



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-57-22 – 3510 Lancer Drive, Hyattsville

Attachments: Application for Variance (Appeal No. V-57-22)
City of Hyattsville Variance Policy

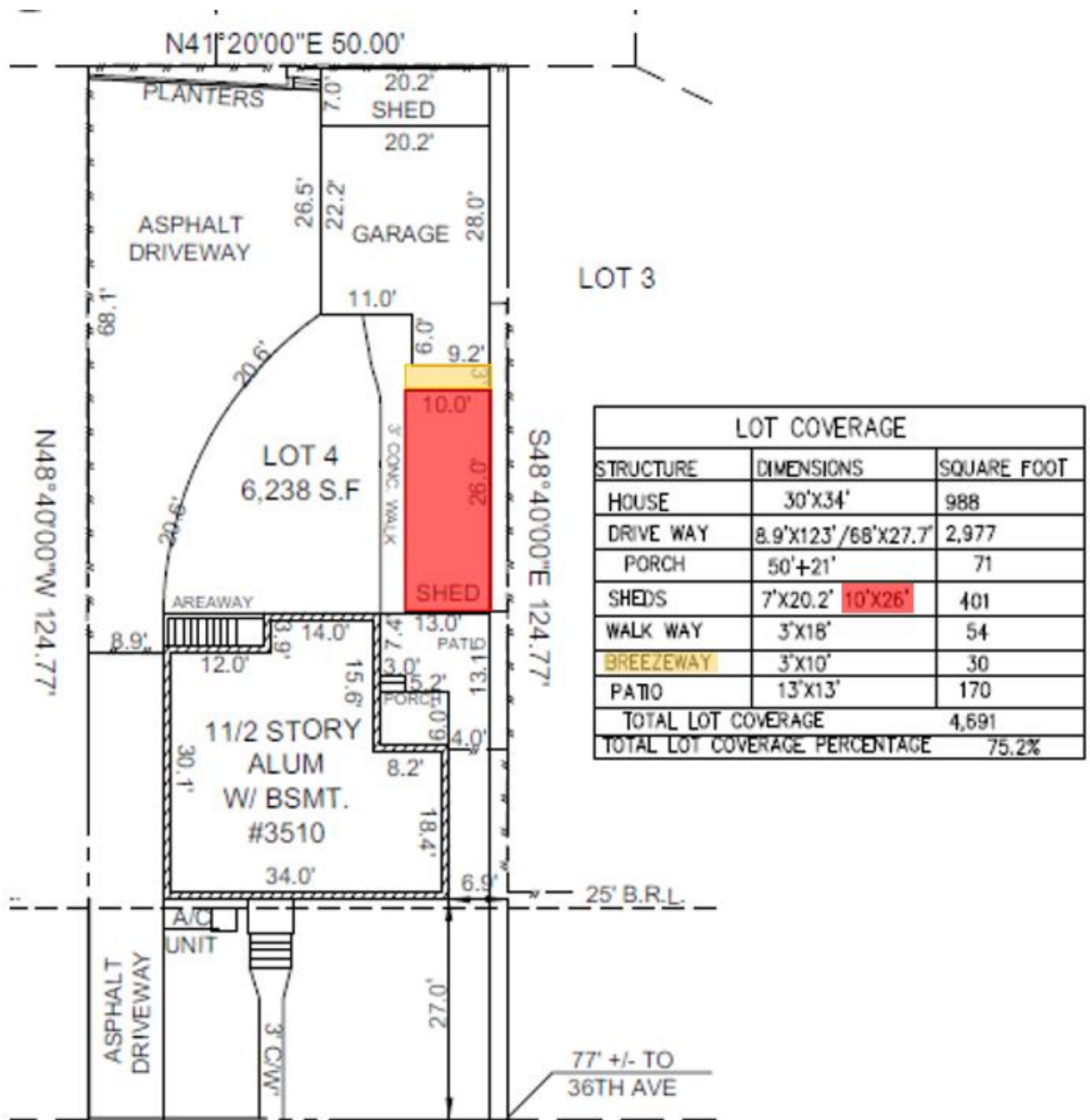
The purpose of this memorandum is to provide the Director of Community & Economic Development with a briefing on the Zoning Variance request V-57-22, for the subject property located at 3510 Lancer Drive, Hyattsville, Maryland.

