

October 26, 2021

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: **31973-2021-U**

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

Location of Property: **15444 Depot Lane
Upper Marlboro**

Current Zone(s): **I-1**

Sign Posting Date: **August 28, 2021**

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 1993.**

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-31973-2021-00

Complete address (if applicable) 15444 DEPOT LN, Upper Marlboro, MD 20772 Tax Account #: 03-0203992
 Geographic Location (distance related to or near major intersection) Police District #: 2
 West of 301 South, at the intersection of 301 South & Depot Lane

Total Acreage: 1.81 ac.	Aviation Policy Area: N/A	Election District: 3
Tax Map/Grid: 102/B1	Current Zone(s): I-1	Council District: 9
WSSC Grid: 207SE13	Existing Lots/Blocks/Parcels: Lot 3	Dev. Review District:
Planning Area: 6	In Municipal Boundary: N/A	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:
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:
Kurt Rutherford, 410-484-4440
Eastern Outdoor
7115 Rockridge Rd., Baltimore, MD 21207

Owner Name, Address & Phone:
(if same as applicant indicate same/corporation see Disclosure)
WEYMOUTH LLC, 7115 ROCKRIDGE RD
BALTIMORE MD 21207-4638

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

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



 Owner's Signature typed & signed
Jean G. Smith

04/22/2021

 Date



 Applicant's Signature typed & signed
Kurt S. Rutherford

04/22/2021

 Date

 Contract Purchaser's Signature typed & signed
 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:

Zoning Ordinance Section(s):

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

1. Case Name

NCU 31973-2021-00
15444 Depot Lane

2. Description of Proposed Use/Request

Certification of an outdoor advertising sign located at 15444 Depot Lane, Upper Marlboro, Maryland 20772 (the “**Property**”), as a nonconforming use.

3. Description and Location of the Subject Property

The Property is located on the west side of US Route 301, at the intersection of US Route 301 and Depot Lane. Specifically, the Property is located on Map 102, Grid B1, and is approximately 1.81 acres in size. The Property is zoned I-1 (Light Industrial).

An outdoor advertising structure is located on the property. The outdoor advertising structure is constructed on a single metal pole and contains two bulletin faces. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1993.

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

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

Kurt Rutherford
Applicant, Eastern 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 : 07/23/2021

PERMIT APPLICATION

Case Number: 31973-2021-00

ACTIVITY: Building Permit Application
WORK DESCRIPTION: Non-Conforming use of existing billboard
USE TYPE:
EXISTING USE: Billboard
PROPOSED USE: Billboard

LOT : 3
BLOCK :
PARCEL :

SITE INFORMATION

SITE ADDRESS: 15444 DEPOT LN UPPER MARLBORO 20772	PROJECT NAME: SUBDIVISION: WEYMOUTH	EST. CONSTRUCTION COST: \$0.00 ELECTION DISTRICT: 03 PROPERTY TAX ACCOUNT #: 0203992
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<u>OWNER</u>	<u>OCCUPANT</u>	<u>CONTRACTOR</u>	<u>ARCHITECT</u>
Jean Smith 7115 Rockridge RD Baltimore MD 21207	Eastern Outdoor Advertising Co. 7115 Rockridge RD Baltimore MD 21207		

FOR OFFICE USE ONLY

	Reviewer	Date		Reviewer	Date
M-NCPPC			Fire Eng.		
Site / Road Eng.			Mechanical Eng.		
Structural Eng.			Health		
Electrical Eng.			Issuance		

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 _____ **Stephene Clevenger** _____ **No Limit Land** _____ **(240) 338 - 0131** _____
NAME **COMPANY** **PHONE** **SIGNATURE**

