



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

WAYNE K. CURRY COUNTY ADMINISTRATION BUILDING, LARGO, MARYLAND 20774
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

OF BOARD OF APPEALS

RE: Case No. V-91-24 Audrey Travaglini

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: January 29, 2025.

CERTIFICATE OF SERVICE

This is to certify that on October 1, 2025, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

Ellis Watson

Ellis Watson
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Audrey Travaglini

Appeal No.: V-91-24

Subject Property: Lot 42, Cherry Mill Subdivision, being 10717 Cherry Tree Court, Hyattsville, Prince George's County, Maryland

Heard: January 29, 2025 Decided: January 29, 2025

Board Members Present and Voting: Omar Boulware, Chair

Phillippa Johnston, Vice Chair

Dwayne A. Stanton, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-3613 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-4202(d)(1) that prescribes that each lot shall have a minimum width of 60 feet at the front street line. Section 27-6600(a) prescribes that fences more than 6 feet high shall not be located in any required yard, shall meet the setback requirements for main buildings, and shall require a security exemption approval. Variances for a through lot of 49.85 feet lot width at the front street line of Cherry Hill Road and 10 feet lot width at the front street line of Cherry Tree Court and a security exemption for a fence over 6 feet in height in the front yard (abutting Cherry Hill Road) are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1987, contains 21,984 square feet, is zoned RSF-95 (Residential, Single-Family-95), and is improved with a 2-story single-family dwelling, fences, and a concrete driveway. Exhs. 3, 6, 10, and 11.

2. The Petitioner proposes to validate an existing condition (frontage width at the front street line for a through lot) and obtain a building permit for the proposed 8-foot vinyl fence. Variances for a through lot of 49.85 feet lot width at the front street line of Cherry Hill Road and 10 feet lot width at the front street line of Cherry Tree Court and a security exemption are requested. Exhs. 1, 2, 3, 5 (A) thru (B), and 12 (A) thru (F).

3. The Petitioner, Ms. Travaglini, testified that she needed the security exemption because the subject property is a "through" lot with five (5) sides. Exhs. 3, 4, and 7 (A) thru (N).

4. Further, Ms. Travaglini testified that the property surrounding her house is owned by the General Services Administration (GSA), and GSA constructed a 9-foot fence after widening Powder Mill Road. This fence partially protects her house against crime. Exhs. 3, 7 (A) thru (N), and 12 (A) thru (F).

5. Additionally, Ms. Travaglini testified that GSA did not add a similar fence when it initially widened Cherry Hill Road, but GSA now plans to construct an additional fence to further protect the community from crime. She indicated that her property has been vandalized several times, and vagrants are in the wooded area behind her property, where they perform unsavory activities.

6. Ms. Travaglini testified that the proposed fence would be located in the back of the property, and it would connect the two fences GSA constructed. Exh. 3.

7. Petitioner received approval from the Cherry Mill Estates Homeowners Association to install an 8-foot fence at the back of the property that adjoins the existing 8-foot fence. Exh. 8 (A) thru (B).

8. Vice Chair Johnston asked if the Board is considering a variance and a security exemption review. Administrator Watson answered in the affirmative.

9. Vice Chair Johnston made the Motion to Approve V-91-24. The motion was seconded by Board Member Stanton. Motion carried by a 3-0 vote.

Applicable Code Section and Authority

The Board is authorized to grant the requested variances if it finds that the following provisions of Section 27-3613(d) and Section 27-6610(b)(1)(2) of the Prince George's County Zoning Ordinance are satisfied:

(d) General Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property.
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions.
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property.
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and
- (6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

27-6610. Security Exemption Plan

- (a) A landowner in need of heightened security may submit to the Planning Director, or, where delegated pursuant to Section 27-3308(b), the municipality in which the development application is located a security exemption plan proposing a fence or wall taller than those permitted by this Section, an electric fence, or proposing the use of barbed and/or razor wire atop a fence or wall for security reasons.
- (b) The Board of Appeals or municipality may approve or approve with conditions, the security exemption plan, upon finding all of the following:
 - (1) **Need for Safety or Security Reasons**

The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without:

- (A) A taller fence or wall;
- (B) An electric fence; or
- (C) Use of barbed and/or razor wire atop a fence or wall.

