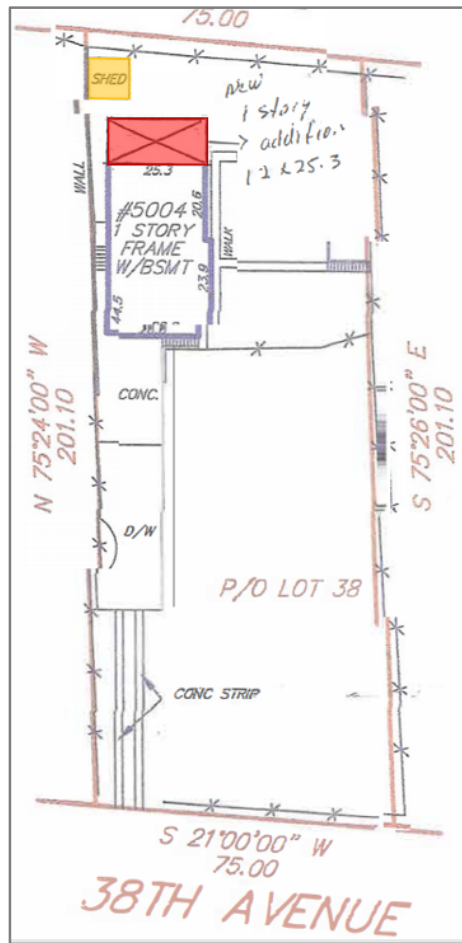


Figure 1. Location Drawing of 5004 38th Avenue, Hyattsville

Recommendation:

As per the City of Hyattsville Zoning Variance Policy, Staff believes the granting of this variance remedies that which creates a significant hardship on the property-owner. The width of the side yard cannot be increased without moving the entire dwelling, an impractical task.

Staff recommends the City Council support the applicant’s variance request of 2 feet side lot line setback as it is a condition of the existing shed currently on the property.

Staff recommends the City Council support the applicant’s variance request of 4 feet side yard width as the side yard width is an existing condition of the dwelling. In addition, the applicant is proposing the new rear addition be placed in line with the existing dwelling, which is a logical configuration for the site.