



May 13, 2024

MEMORANDUM

TO: Donna J. Brown
Clerk of the Council

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

SUBJECT: Notification of Recommendation for Certification of Nonconforming Use

Permit Application Number: **37091-2023-U**

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

Location of Property: **15651 Robert Crain Highway
Brandywine**

Current Zone(s): **L-A-C**

Sign Posting Date: **January 24, 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 1985.**



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

APPLICATION TYPE: NCU 37091-2023 Revision of Case # _____

Companion Cases: _____

Payment option: Credit Card Check (payable to M-NCPPC) *Do not submit payment until requested by staff*

PROJECT NAME: **KODY BILLBOARD**

Complete address (if applicable) 15401 SW ROBERT GRAIN HWY BRANDYWINE 20613

Geographic Location (distance related to or near major intersection)

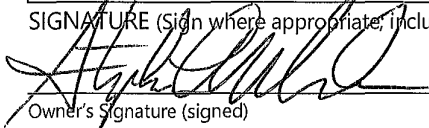
APPROX. 600' SOUTH OF THE INTERSECTION OF 301 & RETREAT BLVD.

Total Acreage: 11.2690	Aviation Policy Area: N/A	Election District: 11
Tax Map/Grid: 154-F2	Current Zone(s): TAC-E	Council District: 9
WSSC Grid: 220SE07	Existing Lots/Blocks/Parcels: OUTLOT a	Dev. Review District:
Planning Area: 85A	In Municipal Boundary: N/A	Is development exempt from grading permit pursuant to 32-127(a)(6)(A)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Tax Account #: 5591978	Police District #: 7	General Plan Growth Policy: Established Communities

Proposed Use of Property and Request of Proposal: NON-CONFORMING USE FOR EXISTING BILLBOARD ONLY	Please list previously approved applications affecting the subject property:
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Applicant Name, Address & Phone: VS BRANDYWINE LLC SUSAN VOGEL 760 CRANDELL RD STE 102 WEST RIVER MD 20778 Owner Name, Address & Phone: (if same as applicant indicate same/corporation see Disclosure) VS BRANDYWINE LLC SUSAN VOGEL 760 CRANDELL RD STE 102 WEST RIVER MD 20778	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 CLEVINGER 2403380131 NOLIMITLAND@ICLOUD.COM
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SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner's signatures):

	<u>12-13-23</u>		
Owner's Signature (signed)	Date	Applicant's Signature (signed)	Date

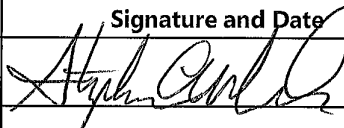
Contract Purchaser's Signature (signed)	Date	Applicant's Signature (signed)	Date

FOR STAFF USE ONLY Application No.(s): _____

SUBDIVISION CASES: Preliminary Plan of Subdivision/Conservation Sketch Plan	
Type of Application (Check all that apply): <input type="checkbox"/> Conventional Subdivision <input type="checkbox"/> Conservation Subdivision <input type="checkbox"/> Conservation Sketch Plan <input type="checkbox"/> Subdivision Ordinance Interpretation <input type="checkbox"/> Vacation Petition	
Variation, Variance or Alternative Compliance Request(s): <input type="checkbox"/> Yes <input type="checkbox"/> 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: <input type="checkbox"/> DPJE <input type="checkbox"/> Health Department	Number of Plats: _____
Detailed Site Plan No.: _____	WSSC Authorization No.: _____
Approval Date of Preliminary Plan: _____	Check box if a hearing is requested: <input type="checkbox"/>
URBAN DESIGN AND ZONING CASES	
Type of Application (Check all that apply): <input checked="" type="checkbox"/> Certification of Nonconforming Use <input type="checkbox"/> Conservation Plan <input type="checkbox"/> Detailed Site Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Secondary Amendment <input type="checkbox"/> Special Exception <input type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Zoning Ordinance Interpretation	
Details of Request: NONCONFORMING USE FOR EXISTING BILLBOARD ONLY	Applicable 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: <input type="checkbox"/> Yes <input type="checkbox"/> No	Applicable Zoning/Subdivision Regulation Section(s): _____
Departure Request: <input type="checkbox"/> Yes <input type="checkbox"/> No	Application Filed: <input type="checkbox"/> Yes <input type="checkbox"/> No
Alternative Compliance Request: <input type="checkbox"/> Yes <input type="checkbox"/> No	Application Filed: <input type="checkbox"/> Yes <input type="checkbox"/> 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
Stephen A. Masciola	 12-13-23	5909 Greenlam Drive Bethesda, MD 20814

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

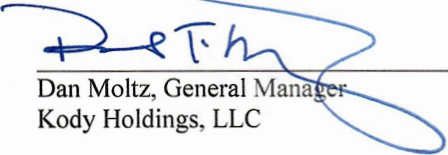
Officers	Date Assumed Duties	Residence Address	Business Address

Officers	Date Assumed Duties	Date Term Expires	Residence Address	Business Address

Statement of Justification

1. Case Name
NCU - 37091-2023
15401 SW Robert Crain Hwy., Brandywine, MD 20613-0000
2. Description of proposed use/request
Certification of outdoor advertising sign located at .4 mile north of Chadds Ford Drive on SW Robert Crain Highway, Brandywine, Maryland 20613 (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 running south, .4 mile north of Chadds Ford Drive. Specifically, the Property is located on Map 0154, Grid F3, and is approximately 11.269 acres in size. The Property is zoned TAC-E (Transit Oriented Activity Center).

