

January 17, 2020

RECEIVED

JAN 21 2020

CLERK OF THE COUNCIL
PRINCE GEORGE'S COUNTY MARYLAND

MEMORANDUM

TO: Donna J. Brown
Acting 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: **48754-2019-U**

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

Location of Property: **4103 Rhode Island Ave
Brentwood**

Current Zone(s): **U-L-I**

Sign Posting Date: **December 15, 2019**

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 1984.**

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-48754-2019 Planning Board Review Planning Director Review
 Acceptance Date: 12/11/19 70-day limit _____ Limit waived–New limit _____
 Posting Date: 12/15/19 No. of Signs Posted: 2 Agenda Date: _____
 Filing Fee: _____ Posting Fee: \$100 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 48754-2019

PROJECT NAME: 4103 Rhode Island Avenue

Complete address (if applicable) and Geographic Location (distance related to or near major intersection)
 4103 Rhode Island Avenue, Brentwood, Maryland 20722. The Property is located on the east side of Rhode Island Avenue running north, approximately 210 feet northeast of the intersection with Bunker Hill Road.

Total Acreage: 0.58		Election District: 17
Tax Map/Grid: 050/A3	Current Zone(s): U-L-I (Urb. Lght. Indus.)	Council District: 2
WSSC Grid: 205NE03	Existing Lots/Blocks/Parcels: Block 17	Dev. Review District: D-D-O
COG TAZ: 959	PG TAZ: 760	Aviation Policy Area: N/A
Planning Area: 68	In Municipal Boundary: Brentwood	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:
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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) Bless the People Church 4103 Rhode Island Ave, Brentwood, MD 20722 (240) 770-7584	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)

Bless the People Church 10-15-19
 Owner's Signature typed & signed Date

 10-15-19
 Applicant's Signature typed & signed Date

Please see Lease Agreement
 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 <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 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 48754-2019

4103 Rhode Island Avenue

2. Description of proposed use/request

Certification of outdoor advertising sign located at 4103 Rhode Island Avenue, Brentwood, Maryland 20772 (the "Property"), as a nonconforming use.

3. Description and location of the subject property

The Property is located on the east side of Rhode Island Avenue approximately 210 feet northeast of the intersection with Bunker Hill Road. Specifically, the Property is located on Map 050, Grid A3, and is approximately 0.58 acres in size. The Property is zoned U-L-I (Urban Light Industrial).

An outdoor advertising structure constructed on a single metal pole 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 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

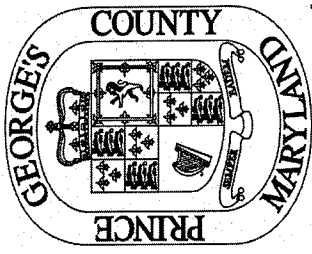
Because the applicant has provided satisfactory documentary evidence in accordance with Section 27-244(b)(2)(E), the applicant respectfully requests that the Planning Board's authorized representative certify the outdoor advertising signs located on the Property as a nonconforming use in accordance with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



10-15-19

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**

Case Number: 48754-2019-00

LOT: 17
BLOCK:
PARCEL:

PERMIT APPLICATION

Date: 10/15/2019

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

SITE INFORMATION

SITE ADDRESS: 4103 RHODE ISLAND AVE BRENTWOOD 20722	PROJECT NAME: SUBDIVISION: BRENTWOOD	EST. CONSTRUCTION COST: ELECTION DISTRICT: 17 PROPERTY TAX ACCOUNT #: 1952761
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OWNER Bless the People Church 4103 Rhode Island AVE Brentwood MD 20722	OCCUPANT Clear Channel Outdoor LLC 9590 Lynn-Beuff CT #5 4103 Rhode Island AVE MD 20722 Laurel Brentwood 20722	CONTRACTOR Clear Channel Outdoor LLC 9590 Lynn Buff CT #5 Laurel MD 20723	ARCHITECT
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FOR OFFICE USE ONLY			
	Reviewer	Date	Reviewer
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 April Mackoff - Stephen Clougher **NAME** Clear Channel Outdoor LLC **COMPANY** (240) 755 - 9203 **PHONE**  **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 12/15/19.
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-48754-2019 Name: 4103 Rhode Island Ave