(2) No Adverse Effect

The proposed fence or wall will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

- (c) If the Board of Appeals or municipality finds the applicant fails to demonstrate compliance with Sections 27-6610(b)(1) and 27-6610(b)(2) above, the security plan shall be disapproved.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-3613(d) and Section 27-6610(b)(1)(2), more specifically:

Due to the subject property being a “through” lot with five (5) uniquely shaped sides, it is unusual in a manner different from the nature of surrounding properties. The particular uniqueness and peculiarity of the specific property would impede the Petitioner from validating existing conditions on her property and moving forward with the construction of a fence needed for safety. Additionally, the Board concluded that these variances are minimally necessary to overcome the exceptional physical conditions found on the property due to the topography of the Petitioner’s property. The Board reviewed the record and found that granting the relief requested would not substantially impair the intent, purpose, and integrity of the General Plan or Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property. Moreover, there was no evidence presented or contained in the record that the variances would substantially impair the use and enjoyment of adjacent properties, and the Petitioner received approval from the Cherry Mill Estates Homeowners Association. Lastly, the Board found the practical difficulty was not self-inflicted due to the Petitioner not commencing construction before seeking a variance.

The Board determined that the Petitioners’ property was located in an area with a history of criminal activity that placed it in greater danger of damage than surrounding properties, and a taller fence was warranted. Additionally, the Board found that there would not be any significant adverse effect on the security, functioning, appearance, or value of adjacent properties or the surrounding area as a whole.

BE IT THEREFORE RESOLVED, by a 3-0 vote, that variances for a through lot of 49.85 feet lot width at the front street line of Cherry Hill Road and 10 feet lot width at the front street line of Cherry Tree Court and a security exemption review for a fence over 6 feet in height in the front yard (abutting Cherry Hill Road) on the property located at 10717 Cherry Tree Court, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 3, and approved elevation plans, Exhibit 5 (A) thru (B).

BOARD OF ZONING APPEALS

By: 

Omar Boulware, Chair

APPROVED FOR LEGAL SUFFICIENCY

By: 

Keisha A. Garner, Esq.

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-3613(c)(10)(B) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

V-91-24

Sample of Fence to be installed on 10717 Cherry Tree Court, Adelphi MD 20783



5(A)

