

March 4, 2020

**RECEIVED**

**MAR 4 - 2020**

**CLERK OF THE COUNCIL  
PRINCE GEORGE'S COUNTY MARYLAND**

**MEMORANDUM**

**TO:** Donna J. Brown  
Clerk of the Council

**FROM:** James Hunt, Division Chief  
Development Review Division *JH*

**SUBJECT:** Notification of Recommendation for Certification of Nonconforming Use

Permit Application Number: **56955-2019-U**

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

Location of Property: **7136 Brick Kiln Circle  
Beltsville**

Current Zone(s): **I-2**

Sign Posting Date: **February 9, 2020**

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, 2021. This outdoor advertising sign was erected in 1987.**

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): CNU-56955-2019 Planning Board Review  Planning Director Review   
 Acceptance Date: 2/16/2020 70-day limit Limit waived–New limit \_\_\_\_\_  
 Posting Date: 2/9/2020 No. of Signs Posted: 1 Agenda Date: \_\_\_\_\_  
 Filing Fee: \_\_\_\_\_ Posting Fee: \$30 Case Reviewer: Kelsey Shaffer  
 Date: \_\_\_\_\_  
 Referral Mail-Out Date: \_\_\_\_\_ Referral Due Date: \_\_\_\_\_  
 Date of Informational Mailing: \_\_\_\_\_ Date of Acceptance Mailing: \_\_\_\_\_

APPLICATION TYPE: NCU  Revision of Case # \_\_\_\_\_  
 Case(s): NCU 56955-2019

**PROJECT NAME:** 7136 Brick Kiln Circle

**Complete address** (if applicable) and Geographic Location (distance related to or near major intersection)  
 7136 Brick Kiln Circle, Beltsville, Maryland 20705. The outdoor advertising sign on the Property is located on the east side of Baltimore Avenue approximately 740 feet northeast of its intersection with Muirkirk Road.

Total Acreage: 0.1090	Election District: 10	Council District: 1
Tax Map/Grid: 009/F4	Current Zone(s): I-2 (Heavy Industrial)	Dev. Review District: N/A
WSSC Grid: 216NE06	Existing Lots/Blocks/Parcels: P. BBB	Aviation Policy Area: N/A
COG TAZ: 869	PG TAZ: 2243	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input type="checkbox"/> Y <input type="checkbox"/> N
Planning Area: 62	In Municipal Boundary: N/A	

(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:
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Applicant Name, Address & Phone: April Mackoff, Clear Channel Outdoor LLC 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) Jackson-Shaw/Brickyard Limited Partnership, LLLP 4890 Alpha Road Dallas, Texas 75244 (972) 628-7400	Consultant Name, Address & Phone:  Contact Name, Phone & E-mail:  same as applicant (240) 755-9203, aprilmackoff@clearchannel.com
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**SIGNATURE** (Sign where appropriate; include Application Form Disclosure for additional owner's signatures)

<u>Jackson-Shaw/Brickyard LP, LLLP</u>	
Owner's Signature typed & signed	Applicant's Signature typed & signed
Date	Date

12-17-19

<u>Please see Clear Channel Outdoor Lease Agreement, Section 5</u>	
Contract Purchaser's Signature typed & signed	Applicant's Signature typed & signed
Date	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 nonconforming 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.

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 56955-2019

7136 Brick Kiln Circle

2. Description of proposed use/request

Certification of an outdoor advertising sign located at 7136 Brick Kiln Circle, Beltsville, Maryland 20705 (the "Property"), as a nonconforming use.

3. Description and location of the subject property

The outdoor advertising sign on the Property is located on the east side of Baltimore Avenue approximately 730 feet northeast of its intersection with Muirkirk Road. Specifically, the Property is located on Map 009, Grid F4, and is approximately 0.1090 acres in size. The Property is zoned I-2 (Heavy Industrial).

An outdoor advertising structure constructed on a single metal post and containing two bulletin faces is located on the Property. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1978.

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).

