



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-65-23 Thomas and Brenda Ratliff

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: November 29, 2023.

CERTIFICATE OF SERVICE

This is to certify that on February 15, 2024, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J Stone", is written over a horizontal line.

Barbara J Stone
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: Thomas & Brenda Ratliff

Appeal No.: V-65-23

Subject Property: Lot 13, Block F, Den Lee Acres Subdivision, being 10601 Mullikin Drive, Clinton,
Prince George's County, Maryland

Counsel for Petitioner: Traci Scudder, Esq. Scudder Legal

Heard and Decided: November 29, 2023

Board Members Present and Voting: Bobbie S. Mack, Chairperson

Carl Isler, Vice Chairman

Renee Alston, Member

Teia Hill, Member

Board Member Absent: 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 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) of the Zoning Ordinance, which prescribes that each lot shall have a minimum net lot area of 9500 square feet, a minimum width of 75 feet measured along the front building line, a minimum width of 60 feet measured along the front street line, a maximum lot coverage of 30%, a minimum front yard depth of 25 feet, a minimum side yard width of 8 feet and a minimum rear yard depth of 20 feet. Petitioners propose to validate an existing condition (lot frontage) and obtain building permits for the unauthorized construction of a 19.8' x 24.1' carport, a 15.21' x 24' carport and driveway extension. Variances of 2.26 feet lot frontage at front street line, 16.8% lot coverage and 9.22 rear yard depth are requested.

Evidence Presented

1. The property was subdivided in 1985, contains 10,503 square feet, is zoned RSF-95 (Residential, Single-Family-95) and is improved with a single-family dwelling, covered front porch, covered wood deck, two carports, driveway, extended driveway, and a shed. Exhibits (Exhs.) 3, 4, 8 and 9 (A) thru (E).

2. The subject property is on a corner lot with the legal front of the property abutting Gator Place and the legal side street being Mullikin Drive. The dwelling is fronting on Mullikin Drive. Exhs. 3, 4, 8 and 9 (A) thru (E).

3. Petitioners propose to validate an existing condition (lot frontage) and obtain building permits for the unauthorized construction of a 19.8' x 24.1' carport, a 15.21' x 24' carport, and driveway extension. Variances of 2.26 feet lot frontage at front street line, 16.8% lot coverage and 9.22 rear yard depth are requested. Exhs. 3, 4, 8 and 9 (A) thru (E) and 15.

4. Counselor Traci Scudder, explained that at this time, Mr. Ratliff is not proposing any new construction. He is simply requesting to get existing conditions validated. This particular home was constructed in the 80's, and Mr. Ratliff hired a contractor to complete some improvements at his home, and this occurred in the 90's. Those improvements were completed since that time, but recently he was considering constructing an additional driveway. Although, when he filed for the permits, it was determined that the improvement that were completed in the 90's was not permitted. So, he is now coming in simply to

validate those existing improvements. This property has existed in its current condition for the last twenty (20) years. There have been no negative impacts on any of the surrounding properties or the neighboring properties. We ask for approvals for these variances so that Mr. Ratliff can pursue his permit for future improvements. He wishes to comply with the current code regulations. He has abandoned his future request for a second driveway once he discovered that his existing improvements were not permitted. Exhs. 3, 5 (A) thru (G), and 15.

5. Mr. Ratliff testified that if he knew that the contractor did not apply for permits, he would not have allowed the work to continue. He stated, he just did not know the work taking place on his property was unpermitted construction. They were licensed contractors. The driveway was put in twenty-five (25) years ago and the carport was built twenty (20) years ago. Exhs. 3, 5 (A) thru (G), and 15.

6. Administrator Stone questioned Mr. Ratliff if the contractors were under contract to obtain the permits? Mr. Ratliff stated that obtaining the permits was left out of the contract between him and the contractor.

7. Ms. Scudder reiterated that this is straightforward and that these contractors put in the improvements years ago, and the good thing is that enough time has passed to where you can see that the improvements have not caused any negative impacts in the neighborhood or the neighbors.

8. Mr. Ratliff explained that the awning was put up for a cookout, or sometimes he parks the Pontiac under the awning. Exhs. 3, 5 (A) thru (G), and 15.

9. Administrator Stone requested justification for the variances. Ms. Scudder responded that several criteria were addressed in the Statement of Justification. There is one criterion that she can speak to in regard to the uniqueness of the lot. In comparison to the lots in this neighborhood, the subject lot is different from the other surrounding lots as it is larger than most of the lots in the neighborhood, and in addition, it is a corner lot. Exh. 15.

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) 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.

