



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

February 17, 2021

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: **47256-2020-U**

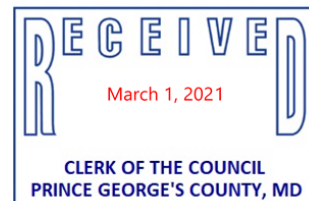
Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **0000 Sheriff Road
Capitol Heights**

Current Zone(s): **I-3**

Sign Posting Date: **January 9, 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 1980.**



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 Date: _____ No. of Signs Posted: _____ Agenda Date: _____
 Filing Fee: _____ Posting Fee: _____ Case Reviewer: _____
 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 47256-2020

PROJECT NAME: Sheriff Road

Complete address (if applicable) and Geographic Location (distance related to or near major intersection)
 Corner of Sheriff Rd. and Cabin Branch Dr., Capitol Heights, MD 20743. The Property is located off of Sheriff Road running west, approximately 128 feet northwest of the intersection with Cabin Branch Drive.

Total Acreage: 0.52		Election District: 18
Tax Map/Grid: 066/B1	Current Zone(s): I-3 (Pl. Ind./Empl. Park)	Council District: 5
WSSC Grid: 202NE06	Existing Lots/Blocks/Parcels: Parcel 333	Dev. Review District:
COG TAZ: 1020	PG TAZ: 821	Aviation Policy Area: N/A
Planning Area: 72	In Municipal Boundary: N/A	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) David C. Fegan Revocable Trust and Kathleen M. Fegan (301) 855-9958, 2249 Senseney Lane Falls Church, Virginia 22043	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)
David C. Fegan Revocable Trust
and Kathleen M. Fegan

Owner's Signature typed & signed _____ Date _____

 _____ Date 11-5-20

Please see Clear Channel outdoor Lease Agreement, Section 5

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 Comprehensive Design Conservation Sketch Plan Pre-Preliminary Plan

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 47256-2020

Sheriff Road

2. Description of proposed use/request

Certification of outdoor advertising sign located at the northwest corner of Sheriff Road and Cabin Branch Drive, Capitol Heights, Maryland 20743 (the "Property"), as a nonconforming use.

3. Description and location of the subject property

The Property is located off of Sheriff Road running west, approximately 128 feet northwest of the intersection with Cabin Branch Drive. Specifically, the Property is located on Map 066, Grid B1, and is approximately 0.52 acres in size. The Property is zoned I-3 (Planned Industrial/Employment Park).

An outdoor advertising structure constructed on six metal I-beams 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 1984.

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).

A handwritten signature in blue ink, followed by the date "11-5-20" also in blue ink.

April Mackoff
Applicant, Clear Channel Outdoor LLC

SIGN HEIGHTS:

BOARD #100439 TOP: 25.7'
 BOTTOM: 11.8'
 BOARD #100489 TOP: 25.7'
 BOTTOM: 11.8'
 (HEIGHT AT SHERIFF ROAD)

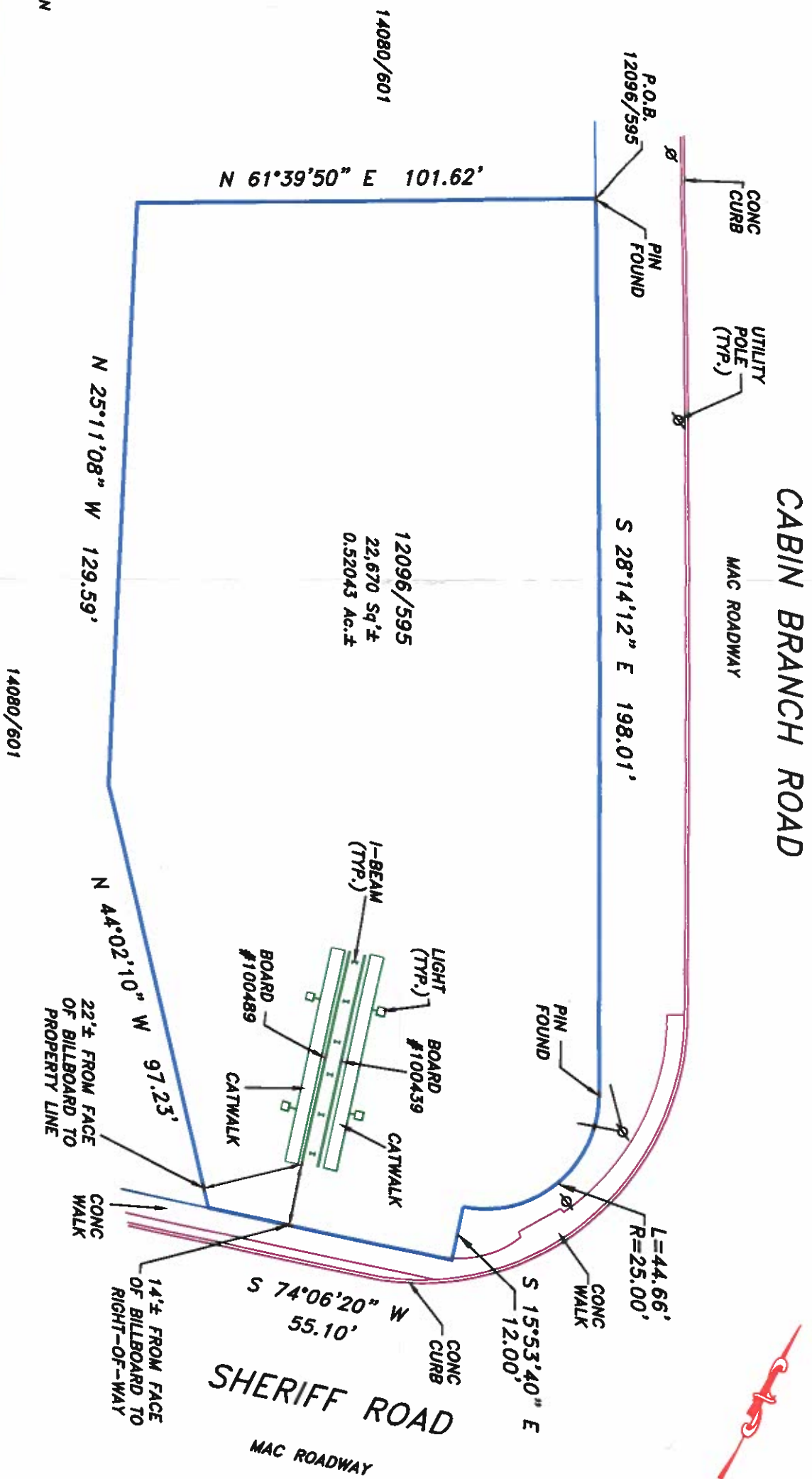
SIGN LENGTHS:

BOARD #100439: 48.0'
 BOARD #100489: 48.0'

- JOB NOTES:**
- 1) THE SUBJECT PROPERTY IS ZONED I-3 (PLANNED INDUSTRIAL / EMPLOYMENT PARK)
 - 2) TAX ID#: 18-2019149
 - 3) ROAD FRONTAGE OF SHERIFF ROAD: 55.10'
 ROAD FRONTAGE OF CABIN BRANCH ROAD: 254.67'
 TOTAL ROAD FRONTAGE: 309.77'
 - 4) NO STATIC OR DIGITAL BILLBOARDS WERE OBSERVED WITHIN 1,000 FEET OF THE EXISTING BILLBOARD.
 - 5) THE DESCRIPTION IN DEED 12096/595 FAILS TO CLOSE BY 5.±. THE PROPERTY OUTLINE SHOWN HEREON WAS DERIVED FROM THE CURRENT TITLE DEED AND NEIGHBORING DEEDS, THEREFORE IS APPROXIMATE.

GENERAL NOTES:

- 1) The accuracy of the distances shown from any structure to any apparent property line is 6.±.
- 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 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.
- 4) This plot 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 plot 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.



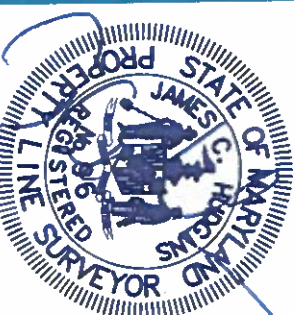
APPARENT ENCROACHMENT NOTES:

- 1) THE CONCRETE SIDEWALK APPEARS TO LIE AT, NEAR, OR ONTO THE SUBJECT PROPERTY.

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: TAX MAP 66, PARCEL 333, SHERIFF ROAD as described in a deed dated April 2, 1998 from David C. Fegan to Kathleen M. Fegan recorded among the Land Records of Prince George's County, Maryland in Liber 12096, folio 595.

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 & AE on the FIRM Map of Prince George's County, Maryland on Community Panel Number 24033C0142 E, effective 9/16/2016



James Carl Hudgins
 Property Line Surveyor #98
 Expiration Date: 3/11/2022

SPECIAL PURPOSE SURVEY

SHERIFF ROAD
 18th 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" = 30'
 Date: 3/9/2020
 Field By: TOM
 Drawn By: SCK
 File No.: MISC 13795
 Page No.: 1 of 1

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 : 11/09/2020

PERMIT APPLICATION

Case Number: 47256-2020-00

ACTIVITY: Building Permit Application
WORK DESCRIPTION: This is for a Non-Conforming Use of an existing Billboard (MNCPPC review only needed).
USE TYPE:
EXISTING USE: This is for a Non-Conforming Use of an existing Billboard (MNCPPC review only needed).
PROPOSED USE: This is for a Non-Conforming Use of an existing Billboard (MNCPPC review only needed).

LOT :
BLOCK :
PARCEL : 333

SITE INFORMATION

SITE ADDRESS: 00000 SHERIFF RD CAPITOL HEIGHTS 20743	PROJECT NAME: SUBDIVISION:	EST. CONSTRUCTION COST: ELECTION DISTRICT: 18 PROPERTY TAX ACCOUNT #: 2019149
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<u>OWNER</u>	<u>OCCUPANT</u>	<u>CONTRACTOR</u>	<u>ARCHITECT</u>
KATHLEEN FEGAN 2249 SENSENEY LN FALLS CHURCH VA 22043	*For existing Billboard only * Clear Channel Out 9590 Lynn Buff CT #5 Laurel MD 20723		

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 _____ Stephenie Clevenger	No Limit Land	(240) 338 - 0131
NAME	COMPANY	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 1/9/2021
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-47256-2020 Name: Fegan Sign

Date: 1/9/2021

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.

Planning DIRECTOR case: CNU-47256-2020

Reviewer: Kelsey Shaffer

01 double-sided signs (for a total of 2 physical signs)





Sign 1A (1 Double Sided Sign)

CNU-47256-2020, 0000 Sheriff Road

Sign posted by: Stephenie Clevenger

Posted on: 1/9/2021



Sign 1B (1 Double Sided Sign)

CNU-47256-2020, 0000 Sheriff Road

Sign posted by: Stephenie Clevenger

Posted on: 1/9/2021