Date: 12/15/19

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"

* * * * *

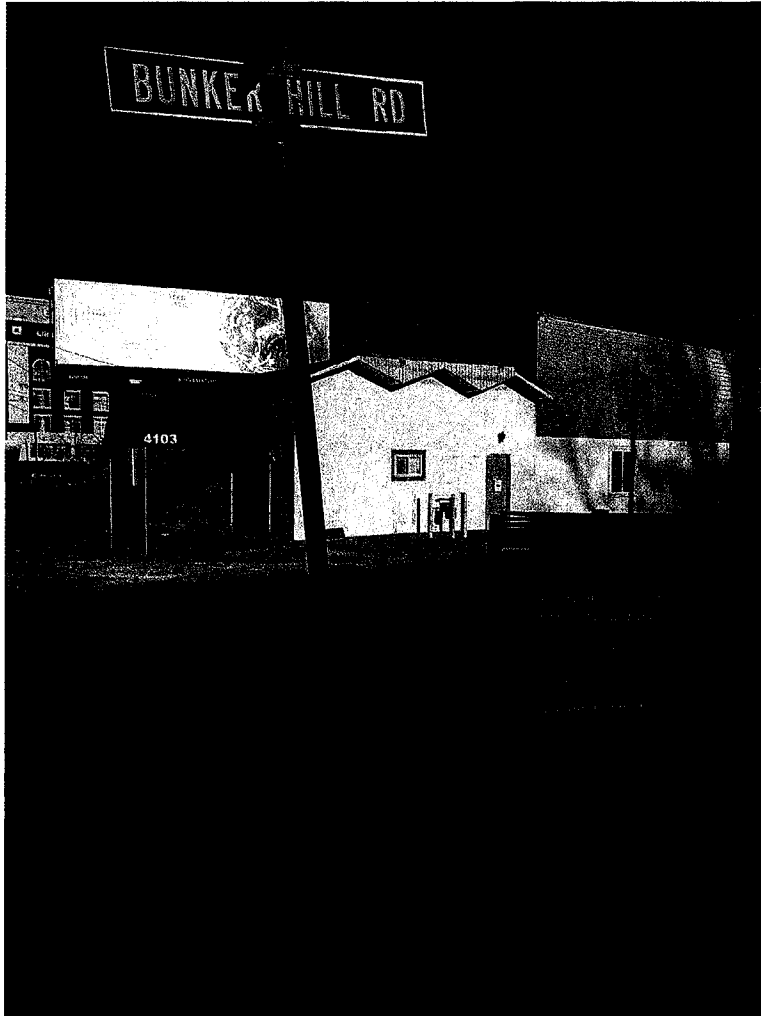
The affidavit must be received prior to the end of the 20-day posting period.

Planning DIRECTOR case: CNU-48754-2019

Reviewer: Kelsey Shaffer

2 single-sided signs





Sign A – Bunker Hill Road

CNU-48754-2019 4103 Rhode Island Ave.

Sign posted by: Stephenie Clevenger

Posted on: 12/15/19



Sign B – Rhode Island Ave.

CNU-48754-2019 4103 Rhode Island Ave.

Sign posted by: Stephenie Clevenger

Posted on: 12/15/19

JOB NOTES:

- 1) THE SUBJECT PROPERTY IS ZONED U-L-1 (URBAN LIGHT INDUSTRIAL)
- 2) TAX ID#: 17-1952761
- 3) ROAD FRONTAGE OF RHODE ISLAND AVENUE: 188.82' TOTAL ROAD FRONTAGE: 403.49
- 4) THE NEAREST STATIC BILLBOARD WAS OBSERVED 865' FROM THE EXISTING BILLBOARD.
- 5) ONLY IMPROVEMENTS WITHIN CLOSE PROXIMITY TO THE EXISTING BILLBOARD ARE SHOWN HERON. (NO ACCESS TO THE FENCED & EXCEPTING IN LIBER 222, FOLIO 368 IS VAGUE AND ILLEGIBLE, AND THEREFORE NOT SHOWN.
- 7) NO PROPERTY CONTROL FOUND. (ROADS HELD)