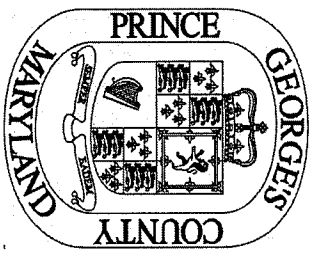


12-17-19

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April Mackoff  
Applicant, Clear Channel Outdoor

**PRINCE GEORGE'S COUNTY**  
**DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT**  
**PERMITTING CENTER**  
**9400 PEPPERCORN PLACE, 1st FLOOR, LARGO, MD 20774 (301) 883-5900**



**YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.**

**PERMIT APPLICATION FILING FEES ARE NON-REFUNDABLE**

**Date:** 12/09/2019

**PERMIT APPLICATION**

**Case Number:** 56955-2019-00

**ACTIVITY:** Building Permit Application  
**WORK DESCRIPTION:** Certification of outdoor advertising structure  
**USE TYPE:** Outdoor advertising structure  
**EXISTING USE:** Outdoor advertising structure  
**PROPOSED USE:** Outdoor advertising structure

**LOT:**  
**BLOCK:**  
**PARCEL:**

**SITE INFORMATION**

<b>SITE ADDRESS:</b> 7136 BRICK KILN BELTSVILLE 20705	<b>PROJECT NAME:</b>  <b>SUBDIVISION:</b> THE BRICK YARD	<b>EST. CONSTRUCTION COST:</b>  <b>ELECTION DISTRICT:</b> 10 <b>PROPERTY TAX ACCOUNT #:</b> 5628851
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<b>OWNER</b> Jackson Shaw/Brickyard Limited Partnership, LI 4890 Alpha RD Dallas TX 75244	<b>OCCUPANT</b> Clear Channel Outdoor LLC 9590 Lynn Buff CT #5 7136 Brick Kiln CIR Laurel MD 20705 Beltsville 20725	<b>CONTRACTOR</b> Clear Channel Outdoor LLC 9590 Lynn Buff CT #5 Laurel MD 20723	<b>ARCHITECT</b>
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**FOR OFFICE USE ONLY**

<b>MCNCPCC</b>	<b>Reviewer</b>	<b>Date</b>	<b>Fire Eng.</b>	<b>Reviewer</b>	<b>Date</b>
<b>Site / Road Eng.</b>			<b>Mechanical Eng.</b>		
<b>Structural Eng.</b>			<b>Health</b>		
<b>Electrical Eng.</b>			<b>Issuance</b>		

I hereby certify that I have permission of the property owner to submit this application on his/her behalf and that the information is complete and correct.

**APPLICANT** April Mackoff - *Stephanie Cleverly* Clear Channel Outdoor  
**NAME** **COMPANY** **PHONE** (240) 755 - 9203 **SIGNATURE**



# SIGN POSTING AND INSPECTION AFFIDAVIT - PLANNING DIRECTOR REVIEW

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

2 sign(s) on 2/9/2020  
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-56955-2019 Name: 7136 Brick Kiln Circle, Outdoor Advertising

Date: 2/9/2020

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 PGReferrals@ppd.mncppc.org Subject: CaseNo-CaseName and "Posting Affidavit"**