Findings of the Board

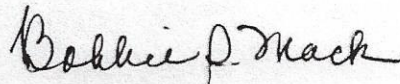
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variances comply with the applicable standards set forth in Section 27-230, more specifically:

Due to the existing conditions of the lot when subdivided, the existing configuration of the house on the lot creating the need for the variances, the need to validate improvements made over twenty (20) years ago, 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 owners of the property as the Petitioner desires to come into compliance with current Zoning Ordinance provisions. Further, the length of time indicates this variance does not substantially impair the use and enjoyment of adjacent properties. Lastly, the Board determined there was evidence in the record to determine that the Petitioner rightly relied upon his licensed contractor to obtain the required permits for the improvements on his property; therefore, the practical difficulty was not self-inflicted.

BE IT THEREFORE RESOLVED, by majority vote, Ms. Johnson absent, that variances of 2.26 feet lot frontage at front street line, 16.8% lot coverage and 9.22 rear yard depth in order to validate an existing condition (lot frontage) and obtain building permits for the unauthorized construction of a 19.8' x 24.1' carport, a 15.21' x 24' carport and driveway extension on the property located at 10601 Mullikin Drive, Clinton, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance(s) is contingent upon development in compliance with the approved site plan, Exhibit 3.

BOARD OF ZONING APPEALS

By:



Bobbie S. Mack, Chairperson

Approved for Legal Sufficiency

By:

Ellis Watson

Ellis Watson, 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.

Signature: Ellis F. Watson
Ellis F. Watson (Feb 5, 2024 14:18 EST)

Email: efwatson@co.pg.md.us



LOT 12

N08°58'26"E ~ 127.00'

6' HIGH VINYL FENCE

TOTAL ADDED 968 SF
CONC AREA

14.3
SHED
147 SF

ADDED
CONC
AREA

24.0
CARPORT #2
360 SF

19.8
CARPORT #1
477 SF

#10601
BRICK & VINYL SIDING
1616 SF

EX. COV. PORCH
240 SF

EXISTING
CONCRETE
DRIVE
635 SF

ADDED
CONCRETE
DRIVE
1260 SF

10.83'
S03°15'04"E

LOT 9
PARKVIEW
PB 80 @ 100

8

F
LOT 13
10,503 SF

10' PUBLIC UTILITY ESMT

GATOR (50') PLACE

A=34.97'
R=25.00'

BOARD OF APPEALS
DRIVE

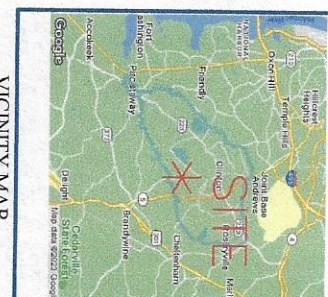
APPROVED NOV 29 2023

ADMINISTRATOR

EXHIBIT
3

V-65-23

- LEGEND:
- PROPERTY LINE
 - ADDED CONC
 - EXISTING CONC
 - WOOD DECK
 - SHED
 - CARPORT
 - DRIVE
 - ESMT
 - OVERLAP



VICINITY MAP
SCALE: NTS



ZONE: RESIDENTIAL SINGLE FAMILY (RSF-35)
LOT COVERAGE MAXIMUM OF 25% (1.25 AC)
SINGLE FAMILY DETACHED DWELLING 20%
AGRICULTURAL USES 20%
OTHER USES 60%

EX. LOT COVERAGE PERCENTAGE:
HOUSE 1616 SF - 15.38 %
EX. CONC 1149 SF - 10.94 %
ADDED CONC 2299 SF - 21.89 %
ADDED SHED 147 SF - 1.40 %
TOTAL 5211 SF - 49.61 %

CARPORTS
ADDED CARPORT #1 477 SF
ADDED CARPORT #2 360 SF

SURVEYOR'S CERTIFICATE
I hereby certify that this drawing is based on a field survey made on 4/18/2023 by me or under my supervision and to the best of my knowledge and belief correctly represents the facts found at the time of survey.

- NOTES:
- This drawing is not intended for the use in the establishment of property lines.
 - This drawing is only valid within six months from the date hereof.
 - No title report furnished at this time. Subject to all easements and right of way.
 - Party walls may not be on line. No access for interior measurements.
 - Existing structures may exist. Property corners have not been set with this survey.
 - Traverse information was taken from best available records.
 - Boundaries of adjacent lots are shown for reference only. No warranty is made as to the accuracy of these boundaries.
 - Flood zone and easements are shown for reference only. No warranty is made as to the accuracy of these boundaries.
 - All easements are shown for reference only. No warranty is made as to the accuracy of these boundaries.
 - No previous survey found unless otherwise noted. Location based upon physical evidence.
 - Accuracy of this survey is 1/4" = 1' foot.



REVISIONS/COMMENTS:

LOCATION DRAWING
ACCT# 09-0981662
LOT 13 BLOCK F
DEN LEE ACRES
PLAT BOOK 123 PAGE 36
09TH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND
DATE: 4/18/2023 SCALE: 1"=20' FILE: HMO- RATLIF DWG-52717

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