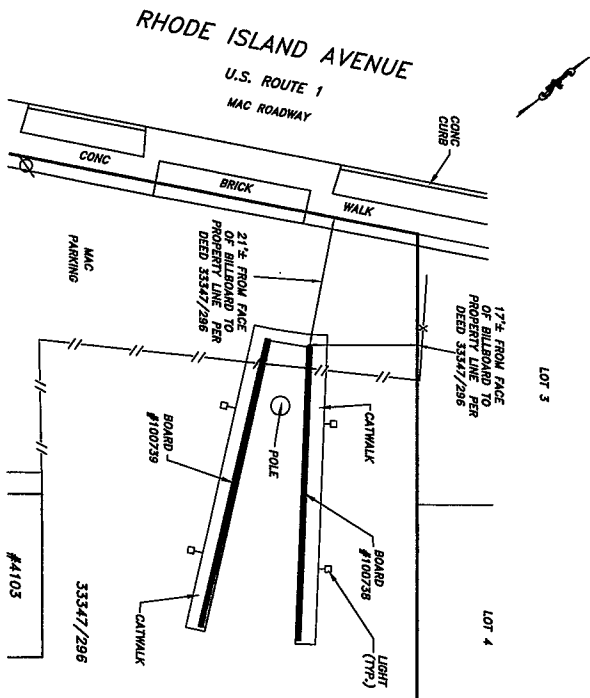
SIGN HEIGHTS:

BOARD # 100738 TOP: 40.8'
 BOARD # 100739 TOP: 26.9'
 BOARD # 100739 BOTTOM: 26.3'

SIGN LENGTHS:

BOARD # 100738: 47.9'
 BOARD # 100739: 47.9'

NOTE: A PORTION OF THE CONCRETE SIDEWALK AND MACADAM ROADWAY APPEAR TO LIE ONTO THE SUBJECT PROPERTY.

