



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: **35174-2023-U**

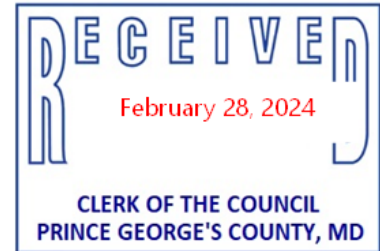
Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **12949 Old Marlboro Pike
Upper Marlboro**

Current Zone(s): **R-R**

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 1960.**



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 Date: _____ No. of Signs Posted: _____ Agenda Date: _____
 Filing Fee: _____ Posting Fee: _____ Case Reviewer: _____
 Date: _____
 Referral Mail-Out Date: _____ Referral Due Date: _____
 Date of Informational Mailing: _____ Date of Acceptance Mailing: _____

APPLICATION TYPE: NCU - 35174-2023 Revision of Case # _____
 Case(s): NCU

PROJECT NAME: 12909 Old Marlboro Pike

Complete address (if applicable) and Geographic Location (distance related to or near major intersection)
 12909 Old Marlboro Pike, Upper Marlboro, MD 20772. The Property is located off of Old Marlboro Road running east, approximately 512 feet southwest of the intersection with Ritchie Marlboro Road.

| | | |
|----------------------|--|--|
| Total Acreage: 13.57 | | Election District: 15 |
| Tax Map/Grid: 101/B2 | Current Zone(s): R-R (Rural Residential) | Council District: 6 |
| WSSC Grid: 207SE11 | Existing Lots/Blocks/Parcels: Parcel 102 | Dev. Review District: Westphalia Sect. Dev. Rev |
| COG TAZ: 1262 | PG TAZ: 2507 | Aviation Policy Area: N/A |
| Planning Area: 78 | In Municipal Boundary: N/A | Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input 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: Certification of outdoor advertising sign as a non-conforming use | Please list and provide copies of resolutions of previously approved applications affecting the subject property: |
| Applicant Name, Address & Phone: April Mackoff, Clear Channel Outdoor 9590 Lynn Buff Court #5 Laurel, Maryland 20723 (240) 755-9203, aprilmackoff@clearchannel.com Owner Name, Address & Phone: (if same as applicant indicate same/corporation see Disclosure) Dale E. Keenan and Elaine K. Keenan 12909 Old Marlboro Pike Upper Marlboro, Maryland 20772 | Consultant Name, Address & Phone: Contact Name, Phone & E-mail: same as applicant (240) 755-9203, aprilmackoff@clearchannel.com |

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

Stephanie Clevenger - for April Mackoff
 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 Comprehensive Design Conservation Sketch Plan Pre-Preliminary Plan

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 nonconforming use for existing billboards 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.

| 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

1. Case Name

NCU - 35174-2023

12909 Old Marlboro Pike

2. Description of proposed use/request

Certification of outdoor advertising sign located at 12909 Old Marlboro Pike, Upper Marlboro, Maryland 20772 (the "Property"), as a nonconforming use.

3. Description and location of the subject property

The Property is located off of Old Marlboro Pike running east, approximately 512 feet southwest of the intersection with Ritchie Marlboro Road. Specifically, the Property is located on Map 101, Grid B2, and is approximately 13.57 acres in size. The Property is zoned R-R (Rural Residential).

An outdoor advertising structure constructed on two thin metal posts and containing two poster faces is located on the Property. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1960.

4. Description of each required finding

In accordance with CB-84-2016, the applicant is required to certify the outdoor advertising signs located on the Property. *Section 27-244, Prince George's County Code* (the "Code"). Section 27-244(d)(2) of the Code states that "...if satisfactory documentary evidence described in Section 27-244(b)(2)(E) is received, the Planning Board's authorized representative shall recommend certification of the use as nonconforming...". The applicant has provided satisfactory documentary evidence in accordance with Section 27-244(b)(2)(E), which shows that the outdoor advertising signs were constructed prior to and have operated continuously since January 1, 2000.

