




February 20, 2024

MEMORANDUM

TO: Donna J. Brown
Clerk of the Council

FROM: James Hunt, Division Chief 
Development Review Division

SUBJECT: Notification of Recommendation for Certification of Nonconforming Use

Permit Application Number: **32670-2023-U**

Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **5016 46th Avenue
Hyattsville**

Current Zone(s): **M-X-T**

Sign Posting Date: **December 30, 2023**

Reason for Certification: **Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016 which requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2023. This outdoor advertising sign was erected in 2000.**



This is to advise that the above-captioned permit application relating to certification of a nonconforming use has been reviewed by this office. It has been found to fulfill the requirements of the Zoning Ordinance for administrative certification of the use in question, and no request for the Planning Board to conduct a public hearing was received within the time period specified on the public notice sign. Therefore, we are recommending that the use be certified as nonconforming.



Pursuant to Section 27-244(e) of the Zoning Ordinance (as amended by CB-78-1991), the District Council has the option of reviewing this recommendation, provided it votes to do so within 30 days of receipt of the recommendation. If you advise us that the Council has not elected to review this recommendation after expiration of the 30-day period, we will certify this use as nonconforming and transmit that action to the Department of Environmental Resources, so that the permit may be issued.

APPLICATION FORM

DO NOT WRITE IN THIS SPACE

Application No.(s): _____ Planning Board Review Planning Director Review
 Acceptance Date: _____ 70-day limit: _____ Limit waived–New limit: _____
 Posting Waived Posting Date: _____ No. of Signs Posted: _____ Agenda Date: _____
 Application Fee: _____ Posting Fee: _____ Case Reviewer: _____
 Subdivision Development Review Committee Date: _____
 Referral Mail-Out Date: _____ Referral Due Date: _____
 Date of Informational Mailing: _____ Date of Acceptance Mailing: _____

APPLICATION TYPE: NCU Revision of Case # _____ Companion Cases: _____
 Payment option: Check (payable to M-NCPPC) Credit Card General Plan Growth Policy:

PROJECT NAME: NCU, Eastern Outdoor
 Complete address (if applicable) 5014 46TH AVE., HYATTSVILLE 20781 Tax Account #: 1829506
 Geographic Location (distance related to or near major intersection) Police District #: 1
 Northwest side of 46th Ave., approx. 400' south of the intersection of 46th Ave & Gallatin Street

Total Acreage: 39,000 sq.ft.	Aviation Policy Area: N/A	Election District: 16
Tax Map/Grid: 50/C1	Current Zone(s): M-X-T	Council District: 5
WSSC Grid: 206NE04	Existing Lots/Blocks/Parcels: 22,23 & 49	Dev. Review District: D-D-O
Planning Area: 68	In Municipal Boundary: EDMONSTON	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input checked="" type="checkbox"/> Y <input type="checkbox"/> N

(2002) General Plan Tier: Developed Developing Rural Area of proposed LOD:

Proposed Use of Property and Request of Proposal:
NON-CONFORMING USE OF EXISTING BILLBOARD

Please list and provide copies of resolutions of previously approved applications affecting the subject property:

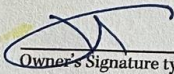
Applicant Name, Address & Phone:
 Kurt Rutherford, 410-484-4440
 Eastern Outdoor
 7115 Rockridge Rd., Baltimore, MD 21207

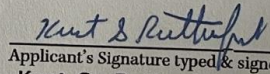
Consultant Name, Address & Phone:
 No Limit Land Consulting & Management, LLC. 1001 Prince
 George's Blvd., Suite 700
 Upper Marlboro, Md 20774

Owner Name, Address & Phone:
(if same as applicant indicate same/corporation see Disclosure)
 B AND J INTERNATIONAL INC
 11428 PALATINE DR
 POTOMAC MD 20854

Contact Name, Phone & E-mail:
 Stephenie Clevenger, 240-338-0131
 nolimitland@icloud.com

SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner's signatures)


 Owner's Signature typed & signed
Thomas Fan
 Date 10/05/21


 Applicant's Signature typed & signed
Kurt S. Rutherford
 Date 10/05/21

Contract Purchaser's Signature typed & signed
 Date _____

Applicant's Signature typed & signed
 Date _____



APPLICATION FORM

DO NOT WRITE IN THIS SPACE

Application No.(s): _____ Planning Board Review Planning Director Review

Acceptance Date: _____ 70-day limit: _____ Limit waived–New limit: _____

Posting Waived Posting Date: _____ No. of Signs Posted: _____ Agenda Date: _____

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Complete address (if applicable) 5014 46TH AVE., HYATTSVILLE 20781 Tax Account #: 1829506

Geographic Location (distance related to or near major intersection) Police District #: 1

Northwest side of 46th Ave., approx. 400' south of the intersection of 46th Ave & Gallatin Street