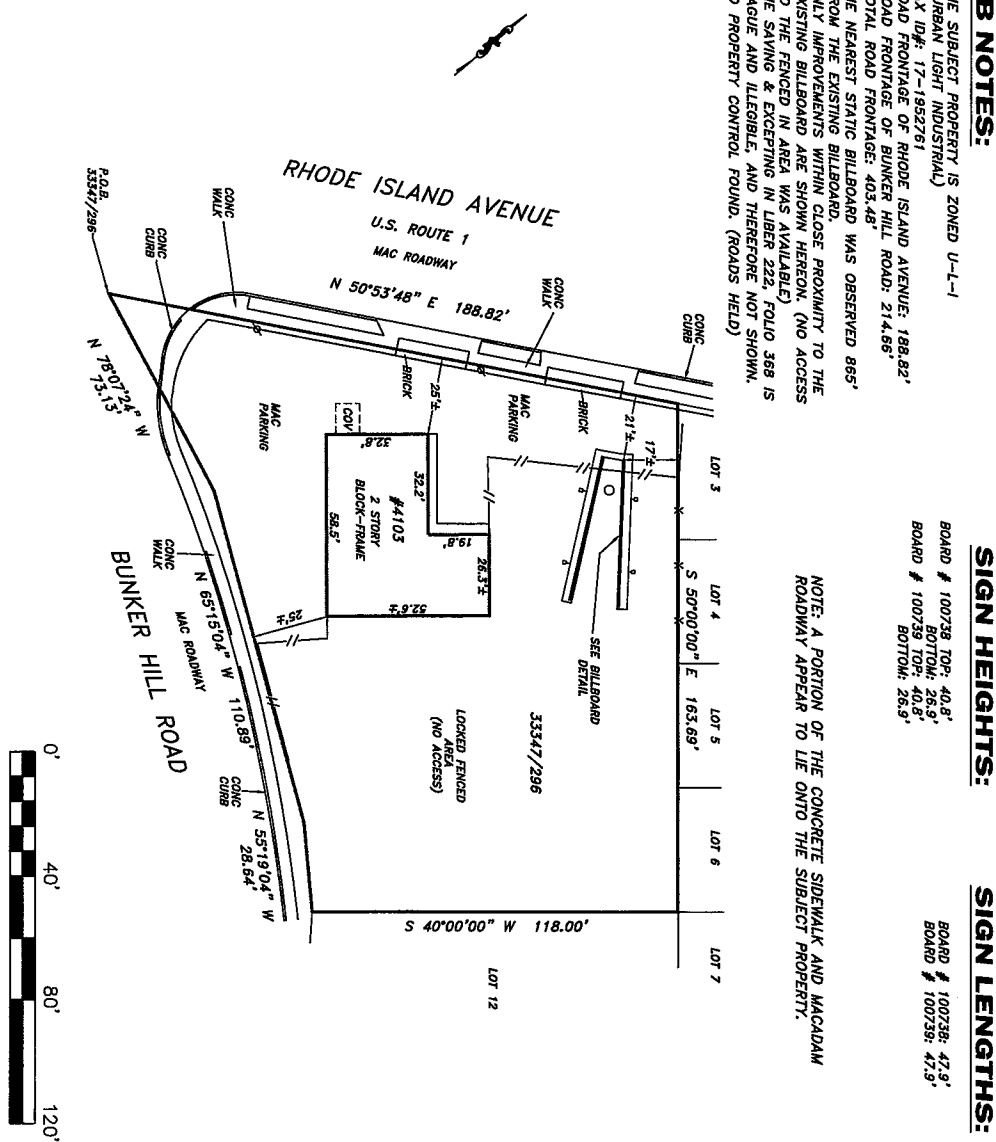


BILLBOARD DETAIL:



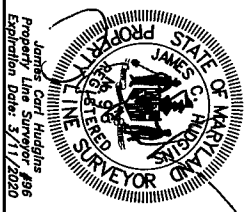
GENERAL NOTES:

- 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 NIT Associates, Inc. This plot 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.
- 3) The plot does not provide for the accurate identification of property boundary lines and does not provide for the transfer of title or securing financing or refinancing.
- 4) This plot is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- 5) 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.
- 6) The current title deed may not be shown.
- 7) In the current title deed, the bearings and north arrow shown hereon are in the immediate vicinity of the subject property.
- 8) Building Restriction Line Information, if shown, was obtained from existing records only and is not guaranteed by NIT Associates, Inc.
- 9) Flood Zone Information shown on FIRI 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 of the property boundary lines and improvements 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: 4103 RHODE ISLAND AVENUE as described in a deed dated January 20, 2012 recorded among the Land Records of Prince George's County, Maryland in Liber 33347, folio 296.

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 08.13.06 of the Code of Maryland Annotated Regulations.



SPECIAL PURPOSE SURVEY
 4103 RHODE ISLAND AVENUE
 17TH ELECTION DISTRICT
 PRINCE GEORGE'S COUNTY, MARYLAND

NIT Associates, Inc.
 16205 Old Frederick Rd.
 Field By: TOM
 Date: 9/20/2019
 Drawn By: SKC
 File No.: MSC 13610
 Page No.: 1 of 1

JOB NOTES:

- 1) THE SUBJECT PROPERTY IS ZONED U-L-1 (URBAN LIGHT INDUSTRIAL)
- 2) TAX ID#: 17-1952761
- 3) ROAD FRONTAGE OF RHODE ISLAND AVENUE: 188.82'
ROAD FRONTAGE OF BUNKER HILL ROAD: 214.66'
TOTAL ROAD FRONTAGE: 403.48'
- 4) THE NEAREST STATIC BILLBOARD WAS OBSERVED 865' FROM THE EXISTING BILLBOARD.
- 5) ONLY IMPROVEMENTS WITHIN CLOSE PROXIMITY TO THE EXISTING BILLBOARD ARE SHOWN HEREON. (NO ACCESS TO THE FENCED IN AREA WAS AVAILABLE)
- 6) THE SAVING & EXCEPTING IN LIBER 222, FOLIO 368 IS VAGUE AND ILLEGIBLE, AND THEREFORE NOT SHOWN.
- 7) NO PROPERTY CONTROL FOUND. (ROADS HELD)

