



January 29, 2024

**MEMORANDUM**

**TO:** Donna J. Brown  
Clerk of the Council

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

**SUBJECT:** Notification of Recommendation for Certification of Nonconforming Use

Permit Application Number: **13054-2023-U**

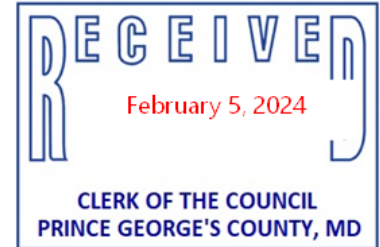
Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **4242 Andalusia Lane  
Capitol Heights**

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

Sign Posting Date: **October 7, 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 1963.**



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-13054-2023

PROJECT NAME: 4242 Andalusia Lane

Complete address (if applicable) and Geographic Location (distance related to or near major intersection)  
 4242 Andalusia Ln, Capitol Heights, MD 20743. The outdoor advertising sign on the Property is seen off to the right of Kenilworth Ave running southwest, approximately 480 feet northwest of the intersection with Eastern Avenue.

Total Acreage: 0.0730		Election District: 2
Tax Map/Grid: 058/D4	Current Zone(s): I-1 (Light Industrial)	Council District: 5
WSSC Grid: 203NE04	Existing Lots/Blocks/Parcels: SE Cor Lt. 3	Dev. Review District: N/A
COG TAZ: 1032	PG TAZ: 816	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: Clear Channel Outdoor 9590 Lynn Buff Court #5 Laurel, Maryland 20723	Consultant Name, Address & Phone:
Owner Name, Address & Phone: <small>(if same as applicant indicate same/corporation see Disclosure)</small> Washington Suburban Sanitary Commission 14501 Sweltzer Lane Laurel, Maryland (301) 206-9772	Contact Name, Phone & E-mail: same as applicant

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

ARR 8/14/23 ARR 8/14/23  
 Owner's Signature typed & signed Date Applicant's Signature typed & signed Date

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: Gross Floor Area (Nonresidential portion only):  
 Attached \_\_\_\_\_ Detached \_\_\_\_\_ Multifamily \_\_\_\_\_

**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):  
 Certification of nonconforming use for existing billboard. Sections 27-244 & 241

Total Number of Proposed:  
 Lots \_\_\_\_\_ Outlots \_\_\_\_\_ Parcels \_\_\_\_\_ Outparcels \_\_\_\_\_

Number of Dwelling Units: Gross Floor Area (Nonresidential portion only):  
 Attached \_\_\_\_\_ Detached \_\_\_\_\_ Multifamily \_\_\_\_\_

Variance Request Applicable Zoning/Subdivision Regulation Section(s):  
 Yes  No

Departure Request Application Filed  
 Yes  No

Alternative Compliance Request 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 -13054-2023

4242 Andalusia Lane

2. Description of proposed use/request

Certification of an outdoor advertising sign located at 4242 Andalusia Lane, Capitol Heights, Maryland 20743 (the "Property"), as nonconforming use.

3. Description and location of the subject property

The outdoor advertising sign on the Property is seen off to the right of Kenilworth Avenue running southwest, approximately 480 feet northwest of the intersection with Eastern Avenue. Specifically, the Property is located on Map 058, Grid D4, and is approximately 0.0730 acres in size. The Property is zoned I-1 (Light Industrial).

The outdoor advertising structure on the Property is constructed on several metal posts and contains two bulletin faces. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1963.

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).



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Stephen Brvenik

Applicant, Clear Channel 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)

2 sign(s) on 10/7/2023  
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-13054-2023 Name: 4242 Andalusia Lane