Total Acreage: <u>39,000 sq.ft.</u>	Aviation Policy Area: <u>N/A</u>	Election District: <u>16</u>
Tax Map/Grid: <u>50/C1</u>	Current Zone(s): <u>M-X-T</u>	Council District: <u>5</u>
WSSC Grid: <u>206NE04</u>	Existing Lots/Blocks/Parcels: <u>22,23 & 49</u>	Dev. Review District: <u>D-D-O</u>
Planning Area: <u>68</u>	In Municipal Boundary: <u>EDMONSTON</u>	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input checked="" type="checkbox"/> Y <input type="checkbox"/> N

(2002) General Plan Tier: Developed Developing Rural Area of proposed LOD: _____

Proposed Use of Property and Request of Proposal: NON-CONFORMING USE OF EXISITNG BILLBOARD	Please list and provide copies of resolutions of previously approved applications affecting the subject property:
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Applicant Name, Address & Phone: Kurt Rutherford, 410-484-4440 Eastern Outdoor 7115 Rockridge Rd., Baltimore, MD 21207 Owner Name, Address & Phone: <small>(if same as applicant indicate same/corporation see Disclosure)</small> B AND J INTERNATIONAL INC 11428 PALATINE DR POTOMAC MD 20854	Consultant Name, Address & Phone: No Limit Land Consulting & Management, LLC. 1001 Prince George's Blvd., Suite 700 Upper Marlboro, Md 20774 Contact Name, Phone & E-mail: Stephenie Clevenger, 240-338-0131 nolimitland@icloud.com
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SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner’s signatures)

Owner’s Signature typed & signed Date

Applicant’s Signature typed & signed Date

Contract Purchaser’s Signature typed & signed Date

Applicant’s Signature typed & signed Date

SUBDIVISION CASES – PRELIMINARY PLAN/CONSERVATION SKETCH PLAN:**Type of Application (Check all that apply)**

Conventional <input type="checkbox"/>	Comprehensive Design <input type="checkbox"/>	Conservation Sketch Plan <input type="checkbox"/>	Pre-Preliminary Plan <input type="checkbox"/>
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Variation, Variance or Alternative Compliance Request(s)

Yes No

Applicable Zoning/Subdivision Regulation Section(s):

Total Number of Proposed:

Lots _____ Outlots _____ Parcels _____ Outparcels _____

Number of Dwelling Units:

Attached _____ Detached _____ Multifamily _____

Gross Floor Area (Nonresidential portion only):

SUBDIVISION CASES – FINAL PLAT:Water/Sewer: DER Health Dept.

Number of Plats:

CSP/DSP/SDP No.:

WSSC Authorization No.:

Preliminary Plan No.:

Approval Date of Preliminary Plan:

URBAN DESIGN AND ZONING CASES:

Details of Request:

CERTIFICATION OF NON-CONFORMING USE
FOR EXISTING BILLBOARD

Zoning Ordinance Section(s):

SECTIONS 27-244 & 241

Total Number of Proposed:

Lots _____ Outlots _____ Parcels _____ Outparcels _____

Number of Dwelling Units:

Attached _____ Detached _____ Multifamily _____

Gross Floor Area (Nonresidential portion only):

Variance Request

Yes No

Applicable Zoning/Subdivision Regulation Section(s):

Departure Request

Yes No

Application Filed

Yes No

Alternative Compliance Request

Yes No

Application Filed

Yes No

APPLICATION FORM DISCLOSURE

List all persons having at least five percent (5%) interest in the subject property **ONLY required for Special Exception and Zoning Map Amendment Applications.**

Owner(s) Name - printed	Signature and Date	Residence Address

If the property is owned by a corporation, please fill in below.

Officers	Date Assumed Duties	Residence Address	Business Address

Board of Directors	Date Assumed Duties	Date Term Expires	Residence Address	Business Address

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 GOVERNOR ODEN BOWIE DRIVE
UPPER MARLBORO, MD 20772
DEVELOPMENT REVIEW DIVISION
301-952-3530

STATEMENT OF JUSTIFICATION
5014 46th AVENUE
CERTIFICATION OF NONCONFORMING USE

1. CASE NAME

NCU-32670-2023
5014 46th Avenue, Hyattsville, MD 20781

2. DESCRIPTION OF PROPOSED USE / REQUEST

Eastern Outdoor (the “**Applicant**”) submits this Statement of Justification for the Certification of an outdoor advertising sign located at 5014 46th Avenue, Hyattsville, MD 20781 (the “**Property**”), as a nonconforming use.

3. DESCRIPTION & LOCATION OF THE SUBJECT PROPERTY

The Property is located on the east side of Baltimore Avenue (US Route 1), approximately 300 feet north of the intersection of 46th Avenue and Decatur Street. Specifically, the Property is located on Map 50, Grid C1, and is approximately 0.8950 acres in size. The Property is currently zoned IE (Industrial, Employment) and was previously zoned M-X-T (Mixed Use Transportation Oriented).