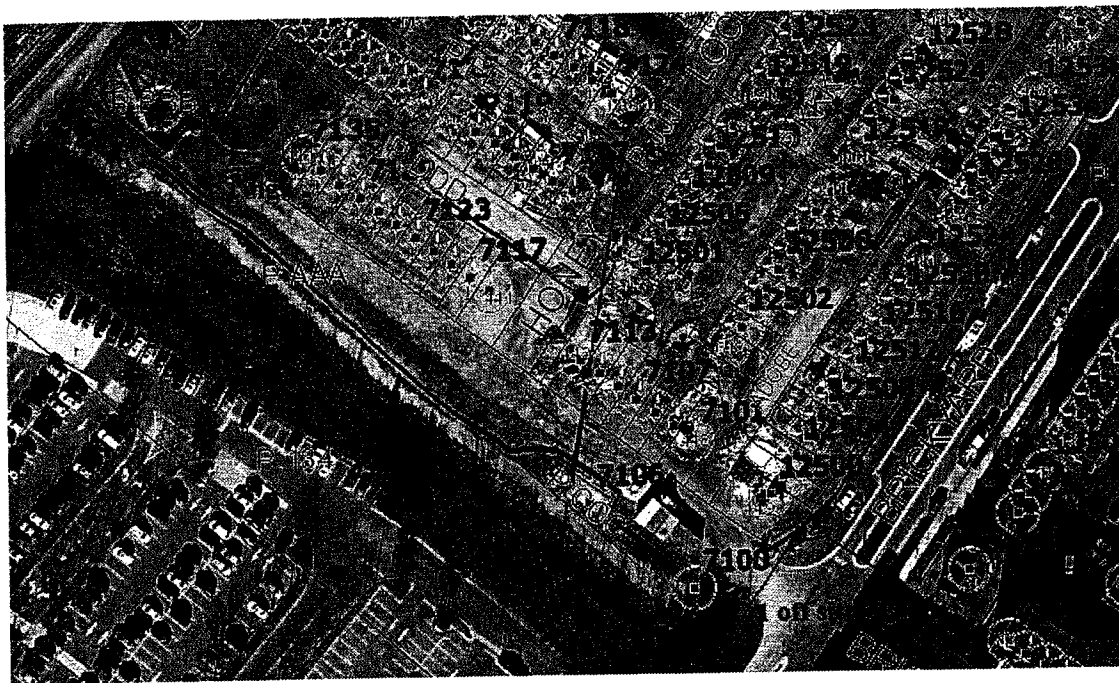
\* \* \* \* \*

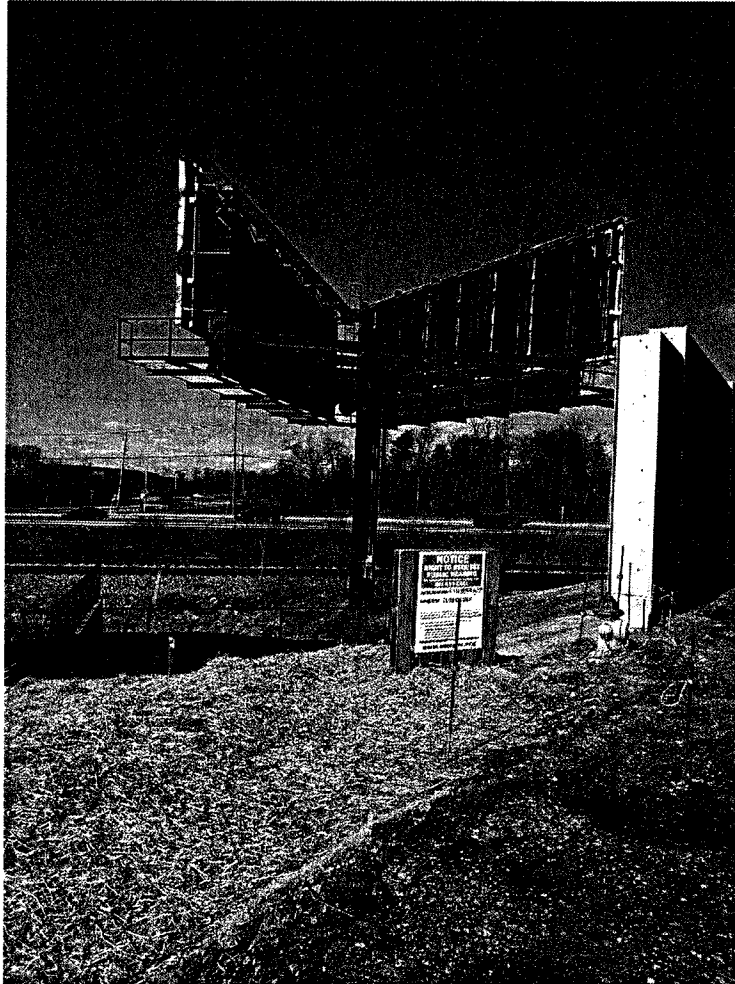
The affidavit must be received prior to the end of the 20-day **(30 days for all CBCA conservation plans)** posting period.

Planning DIRECTOR case: CNU-56955-2019, 7136 Brick Kiln Circle (outdoor advertising signs)

Reviewer: Kelsey Shaffer

*2 single-sided signs ~~xx double-sided signs~~ (for a total of 2 physical signs)*