5. Variance requests and required findings for each request

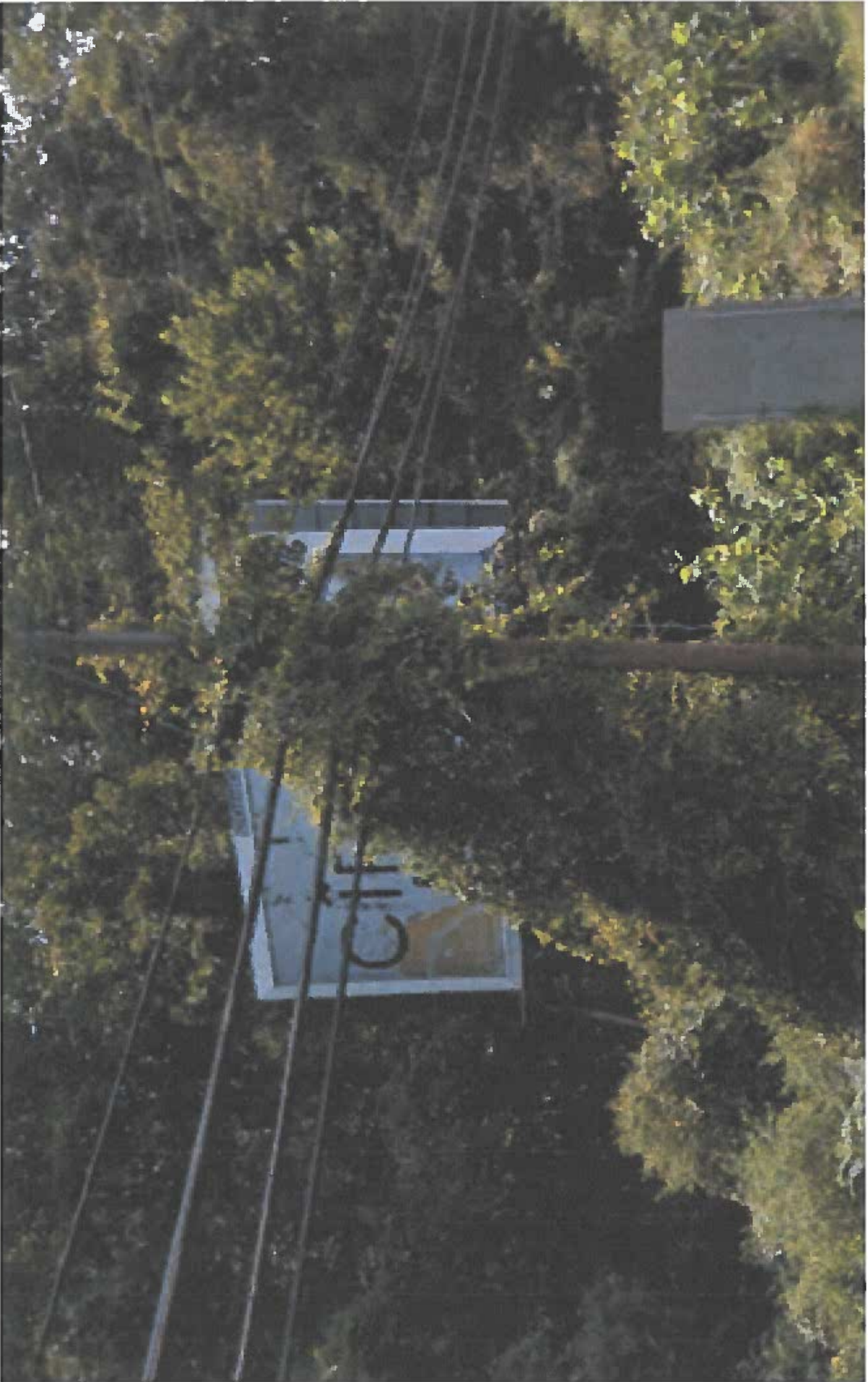
The applicant is not requesting a variance for the Property.