An outdoor advertising sign is located at the southwest corner of the Property. The outdoor advertising sign is supported by a single pole with advertising signs on both sides that are visible to northbound and southbound traffic on Baltimore Avenue (US Route 1). Documentary evidence submitted along with this Statement of Justification demonstrates that the structure has existed on the Property since at least 2000.

4. APPLICABLE CODE & REQUIRED FINDINGS

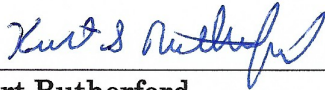
The Applicant is required to certify the outdoor advertising signs located on the Property pursuant to Section 27-3618(c)(3)(D) of Subtitle 27 of the Prince George’s County Code (the “**Zoning Ordinance**”). Section 27-3618(c)(3)(D) stipulates that “For outdoor advertising signs, if satisfactory documentary evidence described in Section 27-3618(c)(1)(B)(v) is received, the Planning Director shall approve certification of the use as nonconforming for the purpose of issuing applicable permits and certifying the use as nonconforming...” The Applicant has provided satisfactory documentary evidence in accordance with Section 27-3618(c)(1)(B)(v), which demonstrates that the outdoor advertising sign was constructed prior to and has operated continuously since January 1, 2002.

5. VARIANCE REQUESTS & REQUIRED FINDINGS FOR EACH REQUEST

The Applicant is not requesting a variance for the Property.

6. SUMMARY OF REQUEST

The Applicant has provided satisfactory documentary evidence pursuant to Section 27-3620(c)(1)(B)(v). Accordingly, the Applicant respectfully requests that the Planning Director certify the outdoor advertising signs located on the Property as a nonconforming use in accordance with Section 27-3618(c)(3)(D).



Kurt Rutherford
Applicant, Eastern Outdoor

SIGN POSTING AND INSPECTION AFFIDAVIT – PLANNING DIRECTOR REVIEW

I, Stephenie Clevenger, hereby certify that the subject property was posted with
(print or type name)

1 sign(s) on 12/30/2023
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-132670-2023 Name: 5014 46th Ave. Hyattsville

Date: 12/30/2023

Address: 1001 Prince Georges Blvd., Suite 700
Upper Marlboro, MD 20774

Telephone: 240-338-0131

Capacity in which you are acting: agent
(owner, applicant, agent)

NOTE: Take **legible** photograph(s) showing sign(s) in place, (see attached map for posting locations) and return (email) this affidavit and photographs, saved as one PDF to **PGCReferrals@ppd.mncppc.org** Subject: CaseNo-CaseName and “Posting Affidavit”

* * * * *

The affidavit must be received prior to the end of the 20-day (30 days for all CBCA conservation plans) posting period.

