




May 13, 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: **34210-2023-U**

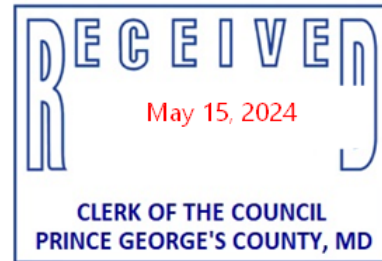
Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **7101 Robert Crain Highway
Bowie**

Current Zone(s): **O-S**

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.

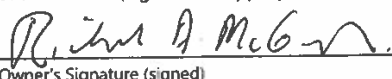



The Maryland-National Capital Park and Planning Commission



1616 McCormick Drive, Largo, MD 20774 • pgplanning.org • Maryland Relay 7-1-1

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: <u>NCU</u>		<input type="checkbox"/> Revision of Case # _____		
Companion Cases: _____				
Payment option: <input type="checkbox"/> Credit Card <input type="checkbox"/> Check (payable to M-NCPPC) <i>Do not submit payment until requested by staff</i>				
PROJECT NAME: <u>Eatern Billboard Pannel 70</u>				
Complete address (if applicable) <u>7096 NW ROBERT CRAIN HWY BOWIE 20715</u>				
Geographic Location (distance related to or near major intersection) South of the intersection of Robert Crain Hwy. approx. 500' from the intersection of Robert Crain Hwy & 450				
Total Acreage: <u>166.3900 AC</u>	Aviation Policy Area: <u>N/A</u>	Election District: <u>7</u>		
Tax Map/Grid: <u>38-E3</u>	Current Zone(s): <u>AR</u>	Council District: <u>4</u>		
WSSC Grid: <u>209NE15</u>	Existing Lots/Blocks/Parcels: <u>Parcel 56</u>	Dev. Review District: _____		
Planning Area: <u>71A</u>	In Municipal Boundary: <u>Bowie</u>	Is development exempt from grading permit pursuant to 32-127(a)(6)(A)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Tax Account #: <u>0712620</u>	Police District #: <u>II</u>	General Plan Growth Policy: <u>Rural and Agricultural Areas</u>		
Proposed Use of Property and Request of Proposal: <u>Non-Conforming Use of Existing Billboard</u>		Please list previously approved applications affecting the subject property:		
Applicant Name, Address & Phone: <small>EASTERN OUTDOOR 7115 Rockridge Road Baltimore, MD 21207 (P): (410)-484-4440 Kurt Rutherford (E): info@easternoutdoor.net</small> Owner Name, Address & Phone: (if same as applicant indicate same/corporation see Disclosure) <small>EASTERN OUTDOOR 7115 Rodenrge Road Baltimore, MD 21207 (P): (410)-484-4440 Kurt Rutherford (E): info@easternoutdoor.net</small>		Consultant Name, Address & Phone: <u>No Limit Land, Stephenie Clevenger 1001 Prince George's Blvd., Suite 700, Upper Marlboro, MD 20774</u> Contact Name, Phone & E-mail: <u>Stephenie Clevenger nolimitland@icloud.com 2403380131</u>		
SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner's signatures):				
	<u>12/07/2023</u>			
Owner's Signature (signed) <u>Rev. Richard A. McGowan, S.J.</u>	Date	Applicant's Signature (signed) <u>Kurt S. Rutherford</u>		
Corporation of the Roman Catholic Clergymen		<u>Eastern Outdoor</u>		
_____	_____	_____		
Contract Purchaser's Signature (signed)	Date	Applicant's Signature (signed) Date		
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="background-color: #333; color: white; padding: 5px;">FOR STAFF USE ONLY</td> <td>Application No.(s): _____</td> </tr> </table>			FOR STAFF USE ONLY	Application No.(s): _____
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"/> DPIE <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: Non-Conforming use of existing billboard	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

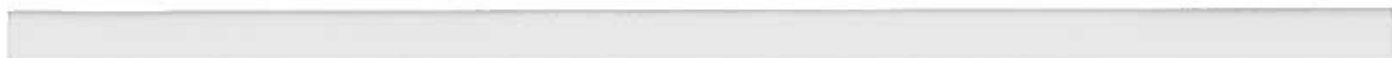
List all persons having at least five percent (5%) interest in the subject property ONLY required for Special Exception and Zoning Map Amendment Applications.