6. Summary/conclusion of request

Because the applicant has provided satisfactory documentary evidence in accordance with Section 27-244(b)(2)(E), the applicant respectfully requests that the Planning Board's authorized representative certify the outdoor advertising signs located on the Property as a nonconforming use in accordance with Section 27-244(d)(2).

Stephenie Clevenger - for April Mackoff
April Mackoff
Applicant, Clear Channel Outdoor





SIGN POSTING AND INSPECTION AFFIDAVIT – PLANNING DIRECTOR REVIEW

I, Stephanie 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: Stephanie Clevenger

Application Number: CNU-35174-2023 Name: 12909 OLD MARLBORO PIKE UPPER MARLBORO
20772

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.

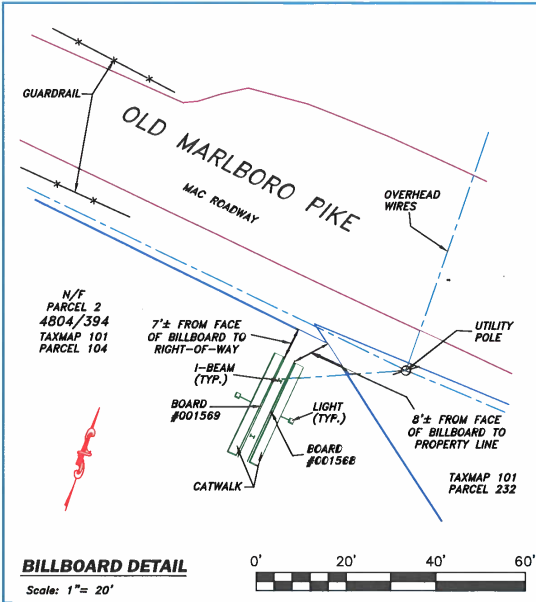


Sign 1

**CNU-35174-2023, 12909 OLD MARLBORO PIKE UPPER MARLBORO
20772**

Sign posted by: Stephenie Clevenger

Posted on: 12/30/2023



JOB NOTES:

- 1) THE SUBJECT PROPERTY IS ZONED R-R (RURAL RESIDENTIAL)
- 2) TAX MAP: 101, PARCEL: 104. NO TAX ID # FOUND
- 3) ROAD FRONTAGE OF OLD MARLBORO PIKE: 129.57'
- 4) NO STATIC OR DIGITAL BILLBOARDS WERE OBSERVED WITHIN 1,000 FEET OF THE EXISTING BILLBOARD.
- 5) ONLY IMPROVEMENTS WITHIN CLOSE PROXIMITY TO THE EXISTING BILLBOARD ARE SHOWN HEREON.

