

February 13, 2023

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: **46927-2021-U**

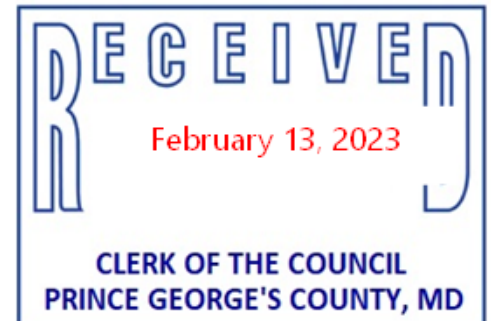
Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **16400 Robert Crain Highway
Brandywine**

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

Sign Posting Date: **December 11, 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 1998.**



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



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

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 Waived Posting Date: _____ No. of Signs Posted: _____ Agenda Date: _____
 Application Fee: _____ Posting Fee: _____ Case Reviewer: _____
 Subdivision Development Review Committee Date: _____
 Referral Mail-Out Date: _____ Referral Due Date: _____
 Date of Informational Mailing: _____ Date of Acceptance Mailing: _____

APPLICATION TYPE: NCU Revision of Case # _____ Companion Cases: _____

Payment option: Check (payable to M-NCPPC) Credit Card General Plan Growth Policy:

PROJECT NAME: Eastern Outdoor Billboard

Complete address (if applicable) 16400 SE Robert Crain Hwy., Brandywine

Tax Account #: 11-1181767

Geographic Location (distance related to or near major intersection)

Police District #: V

Intersection of SE Robert Crain Hwy. & Cedarville Road

Total Acreage: 2.3	Aviation Policy Area: N/A	Election District: 11
Tax Map/Grid: 164/F1	Current Zone(s): I-1	Council District: 9
WSSC Grid: 221SE07	Existing Lots/Blocks/Parcels: P. 13	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"/> 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:

Applicant Name, Address & Phone:
 Kurt Rutherford, 410-484-4400
 Eastern Outdoor
 7115 Rockridge Road, Baltimore, MD 21207

Consultant Name, Address & Phone:
No Limit Land Consulting & Management, LLC
 1001 Prince George's Blvd., suite 700
 Upper Marlboro, MD 20774

Owner Name, Address & Phone:
 (if same as applicant indicate same/corporation see Disclosure)
 2008 MARK SCHWIEN SEPRTE PRPRTY TR
 HC 65 BOX 72039
 3840 KELLOGG RD
 PAHRUMP NV 89061-7922

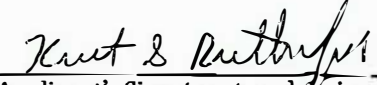
Contact Name, Phone & E-mail:
 Stephenie Clevenger, 240-338-0131
 nolimitland@icloud.com

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



 Owner's Signature typed & signed
 Mark Schwien

06/23/21
 Date



 Applicant's Signature typed & signed
 Kurt S. Rutherford

06/23/21
 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 <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:

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

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 **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

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 46927-2021-00
16400 SE Robert Crain Highway

2. Description of Proposed Use/Request

Certification of an outdoor advertising sign located at 16400 SE 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 east side of US Route 301, at the intersection of US Route 301 and Cedarville Road. Specifically, the Property is located on Map 164, Grid F1, and is approximately 2.3 acres in size. The Property is zoned I-1 (Light Industrial).

An outdoor advertising structure is located on the property. The outdoor advertising structure is constructed on a single metal pole and contains two bulletin faces. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1998.

4. Description of Each Required Finding

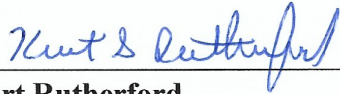
In accordance with CB-84-2016, the applicant is required to certify the outdoor advertising signs located on the Property. *Section 27-244, Prince George’s County Code* (the “**Code**”). Section 27-244(d)(2) of the Code states that “...if satisfactory documentary evidence described in Section 27-244(b)(2)(E) 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

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



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)

2 sign(s) on 12/11/2021
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-46927-2021 Name: NCU, Eastern Outdoor Billboard

Date: 12/9/2021

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-46927-2021 - EASTERN OUTDOOR BILLBOARD
Reviewer: KELSEY SHAFFER