BOARD OF APPEALS

APPROVED JAN 29 2025

Ellis Watson

ADMINISTRATOR

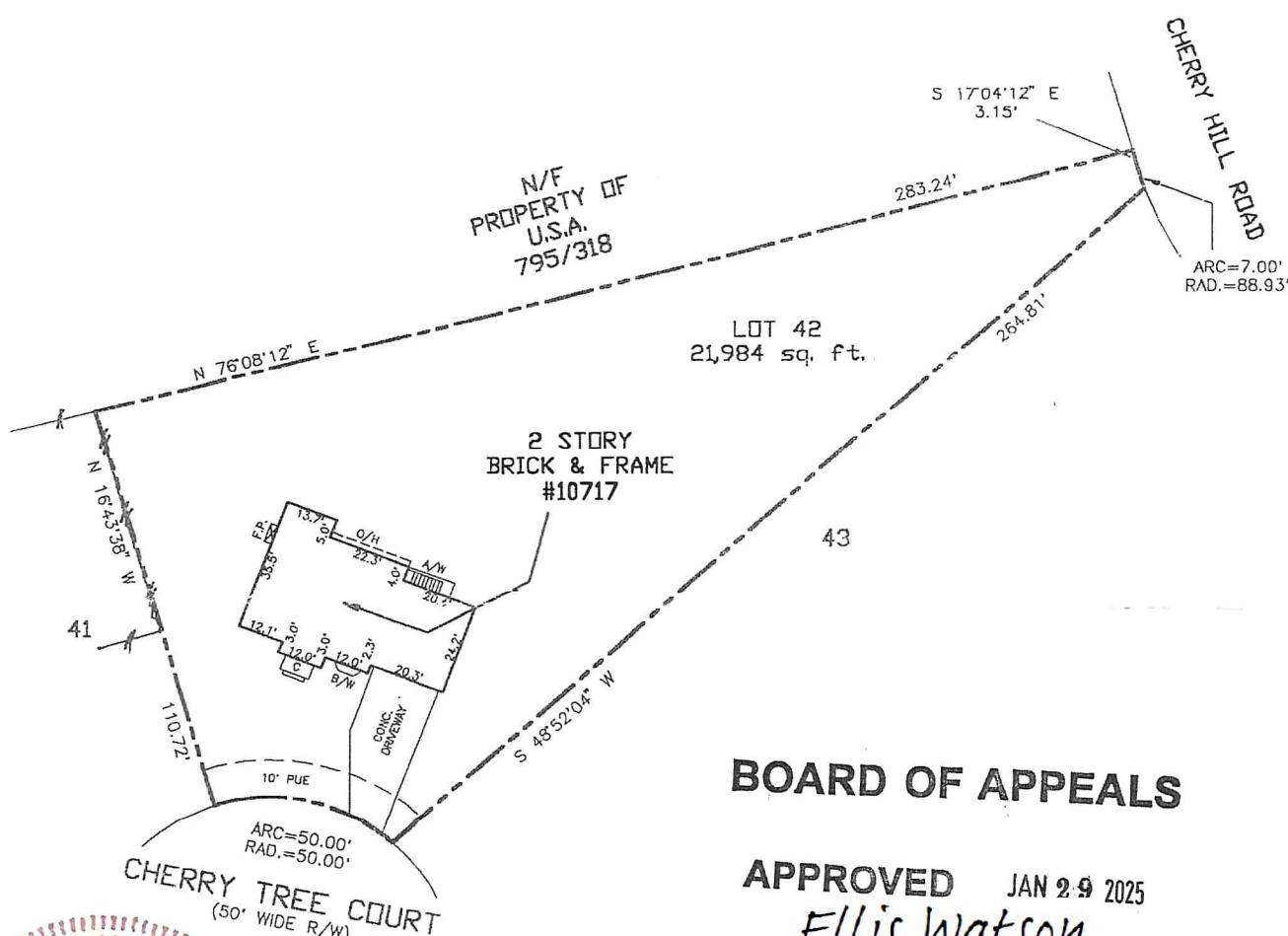


5(B)

EXH. # 5(A-B)
V-91-24

LOCATION DRAWING
CHERRY MILL
LOT 42
PRINCE GEORGE'S COUNTY, MARYLAND

NORTH

**BOARD OF APPEALS****APPROVED** JAN 29 2025*Ellis Watson*

ADMINISTRATOR

GARY DEAN SIMPSON
No. 514RECERTIFICATION 05-13-99
NEW CMS JOB NO. 1239-99

PROPERTY ADDRESS: 10717 CHERRY TREE COURT

THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE C (AREA OF MINIMAL FLOODING) ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM F.I.R.M. MAP COMMUNITY PANEL NO. 245208 0015C AS REVISED 06-18-1987.

CENTRAL MARYLAND SURVEYORS

4319 NORTHEW DRIVE (301) 262-2500 FAX (301) 262-9878 BOWIE, MD 20715

CERTIFICATE
I HEREBY DECLARE THAT THE POSITION OF ALL THE VISIBLE EXISTING IMPROVEMENTS SHOWN ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN ESTABLISHED BY PROPER FIELD METHODS.

Gary Dean Simpson
GARY DEAN SIMPSON
Reg. MARYLAND P.L.S. No. 514

REFERENCES
PLAT BK. N.L.P. 133
PLAT NO. 1

LIBER

FOLIO

DATES:	SCALE: 1"=50'
WALL CHECK:	DRAWN BY: JPK
HSE. LOC.: 08-20-93	N/A
BOUNDARY:	JOB NO.: 3570-93 N/A

NOTES: 1) This location for title purposes only, no title report furnished, not to be used for determining property lines, building fences or other improvements.

2) Property corner markers NOT found, or guaranteed by this location.

3) S.R.L. information, if shown was obtained from existing record plat or local agencies and is not guaranteed by CMS, INC.

4) Building line and/or Flood Zone information is subject to the interpretation of the originator.

5) CMS, Inc. does not certify to unshown or unrecorded encroachments or overlaps.

6) LEVEL OF ACCURACY 3±.

EXH. # 3
V-91-24