An outdoor advertising structure constructed on four treated wooden posts containing a one-sided bulletin face is located on the Property. Our documentary evidence demonstrates the structure has existed on the Property since at least 1965 and includes an affidavit from the previous landowner stating the outdoor advertising structure has been continuously used by Waldorf Dodge and their other dealerships since 1985.
4. Description of each required finding
In accordance with CB-84-2016, the applicant is required to certify the outdoor advertising sign 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 sign was constructed prior to and has 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).



Dan Moltz, General Manager
Kody Holdings, LLC

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 1/24/2023
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-37091-2023 Name: 15401 SW ROBERT CRAIN HWY

Date: 1/24/2023

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.

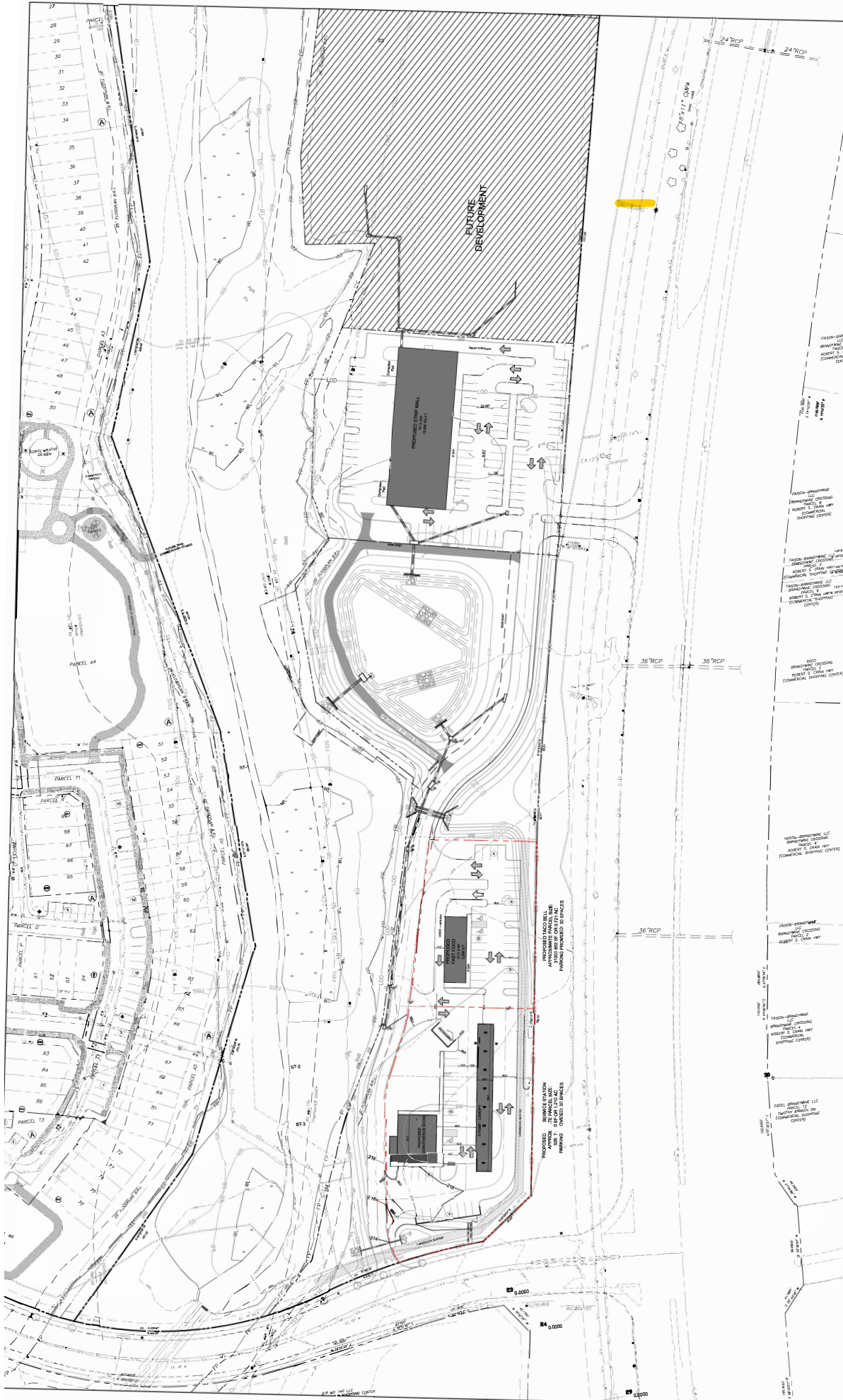


Sign 1

CNU-37091-2023 15401 SW ROBERT CRAIN HWY

Sign posted by: Stephenie Clevenger

Posted on: 1/24/2023



NORTH

SCALE
1"=50'

SHEET NO.
1 OF 1

TITLE
7/11 & COMMERCIAL SITE LAYOUT

DATE
10/26/2017

Dewberry
Consultants LLC
FOR CLIENTS OF
Dewberry & Davis LLC

1000 DEREWOOD LANE
SUITE 200
BETHESDA, MD 20806
301.731.0188 (FAX)
www.dewberry.com

PROJ. NO.
50086061

PROJECT
BRANDYWINE VILLAGE - COMMERCIAL

Dewberry®



PROPOSED SERVICE STATION AND AUTO REPAIR (30 FT X 120 FT) WITH 30 PARKING SPACES
PROPOSED FOOD STORE (150 FT X 120 FT) WITH 100 PARKING SPACES
PROPOSED STEAK MALL (140 FT X 120 FT) WITH 100 PARKING SPACES
FUTURE DEVELOPMENT
36' TRCP
36' TRCP
36' TRCP
36' TRCP
36' TRCP
36' TRCP

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