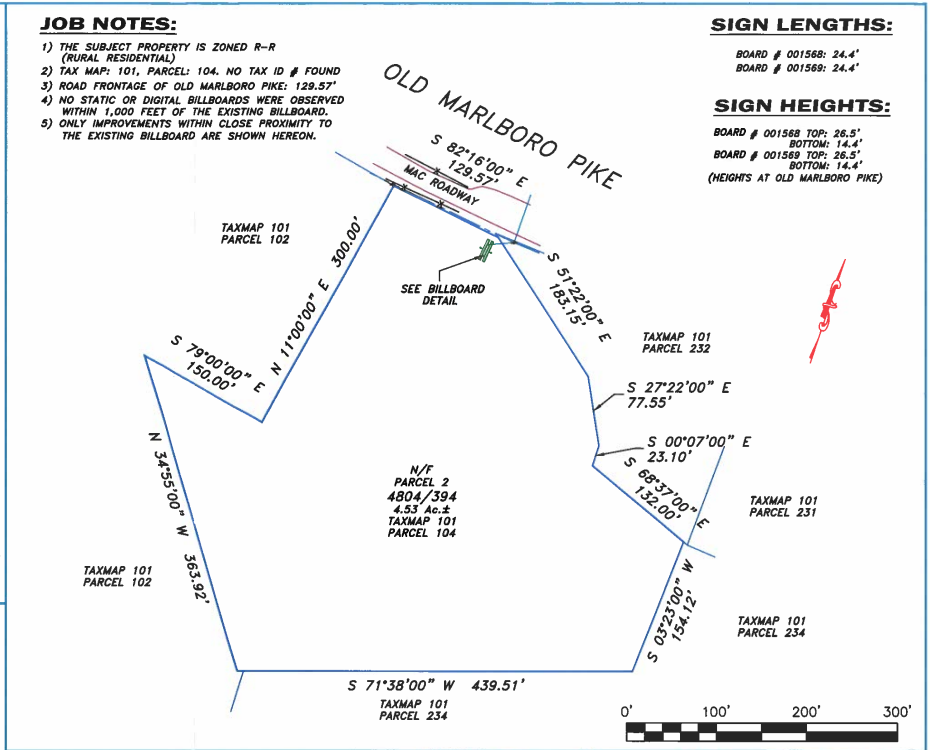
SIGN LENGTHS:

BOARD # 001568: 24.4'
BOARD # 001569: 24.4'

SIGN HEIGHTS:

BOARD # 001568 TOP: 26.5', BOTTOM: 14.4'
BOARD # 001569 TOP: 26.5', BOTTOM: 14.4'
(HEIGHTS AT OLD MARLBORO PIKE)

- GENERAL NOTES:**
- 1) The accuracy of the distances shown from any structure to any apparent property line is 5'±.
 - 2) This drawing does not represent a Boundary Survey. Any property markers labeled hereon are not guaranteed by NTT Associates, Inc.
 - 3) This plat is of benefit to a consumer only insofar as it is required by a lender, a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing.
 - 4) This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required, for the transfer of title or securing financing or refinancing.
 - 5) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
 - 6) Unless noted on the drawing, no title report was provided. This drawing was prepared by examining the current title deed or record plat. Any easements, restrictions, rights of way, or any other property alterations not referred to in the current title deed may not be shown.
 - 7) Unless otherwise noted, the bearings and north arrow shown hereon are in the meridian of the current title deed or record plat.
 - 8) Building Restriction Line Information, if shown, was obtained from existing records only and is not guaranteed by NTT Associates, Inc.
 - 9) Flood Zone Information shown on FIRM maps is subject to interpretation.
 - 10) Improvements which in the surveyor's opinion appear to be in a state of disrepair or considered temporary may not be shown.
 - 11) If it appears encroachments may exist, a Boundary Survey is recommended to determine the exact location of the property boundary lines and improvements.
 - 12) The locations of fence lines, if shown, are approximate.



The purpose of this drawing is to locate, describe, and represent the positions of the billboard and buildings affecting the property shown hereon, being known as: OLD MARLBORO PIKE now or formerly being Parcel 2 of the land described in a deed dated August 12, 1977 from Lucille M. Mark O. & Gwendolyn C. Sellman to Lois A. & E. Data Keenan recorded among the Land Records of Prince George's County, Maryland in Liber 4804, folio 394.

This is to certify that I either personally prepared or was in responsible charge over the preparation of this drawing and the surveying work reflected in it, all set forth in Regulation 12 of Chapter 09.13.08 of the Code of Maryland Annotated Regulations.

Subject property is shown in Zone X on the FIRM Map of Prince George's County, Maryland on Community Panel Number 24033C0260 E, effective 9/16/2016



SPECIAL PURPOSE SURVEY
OLD MARLBORO PIKE
15th ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

NTT Associates, Inc.
16205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410) 442-2031
Fax: (410) 442-1315
www.nttsurveyors.com

Scale: 1" = 100'
Date: 11/2/2022
Field By: CB/KSW
Drawn By: SCK
File No.: MISC 15719
Page No.: 1 of 1