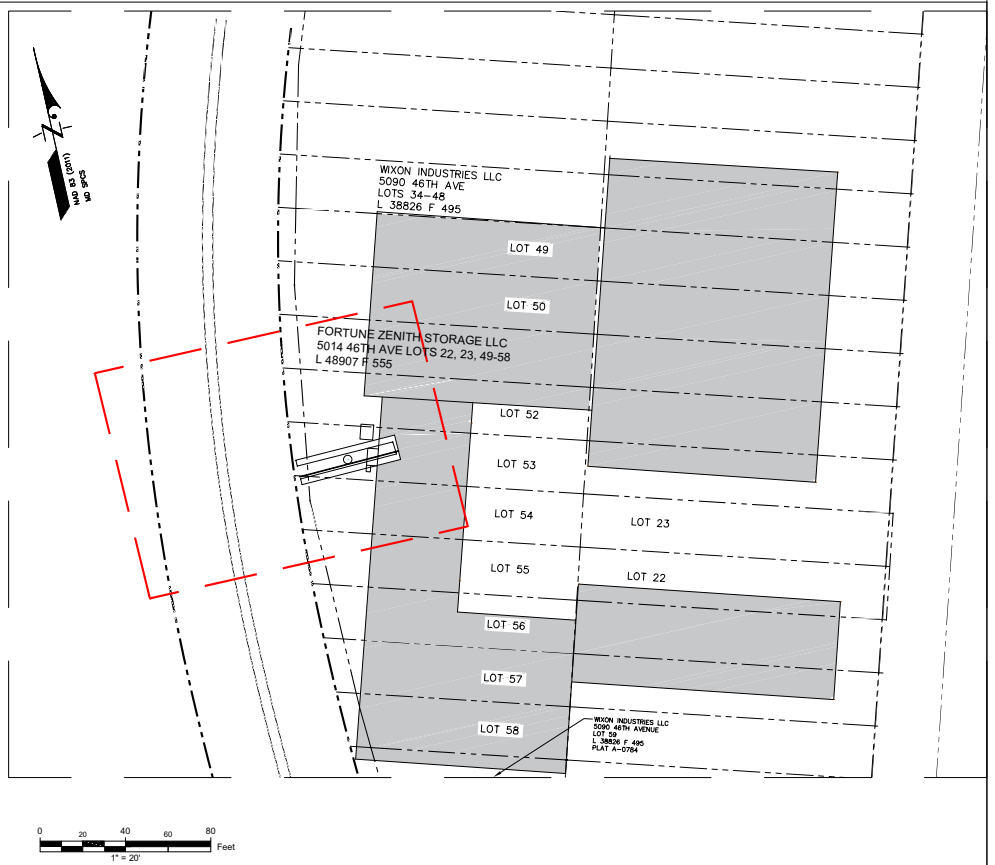
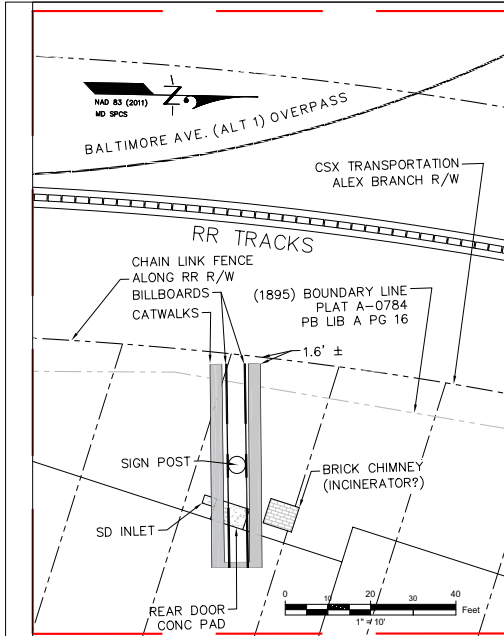


Sign 1

CNU-32670-2023, 5014 46th Ave. Hyattsville

Sign posted by: Stephenie Clevenger

Posted on: 12/30/2023



GENERAL NOTES:

Flood Zone - X
(Area of Reduced Flood Risk due to Levee)
Source: Flood Map 24033C0155E (9/16/2016)
Zoned: IE
Zoning Category: Industrial, Employment
Land Use: Commercial
Tax ID: 16-1622506

Signs No. : 76 & 77
Permits No. : 698 & 699

Height of sign top above ground: 93'
Height of understructure above ground: 70'
Vertical dimension of sign board: 20'
Horizontal dimension of sign board: 48.0'

- The accuracy of measurements of any physical feature(s) illustrated hereon, and/or their distance to others, is 2".
- Although the boundary lines are referenced to markers located on site, this drawing does not constitute a boundary survey.
- This drawing is intended for general use by the consumer for certification requirements by the County in which it is situate.
- This drawing is not to be used for placing or operating any improvements, structures, fences, etc.
- No land records or title report were provided at any time during the course of work embodied herein.
- Any bearings are referenced to NAD83 (2011) datum projected on to the Maryland State Plane Coordinate System (MD SPCS).
- No true elevations were recorded nor labeled on this two-dimensional survey. Heights shown are relative to elevation at grade.
- Property may be subject to appurtenances, easements, encumbrances, or otherwise, which are not shown herein.
- Flood Zone classification was obtained through FEMA Map Service Center at <https://msc.fema.gov/portal/home>
- Zoning classification determined through PGASites.com

OWNER
EASTERN OUTDOOR
7115 Rockridge Road
Baltimore, MD 21207
Kurt Rutherford
(P): (410)-484-4440
(E): info@easternoutdoor.net

The purpose of this drawing is to locate, describe, and represent the position(s) of the billboard and buildings affecting the property shown hereon, being known as: 5014 46th Avenue as described in a deed from B&J International, Inc., grantor, and Fortune Zenith Storage, LLC, grantee, recorded among the Land Records of Prince George's County, Maryland in Liber 48907 Folio 555 on May 28th, 2023.

I hereby certify that the lines shown hereon are the result of a field run, limited, special use survey as per record description and that all survey work was performed in accordance with a planimetric survey as certified by the Maryland Department of Labor Licensing and Regulations, board of professional surveyors in COMMA 09-13.06.06 and under my direct supervision.



SPECIAL PURPOSE SURVEY
5014 46TH AVENUE
HYATTSVILLE, MD 21781
PRINCE GEORGE'S COUNTY, MD

610 Hatedford Drive, Suite 108
Coffersville, MD 20875
PHONE: (301) 837-2970
WWW.CV.COM

PROJECT NO. 2021107924
SCALE AS SHOWN
DATE: 10/26/2023
SHEET NO. 11
SHEET 1 OF 1