Date: 10/7/2023

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 – Kenilworth Ave.**

**CNU-13054-2023 4242 Andalusia Lane**

**Sign posted by: Stephenie Clevenger**

**Posted on: 10/7/2023**





**Sign 2 – Kenilworth Ave.**

**CNU-13054-2023 4242 Andalusia Lane**

**Sign posted by: Stephenie Clevenger**

**Posted on: 10/7/2023**



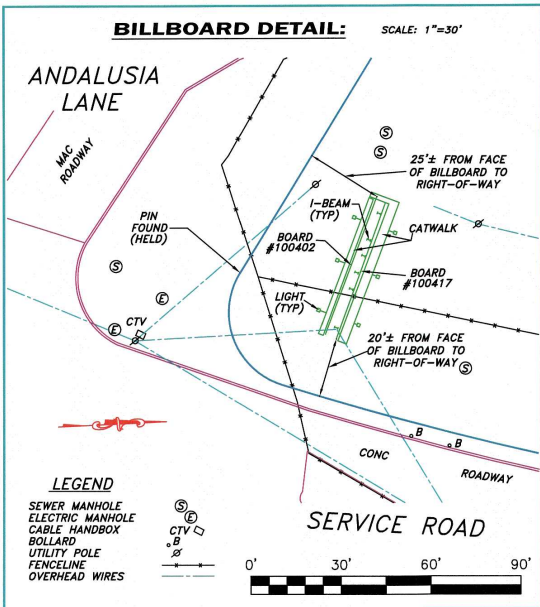
**Sign 1 & 2 – Kenilworth Ave.**

**CNU-13054-2023 4242 Andalusia Lane**

**Sign posted by: Stephenie Clevenger**

**Posted on: 10/7/2023**





**JOB NOTES:**

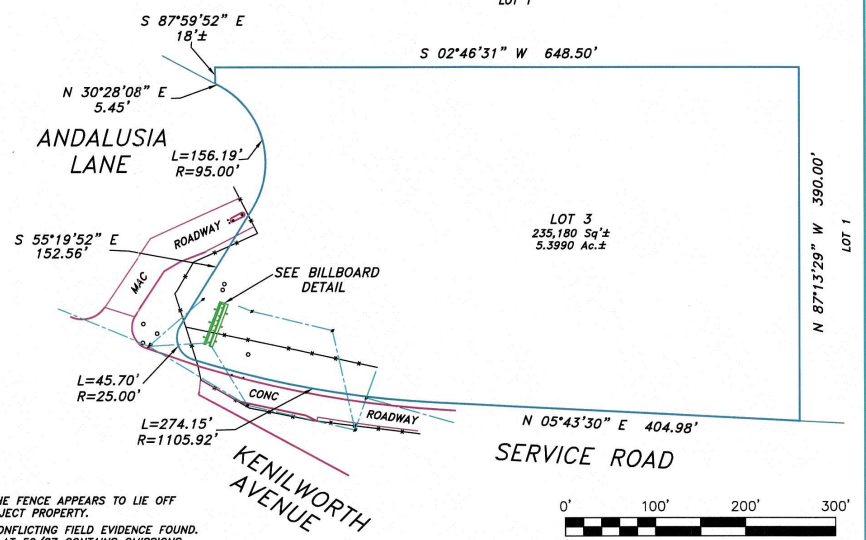
- 1) THE SUBJECT PROPERTY IS ZONED I-E (INDUSTRIAL EMPLOYMENT)
- 2) TAX ID#: 02-0180927
- 3) ROAD FRONTAGE OF ANDALUSIA LANE: 359.90'  
ROAD FRONTAGE OF SERVICE ROAD: 679.13'  
TOTAL ROAD FRONTAGE: 1039.03'
- 4) NO STATIC OR DIGITAL BILLBOARDS WITHIN 1,000 FEET OF THE EXISTING BILLBOARD WERE OBSERVED.
- 5) ONLY IMPROVEMENTS IN CLOSE PROXIMITY TO THE EXISTING BILLBOARD ARE SHOWN HEREON. LIMITED SITE ACCESS AT TIME OF SURVEY.

**SIGN HEIGHTS:**

BOARD #100417 TOP: 31.0'  
BOTTOM: 17.0'  
BOARD #100402 TOP: 34.2'  
BOTTOM: 20.5'  
(HEIGHT AT GROUND AT SIGN)

**SIGN LENGTHS:**

BOARD #100402: 48.6'  
BOARD #100417: 47.7'



**GENERAL NOTES:**

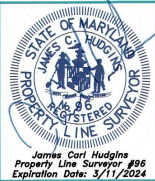
- 1) The accuracy of the distances shown from any structure to any apparent property line is 3/8".
- 2) This drawing does not represent a Boundary Survey. Any property markers labeled hereon are not guaranteed by NTT Associates, Inc.
- 3) This plat is of benefit to a consumer only insofar as it is required 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.

NOTE: THE FENCE APPEARS TO LIE OFF THE SUBJECT PROPERTY.  
NOTE: CONFLICTING FIELD EVIDENCE FOUND.  
NOTE: PLAT 59/87 CONTAINS OMISSIONS.

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: LOT 3 as shown on the plat entitled "PLAT OF CORRECTION LOTS 1 THRU 3 'MAYSAIR GARDENS APARTMENTS' recorded among the Land Records of Prince George's County, Maryland in Plat Book 59, folio 87.

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 24033C0141 E, effective 9/16/2016



**SPECIAL PURPOSE SURVEY**  
4242 ANDALUSIA LANE  
2nd ELECTION DISTRICT  
PRINCE GEORGE'S COUNTY, MARYLAND

**NTT Associates, Inc.** Scale: 1"= 100'  
16205 Old Frederick Rd. Date: 8/29/2022  
Mt. Airy, Maryland 21771 Field By: CB/KSW  
Phone: (410) 442-2031 Drawn By: SCK  
Fax: (410) 442-1315 File No.: MISC 12789  
www.nttsurveyors.com Page No.: 1 of 1