

*NOTICE OF FINAL DECISION  
OF BOARD OF APPEALS*

RE: Case No.     V-20-14 Danel Trisi    

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:     August 6, 2014     .

**CERTIFICATE OF SERVICE**

This is to certify that on     August 8, 2014     , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)  
\_\_\_\_\_  
Anne F. Carter  
Administrator

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

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

Petitioner: Danel Trisi

Appeal No.: V-20-14

Subject Property: Lot 18, Block 15, Queens Chapel Manor Subdivision, being 3514 Oliver Street,  
Hyattsville, Prince George's County, Maryland

Municipality: City of Hyattsville

Witnesses: Alicia Trisi, Petitioner's mother

Daniel Trisi, Petitioner's father

Heard and Decided: August 6, 2014

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Albert C. Scott, Vice Chairman  
Anastasia T. Johnson, 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 variances 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 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each corner lot shall have a front yard at least 25 feet in depth, and Section 27-420(a), which prescribes that on corner lots consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high without the approval of a variance. Petitioner proposes to validate an existing condition and construct a 6-foot white vinyl privacy fence along the side street line. A variance of 3.5 feet front yard depth and a waiver of the fence height and location requirements for a fence in the side yard on a corner lot are requested.

**Evidence Presented**

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

1. The property was subdivided in 1947, contains 7,800 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and driveway. Exhibits ("Exhs.") 3, 5, 9 and 10. The existing single-family dwelling was built in 1951. Exhs. 9 and 10.

2. Since the western side of the subject property abuts an unimproved street, the property is considered a corner lot. The existing dwelling faces Oliver Street, the front street. Exhs. 2, 3, 5, 6, 7 and 11(A).

3. Petitioner would like to construct a 6-foot white vinyl fence to replace an existing chain-link fence along the side lot line abutting the undeveloped street, but variances are needed to obtain a permit for the fence. Since an existing covered front porch is located only 21.5 feet from the front street line, a variance of 3.5 feet front yard depth was requested to validate that existing condition. In addition, since the proposed fence is over 4 feet in height and located in the side yard on a corner lot, a waiver of the fence height and location requirements were also requested. Exh. 12.

4. Petitioner stated that he discussed a unique circumstance related to his variance request with City of Hyattsville officials and they concurred that the unimproved street adjoining his property is actually a park with a pedestrian walkway to the Metro station. Exh. 2.

5. Petitioner testified that would like to replace the existing 4-foot chain link fence on the one side of the property with a 6-foot fence and that he chose a white fence to match many other fences in the community, including his neighbor's 6-foot privacy fence (Exh. 21(E)). He stated that the neighbor on the other side of the walkway area also has a 6-foot privacy fence. Exh. 21(J).

6. Petitioner further testified that he would like the proposed fence for security because people constantly cut across the abutting grassy area, which has created a footpath, bringing them closer to his property rather than using the sidewalk that leads them directly to the Metro station. Exhs. 11(B) through (E); 21(C) and (D). He explained that some people will simply stand at his property line, others ask for directions, a fight has broken out in that area and beer bottles have been thrown into his yard.

7. Petitioner stated that another reason he would like the fence is for privacy.

8. The City of Hyattsville had no comment on the merits of the request. Exh. 17.

#### Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

#### Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided in 1947, the subdivision plat indicating that the subject lot abuts a street on the west side, the property being considered a corner lot even though that street was never improved, the dwelling being built many years ago and the existing covered front porch not meeting the current front yard setback requirement, the adjoining unimproved street area being now used as parkland with a public walkway to the nearby Metro station, the proposed fence providing privacy and security, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 3.5 feet front yard depth and a waiver of the fence height and location requirements for a fence in the side yard on a corner lot in order to validate an existing condition and construct a 6-foot white vinyl privacy fence along the side street line on the property located at Lot 18, Block 15, Queens Chapel Manor Subdivision, being 3514 Oliver Street, Hyattsville, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances

is contingent upon development in compliance with the approved site plan, Exhibit 3, and the approved elevation plan, Exhibit 4.

BOARD OF ZONING APPEALS

By: (Original Signed)  
Bobbie S. Mack, Chairperson

**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 27-233(a) 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.