SIGN DETAIL

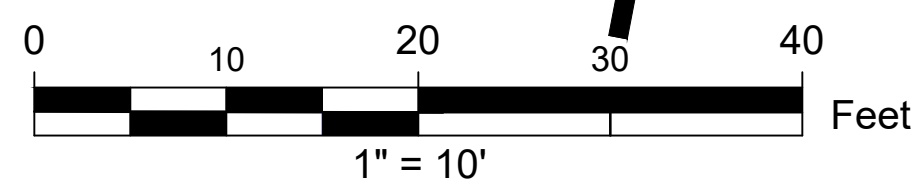
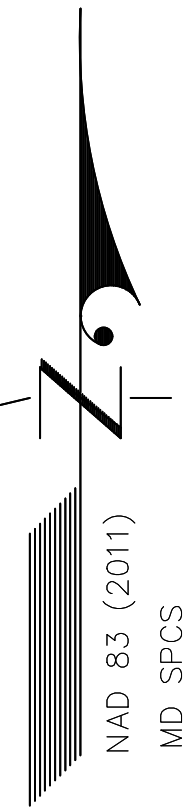
L.10974 F.556

L.31444 F.227

CATWALKS

POLE OFFSET FROM CTR. BEAM

BOARD ID:
0697
0696
S-24301



SPINE BEAM

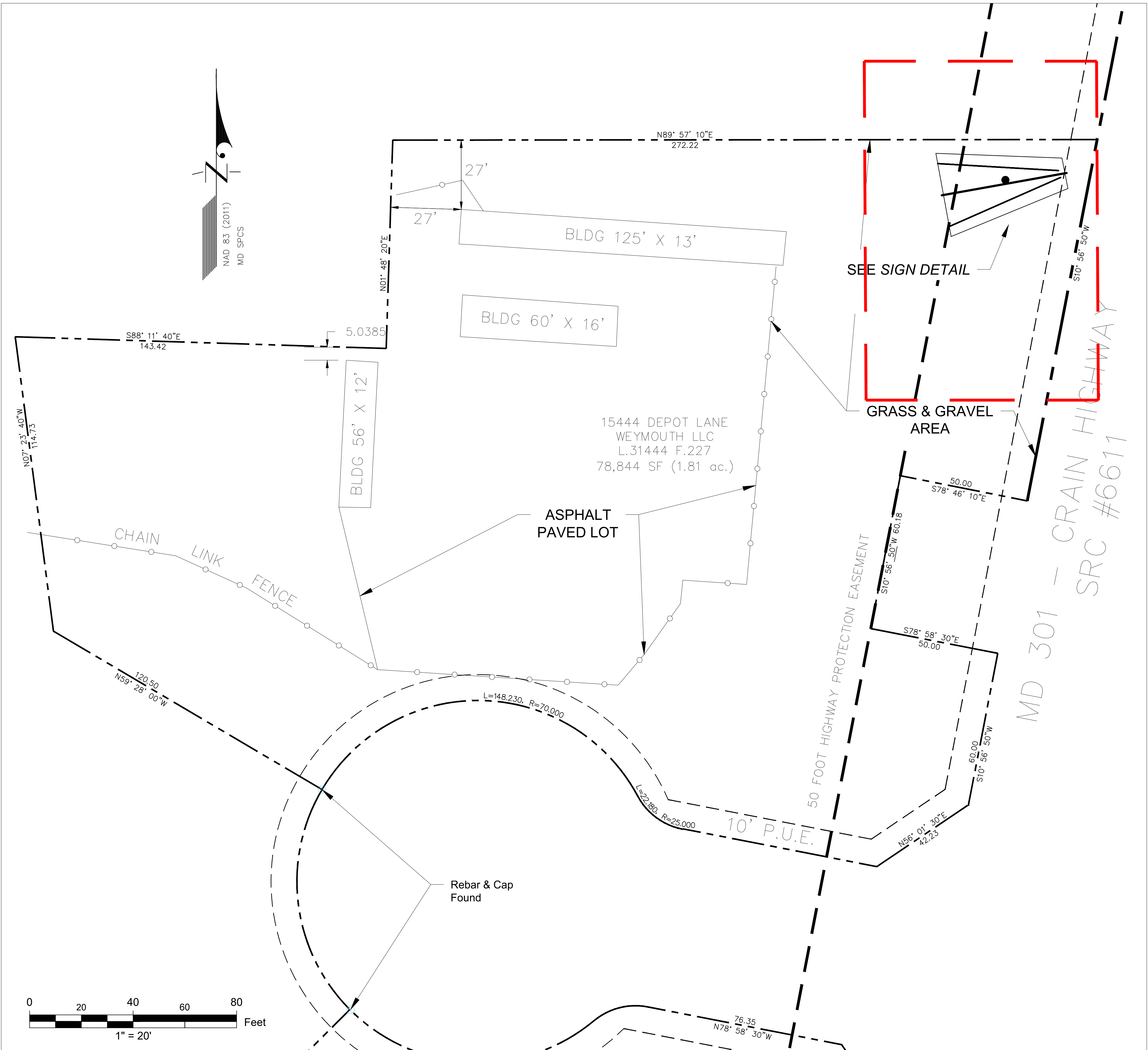
10' P.U.E.
MD 301

GENERAL NOTES:

Flood Zone - X (area of minimal flood hazard)
Zoned (Existing) : I-1
Zoned (Proposed) : I E
Election District: 03
Tax ID: 03-0203992

Height of sign tops above ground: 50.35'
Height of sign bottoms above ground: 36.35'
Height of understructure above ground: 36.35'
Vertical dimension of sign board: 14.0'
Horizontal dimension of sign board: 48.8'

1. The accuracy of measurements of any physical feature(s) illustrated hereon, and/or their distance to others, is 2'±
2. Although the boundary lines are referenced to markers located on site, this drawing does not represent a boundary survey.
3. This drawing is intended for general use by the consumer for certification requirements by the County in which it is situate.
4. This drawing is not to be used for placing or constructing any improvements, structures, fences, etc.
5. No land records or title report were provided at any time during the course of work embodied herein.
6. The bearings are referenced to NAD83 (2011) datum projected on to the Maryland State Plane Coordinate System (MD SPCS).
7. No true elevations were recorded nor labeled on this two-dimensional survey. Heights shown are relative to elevation at grade.
8. Public Utility Easement is shown. Property may be subject to other appurtenances, easements, encumbrances on record.
9. Flood Zone classification was obtained through FEMA Map Service Center at <https://msc.fema.gov/portal/home>