Summary of Variance Conditions:

The applicant, Douglas Rivas, 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, frontage width at front street line, lot coverage, front yard depth, side yard depth, and accessory building and shed) and to obtain a building permit for the illegal construction of a shed and breezeway on the property. Specific violations of the Zoning Ordinance, requested variances, and dimensions of the shed and breezeway are shown in the table and Exhibit A below:

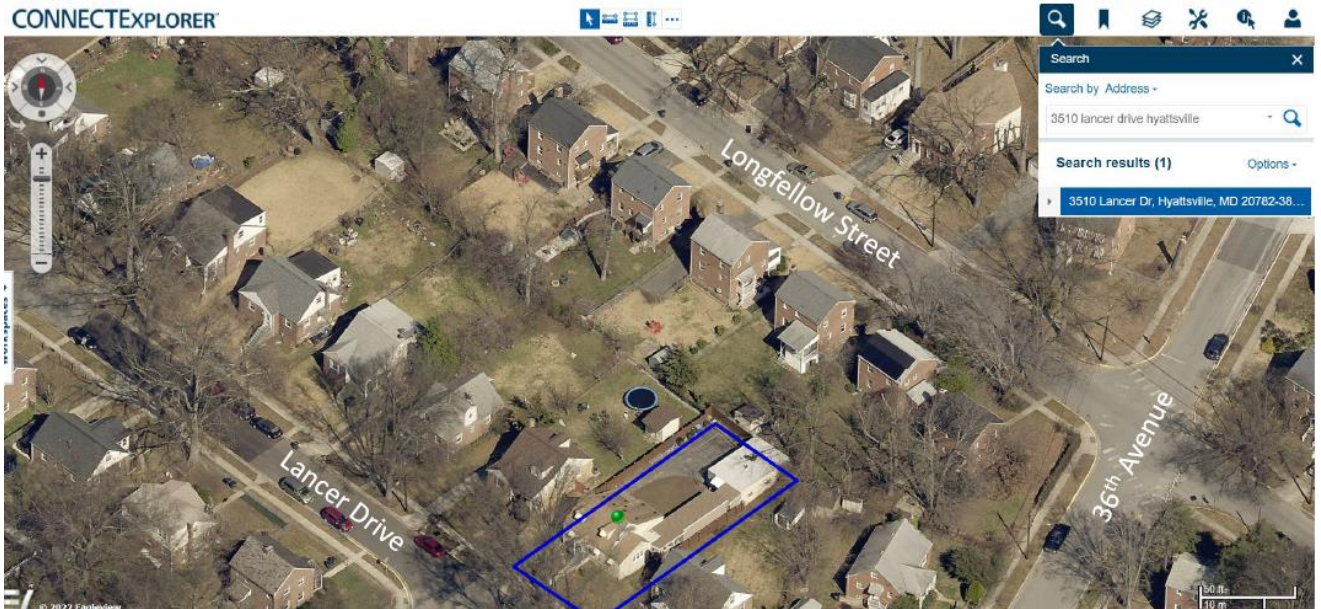
Residential Zone Use Table	Description	Variance Requested
Section 27-4202 (e)(1)	Requires each lot shall have a minimum net lot area of 6,500 square feet, minimum width of 65 feet measured along the front building line, minimum 52 feet measured along the front street line, and not more than 35% of the net lot area covered by building or off-street parking.	Variance of 172 square feet lot area, 15 feet front building line width, 2 feet front street line width, and 30% net lot coverage.
Section 27-4202 (e)(3)	Requires each lot shall have a side yard at least 8 feet in width.	Variance of 1.1 feet side yard width.
Section 27-4202 (e)(5)	Requires that accessory buildings shall have 2 feet from any side or rear lot line.	Variance of 2 feet rear lot line setback for accessory building (shed).

Exhibit A. Shed and Breezeway at 3510 Lancer Drive, Hyattsville



The subject property includes an existing single-family detached residential structure, a detached garage structure, two shed structures, and various additional paved surfaces including a driveway, patio, walkways, and a breezeway between a shed and garage. 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 5 and is not located within Residential Parking Zone.

Exhibit B. Aerial Imagery of 3510 Lancer Drive, Hyattsville



On March 14th, 2022, a correction order was issued for the subject property by Prince George’s County Department of Permitting, Inspections, and Enforcement (DPIE). The order indicates the “need to obtain building and electrical permits for multiple structures with electric in the rear yard, along with a 6-foot wooden fence, bathroom in the shed will need WSSC approval” as discrepancies requiring correction to pass inspection.

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 applicant has created a total lot coverage of 75.2%, exceeding the maximum permissible lot coverage (35%) by 40.2%, of which includes 2,977 of paved driveway. This is a significant amount of impermeable surface that has been created and may contribute to excessive stormwater runoff to adjacent properties. While the side yard and rear yard lot line requests are generally acceptable, the BZA referral must be considered as a whole with either a recommendation of ‘support’ or ‘denial’ and cannot be conditioned.

Based upon the findings of the application and corresponding Variance Policy, City Staff recommends the City Council oppose V-57-22 for the subject property at 3510 Lancer Drive, Hyattsville, request that the Board of Zoning Appeals deny this application and 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.