



Legislation Details (With Text)

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

Sponsors: City Administrator

Indexes: Planning & Development

Code sections:

Attachments: 1. Memo - V-98-21 FINAL, 2. City of Hyattsville Zoning Variance Policy Statement & Variance Process_ENGLISH, 3. V-98-21 Binder, 4. Letter Opposing Zoning Variances

Date	Ver.	Action By	Action	Result
12/6/2021	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-98-21 - 6213 43rd Avenue, Hyattsville

Suggested Action:

I move that the City Council authorize the Mayor to provide correspondence to the Prince George's County Board of Zoning Appeals in support of V-98-21, a variance request to validate three (3) existing conditions pertaining to minimum lot size, lot frontage, and side yard depth at the subject property, 6213 43rd Avenue, Hyattsville.

Summary Background:

The applicant, Metropolitan Building and Development Corporation, has applied to the Prince George's County Board of Zoning Appeals (BZA) for a zoning variance to validate three (3) existing conditions pertaining to minimum lot size, lot frontage, and side yard depth.

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 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 That variance application has been withdrawn.

Next Steps:

The BZA conducted a hearing on the matter on November 17, 2021, but at the request of the City, has held the record open until the City Council had an opportunity to review and comment on the application. The BZA will issue a decision at its next scheduled hearing.

Fiscal Impact:

N/A

City Administrator Comments:

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.

Community Engagement:

Residents submitted a letter of opposition to both the pending and withdrawn variance applications citing the negative impacts of a newly constructed residential dwelling unit. A copy of the correspondence is included in the packet. The subject variance is limited to existing conditions and does not permit, by right, any new construction.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

N/A