**CNU-56955-2019 – 7136 Brick Kiln Circle., Beltsville**

**Sign A On-Site**

**Sign posted by: Stephenie Clevenger**

**Posted on: 2/9/2020**



**CNU-56955-2019 – 7136 Brick Kiln Circle., Beltsville**

**Sign B Off-Site**

**Sign posted by: Stephenie Clevenger**

**Posted on: 2/9/2020**

NORTHBOUND LANES  
BALTIMORE AVENUE  
U.S. ROUTE 1

CSX TRANSPORTATION INC.  
RAILROAD PLAT

8'± FROM THE FACE  
OF BILLBOARD TO  
PROPERTY LINE

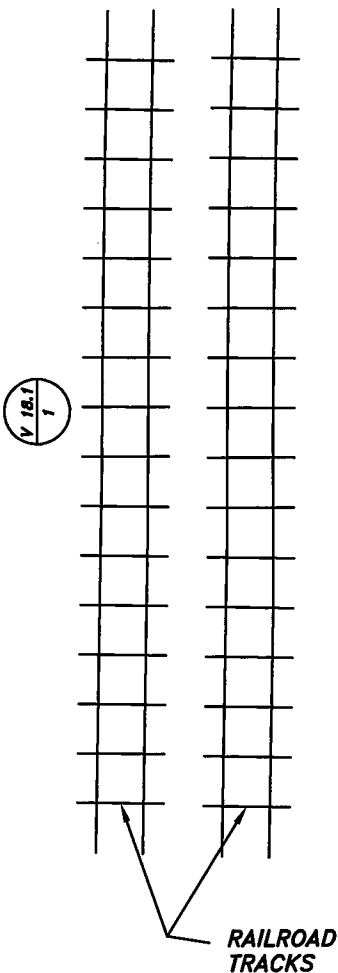
1'± FROM THE FACE  
OF BILLBOARD TO  
PROPERTY LINE

THE CATWALK APPEARS  
TO LIE 2'± OFF THE  
SUBJECT PROPERTY

BRICK KILN CIRCLE  
PRIVATE ROAD (H.O.A.)  
(UNDER CONSTRUCTION)

**JOB NOTES:**

- 1) THE SUBJECT PROPERTY IS ZONED I-2 (HEAVY INDUSTRIAL)
- 2) TAX ID#: 10-5628851
- 3) THE SUBJECT PROPERTY DOES NOT FRONT ON ANY PUBLIC ROADS.
- 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.
- 6) NO PROPERTY CONTROL FOUND.
- 7) NO BOARD NUMBERS WERE OBSERVED AT THE TIME OF SURVEY. BOARD NUMBERS PROVIDED BY CLIENT.



L=52.23' R=2360.17'

N 48°40'30" W 63.80'

PANEL 100411

PANEL 100406

RIP-RAP

LIGHT (TYP.)

CATWALK

CATWALK

POLE

CONC SOUND WALL

STORM DRAIN EASEMENT 33281/284

N 04°02'27" W

74.53'

ACCESS EASEMENT 40497/244

PARCEL BBB

4,728 Sq'±

0.1085 Ac.±

S 48°40'30" E

117.05'

CONC HEADWALL

UTILITY POLE

STORM DRAIN EASEMENT 32474/476

PARCEL AAA

40' W.S.S.C. R/W

1731/452

**GENERAL NOTES:**

- 1) The accuracy of the distances shown from any structure to any apparent property line is 2'±.
- 2) This drawing does not represent a Boundary Survey. Any property markers labeled 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.

**SIGN HEIGHTS:**

PANEL 100411	TOP: 43.6'	PANEL 100411	TOP: 38.7'
	BOTTOM: 29.7'		BOTTOM: 24.8'
PANEL 100406	TOP: 43.6'	PANEL 100406	TOP: 38.7'
	BOTTOM: 29.7'		BOTTOM: 24.8'
(HEIGHT AT BASE OF BILLBOARD)		(HEIGHT AT U.S. ROUTE 1)	

**SIGN LENGTHS:**

PANEL 100411: 48.0'  
PANEL 100406: 48.0'

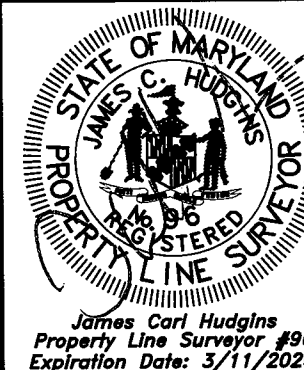
REVISED 12/6/2019 TO SHOW THE  
NORTHBOUND LANES OF U.S. ROUTE 1.



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: PARCEL BBB as shown on the plat entitled PLAT 15, LOTS 431-476 & 492-618 AND PARCELS AAA-NNN "THE BRICK YARD" recorded among the Land Records of Prince George's County, Maryland in Plat Book 250 folio 25.

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 09.13.06 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 24033C0034 E, effective 9/16/2016



**SPECIAL PURPOSE SURVEY**  
7136 BRICK KILN CIRCLE  
10th 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"= 20'
Date:	10/23/2019
Field By:	TOM
Drawn By:	SCK
File No.:	MISC 13627
Page No.:	1 of 1