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

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
7096 NW ROBERT CRAIN HIGHWAY, BILLBOARD #70
CERTIFICATION OF NONCONFORMING USE

1. CASE NAME

NCU-34210-2023
7096 NW Robert Crain Highway, Bowie 20715, Billboard #70

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 7096 NW Robert Crain Highway, Bowie 20715, Billboard #70 (the “**Property**”), as a nonconforming use.

3. DESCRIPTION & LOCATION OF THE SUBJECT PROPERTY

The Property is located south of the intersection of Robert S. Crain Highway, approximately 500 feet south of the intersection of Robert Crain Highway and MD Route 450. Specifically, the Property is located on Map 38, Grid E3, and is approximately 166.3900 acres in size. The Property is currently zoned AG (Agricultural and Preservation).

An outdoor advertising sign is located on the west side of the Property. The outdoor advertising sign is constructed on five low-rise metal pylon poles and contains a single bulletin face that is visible to northbound traffic on Robert S. Crain Highway. 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

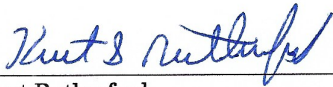
The Applicant is required to certify the outdoor advertising signs located on the Property pursuant to Section 27-3618(c)(3)(D) of Subtitle 27 of the Prince George’s County Code (the “**Zoning Ordinance**”). Section 27-3618(c)(3)(D) stipulates that “For outdoor advertising signs, if satisfactory documentary 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).

A handwritten signature in blue ink, appearing to read "Kurt Rutherford", is written over a horizontal line.

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-34210-2023 Name: Route 3 Bowie

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.

