



## Legislation Details (With Text)

**File #:** HCC-118-FY21 **Version:** 1 **Name:**  
**Type:** Consent Item **Status:** Passed  
**File created:** 10/27/2020 **In control:** City Council  
**On agenda:** 11/2/2020 **Final action:** 11/2/2020  
**Title:** Zoning Variance Request: V-18-20 - 5004 38th Avenue, Hyattsville  
**Sponsors:** City Administrator  
**Indexes:** Planning & Development  
**Code sections:**

**Attachments:** 1. Memo - V-18-20, 2. Information for Hyattsville V-18-20, 3.  
City\_of\_Hyattsville\_Zoning\_Variance\_Policy\_Statement\_and\_Variance\_Process\_10\_3\_11

Date	Ver.	Action By	Action	Result
11/2/2020	1	City Council	Approved	Pass

Submitted by: At the Request of the City Administrator  
Submitting Department: Community & Economic Development  
Agenda Section: Consent

**Item Title:**  
**Zoning Variance Request: V-18-20 - 5004 38<sup>th</sup> Avenue, Hyattsville**

### Suggested Action:

I move that the City Council authorize the Mayor to send correspondence to the Prince George's County Board of Zoning Appeals stating the City of Hyattsville's support for Variance Request V-18-20, a request of 2-foot side lot line setback and a request of 4-foot side-yard width consistent with the existing structure for the purpose of constructing a new rear addition to the residential structure at the subject property located at 5004 38<sup>th</sup> Avenue, Hyattsville.

### Summary Background:

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. The applicant is proposing a new one-story addition, approximately 12' by 25.3' along the rear of the dwelling.

### Next Steps:

Staff has requested that the Board of Zoning Appeals (BZA) allow the record to be held open until the Hyattsville City Council considered the case at its meeting on November 2, 2020. Staff anticipates the BZA to rule on the case at its next

subsequent meeting after November 2, 2020.

**Fiscal Impact:**

N/A

**City Administrator Comments:**

Recommend Approval

**Community Engagement:**

The applicant's request for variances are consistent with the City's Variance Policy.

**Strategic Goals:**

Goal 2 - Ensure the Long-Term Economic Viability of the City

**Legal Review Required?**

N/A