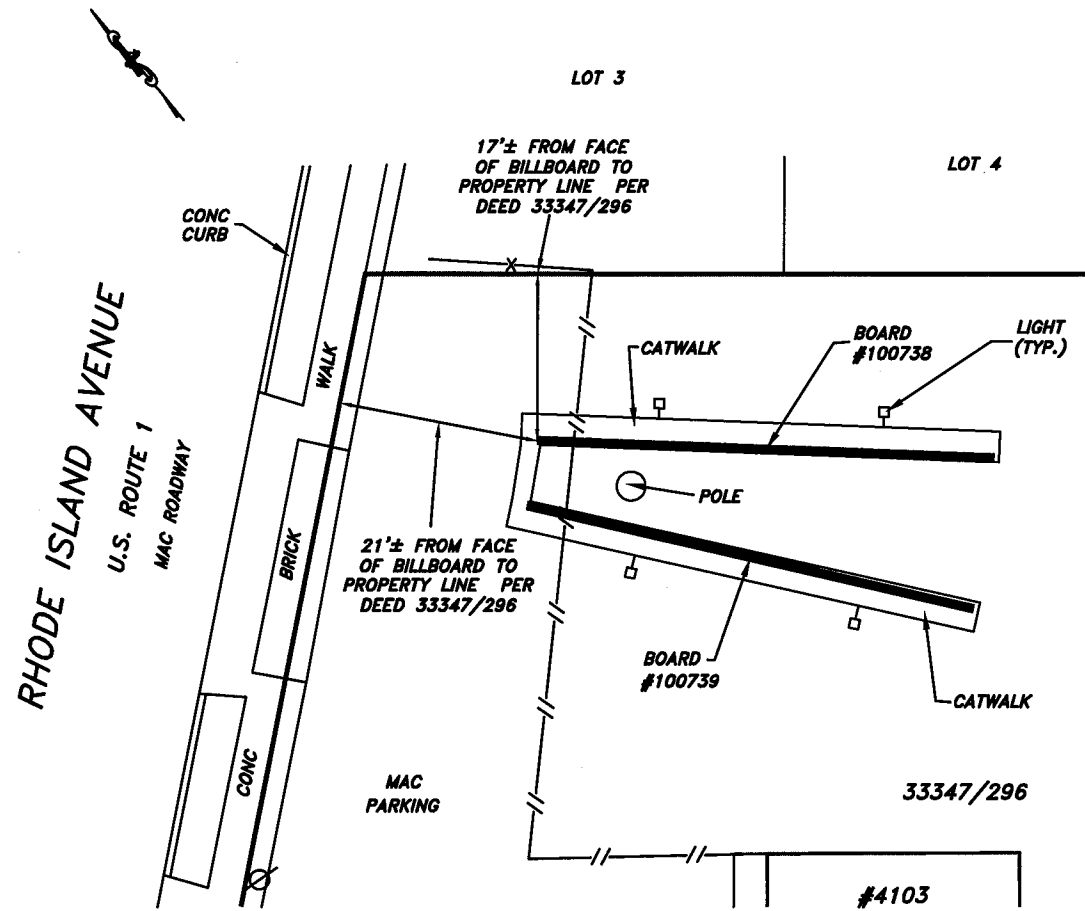
SIGN HEIGHTS:

BOARD # 100738 TOP: 40.8'
BOTTOM: 26.9'
BOARD # 100739 TOP: 40.8'
BOTTOM: 26.9'

SIGN LENGTHS:

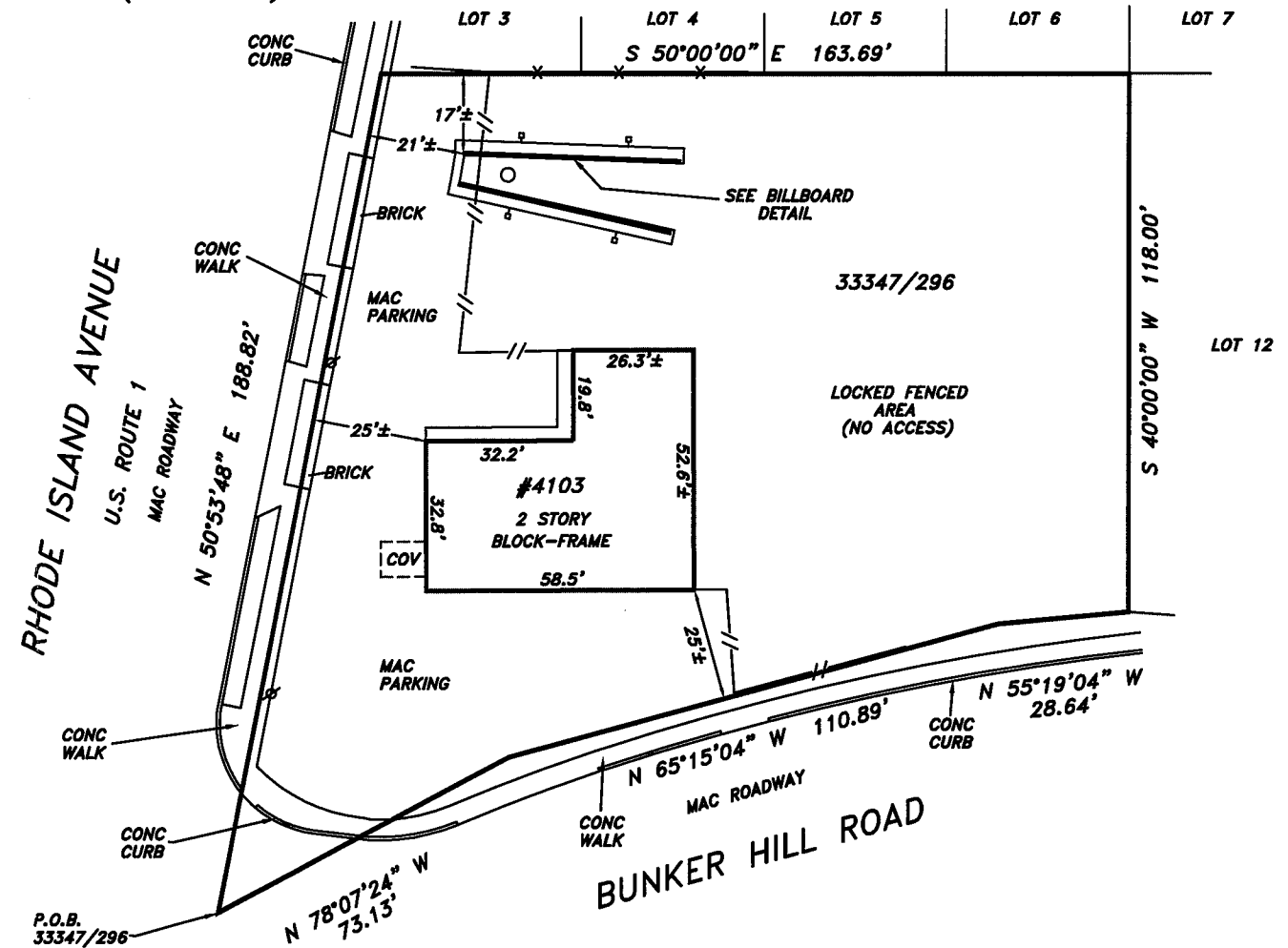
BOARD # 100738: 47.9'
BOARD # 100739: 47.9'

NOTE: A PORTION OF THE CONCRETE SIDEWALK AND MACADAM ROADWAY APPEAR TO LIE ONTO THE SUBJECT PROPERTY.



BILLBOARD DETAIL:

SCALE: 1" = 20'



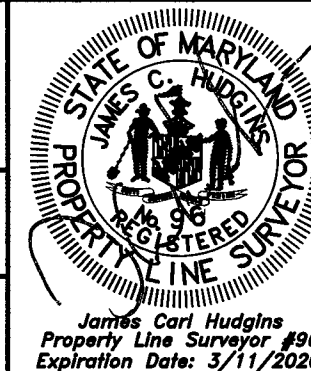
GENERAL NOTES:

- 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 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: 4103 RHODE ISLAND AVENUE as described in a deed dated January 20, 2012 recorded among the Land Records of Prince George's County, Maryland in Liber 33347, folio 296.

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 24033C0129 E, effective 9/16/2016



James Carl Hudgins
Property Line Surveyor #96
Expiration Date: 3/11/2020

SPECIAL PURPOSE SURVEY
4103 RHODE ISLAND AVENUE
17th 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" = 40'
Date: 9/20/2019
Field By: TOM
Drawn By: SCK
File No.: MISC 13610
Page No.: 1 of 1