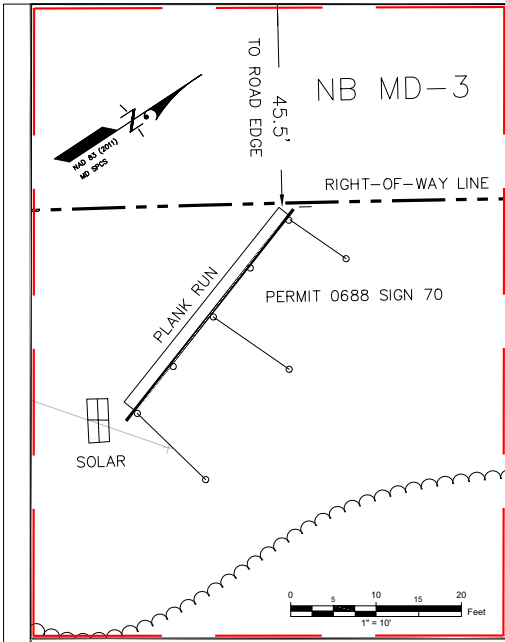


Sign 1

CNU-34210-2023, Route 3 Bowie

Sign posted by: Stephenie Clevenger

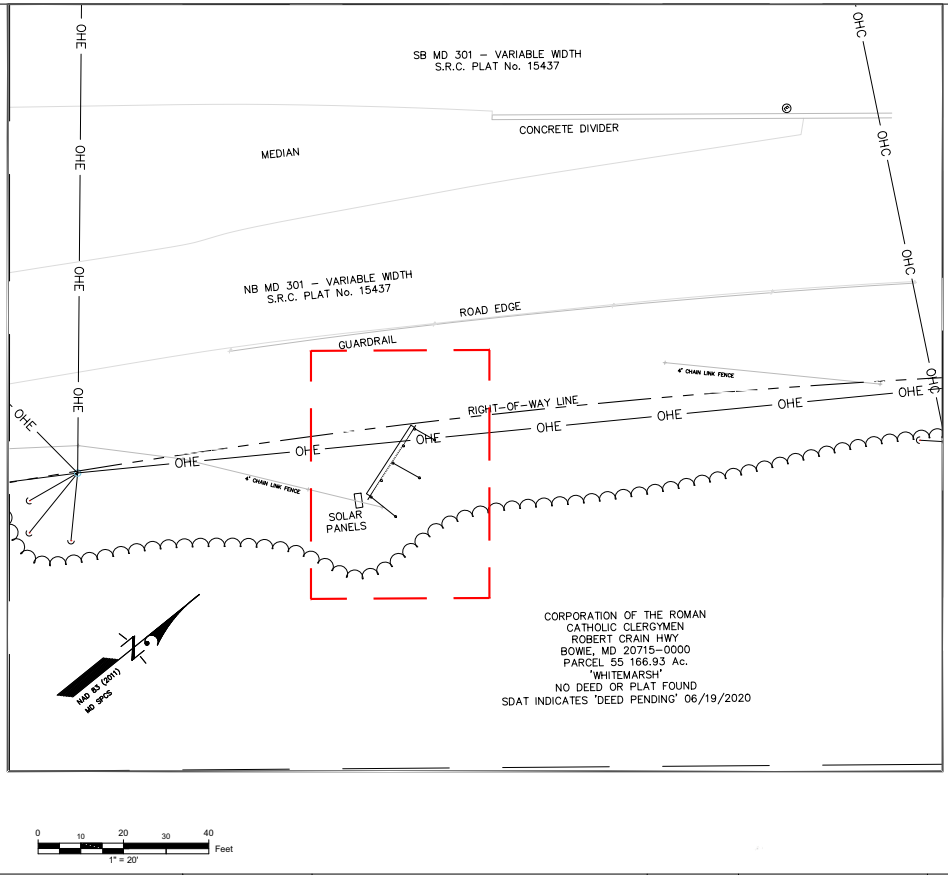
Posted on: 12/30/2023



GENERAL NOTES:
 Sign No.: 770 Permit No.: 0688
 Flood Zone - AE Source: Flood Map 24033CD155E (01/6/2016) Zoned: AR
 Zoning Category: Agricultural and Residential Tax ID: 07-0712820 OHE = Overhead Electric OHC = Overhead Cable

Height of sign top above ground: 24.5'
 Height of understructure above ground: 10.5'
 Height of sign top above road: 19.0'
 Vertical dimension of sign board: 12'
 Horizontal dimension of sign board: 42.0'

- The accuracy of measurements of any physical feature(s) illustrated hereon, and/or their distance to others, is 2".
- Although the boundary lines are referred 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 constructing any improvements, structures, fences, etc.
- No deeds, descriptions, or plats were provided to CV, Inc. during the course of the survey of this asset.
- 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.
- Public Utility rights-of-way are shown. Property may be subject to other appurtenances, assessments, encumbrances on record.
- Flood Zone classification was obtained through FEMA Map Service Center at <https://msc.fema.gov/portal/home>
- Zoning classification determined through PGAS.com.



CORPORATION OF THE ROMAN CATHOLIC CLERGYMEN
 ROBERT CRAIN HWY
 BOWE, MD 20715-0000
 PARCEL 55 166.93 Ac.
 'WHITEMARSH'
 NO DEED OR PLAT FOUND
 SDAT INDICATES 'DEED PENDING' 06/19/2020

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 only as: Robert Crain Hwy as per a Metes and Bounds Description of lands now, or formerly, owned by the Corporation of the Roman Clergymen referenced to Liber JCS-87 Folio 285 among the Land Records of Prince George's County, Maryland as of December 1, 2021.

I hereby certify that the lines shown hereon are the result of a field run survey as per available or provided 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 CDMAA.
 09:13:06.06 and under my direct supervision.

SPECIAL PURPOSE SURVEY
 7096 NW ROBERT CRAIN HIGHWAY
 BOWE, MD 20715-0000
 QUEEN ANNE (7TH) ELECTION DISTRICT
 PRINCE GEORGE'S COUNTY, MD

610 Professional Print, Size 108
 Baltimore, MD 20878
 PHONE: (410) 637-2570
 WWW.CV-INC.COM

PROJECT NO.: 20201079.10
 SCALED AS SHOWN
 DATE: 12/02/2020
 SHEET NO. 11

DECS. 1 OF 1