10. Proposed existing zoning classifications are per Prince-George's County at <http://zoningpgc.pgplanning.com/zoning-swipe-tool/>



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: 15444 Depot Lane as described in a deed from L. Thomas Wellons III, individually and trading as M&W JOINT VENTURE, and WEMOUTH, LLC, recorded among the Land Records of Prince George's County, Maryland in Liber 13044, Folio 227.

I hereby certify that the lines shown hereon are the result of a field run boundary survey as per record description and that all survey work was performed in accordance with an urban survey as identified by the Maryland Department of Labor, Licensing and Regulations, Board of Professional Surveyors in COMAR 09.13.06.03 and under my direct supervision.



SPECIAL PURPOSE SURVEY
15444 DEPOT LANE
UPPER MARLBORO 20772
3RD ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MD

1395 PICCARD DRIVE, SUITE 370
ROCKVILLE, MARYLAND 20850
PHONE: (301) 637-2510
WWW.CVINC.COM

PROJECT NO.
20211079

SCALE: AS SHOWN
DATE: 06/06/2021
DRAWN BY: KT
CHECKED BY: CV
SHEET: 1 OF 1

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 8/28/2021
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-31973-2021-U Name: Eastern Outdoor Billboard

Date: 8/27/2021

Address: 1001 Prince George's 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

Double-sided Sign

CNU-31973-2021-00 15444 Depot Lane, Upper Marlboro

Sign posted by: Stephenie Clevenger

Posted on: 8/28/2021



Sign 2

Double-sided Sign

CNU-31973-2021-00 15444 Depot Lane, Upper Marlboro

Sign posted by: Stephenie Clevenger

Posted on: 8/28/2021