1 single, 1 double-sided (Cedarville) signs , 2 signs total





Sign 1

CNU-46927-2021 16400 SE Brandywine Road

Sign posted by: Stephenie Clevenger

Posted on: 12/11/2021

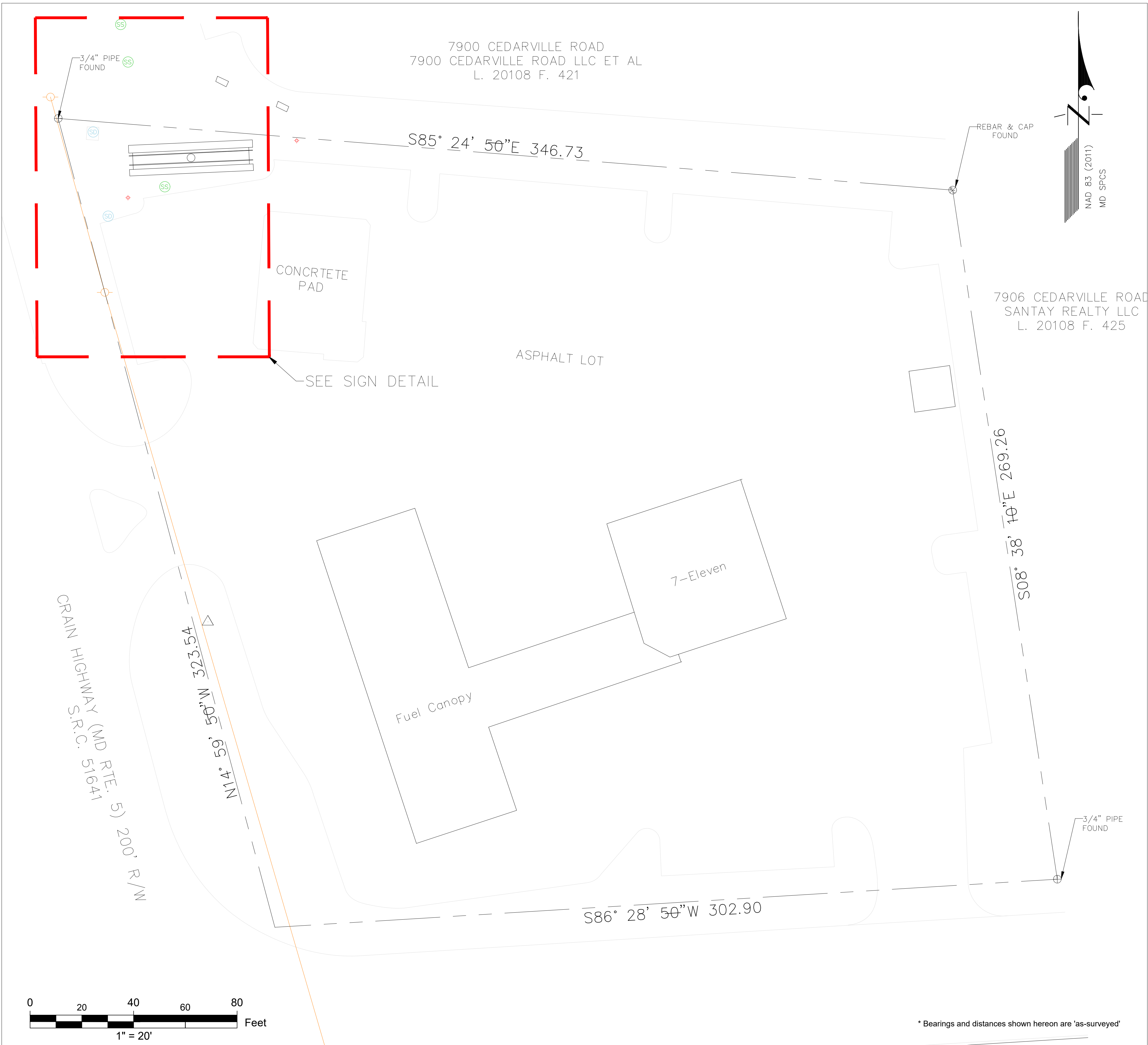
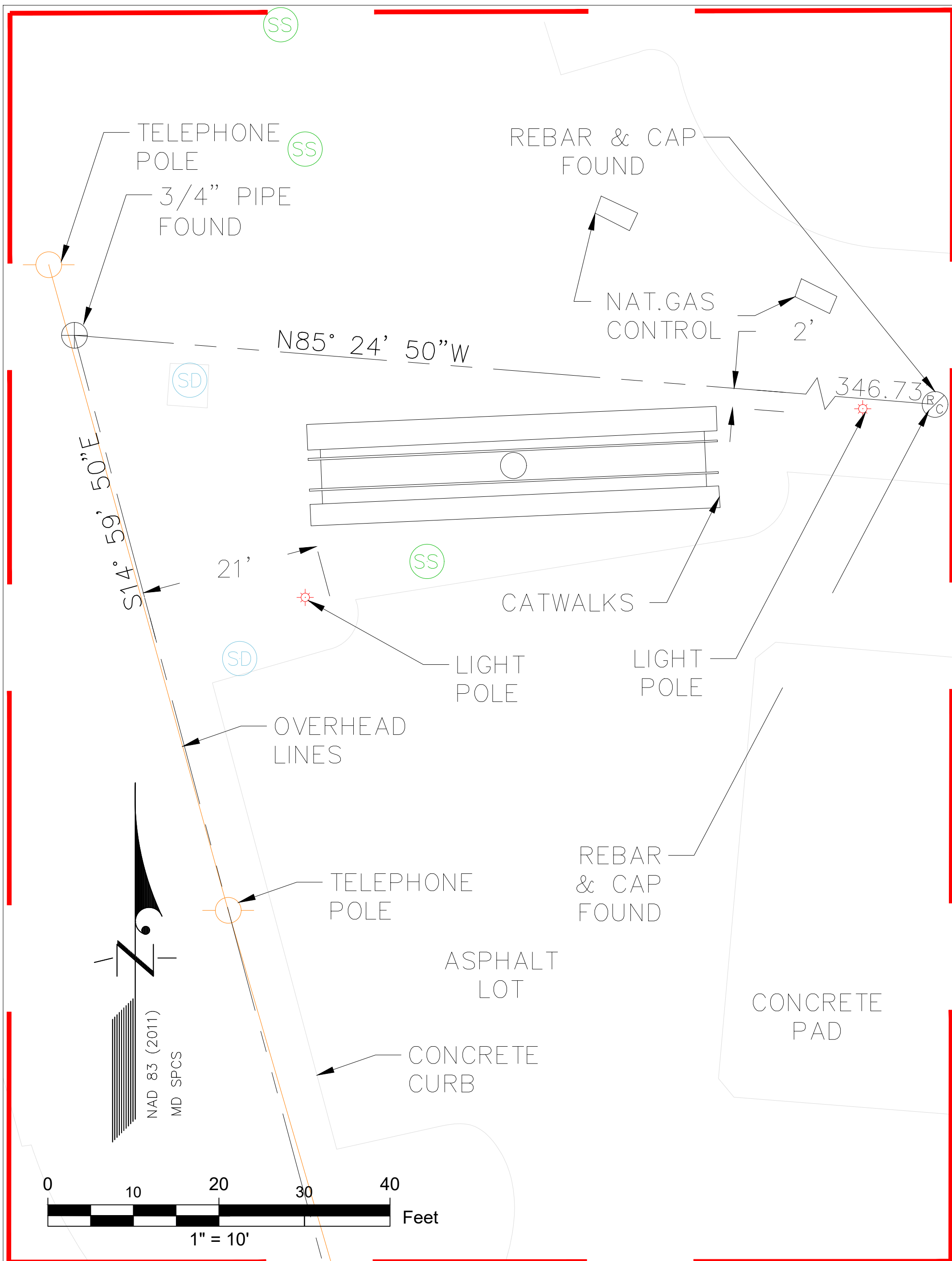


Sign 2

CNU-46927-2021 16400 SE Brandywine Road

Sign posted by: Stephenie Clevenger

Posted on: 12/11/2021



GENERAL NOTES:
 Flood Zone - X (area of minimal flood hazard)
 Source: Flood Map 24033C0365E
 Zoned: I-1
 Zoning Category: Industrial
 Land Use: Commercial
 Election District: 27A
 Tax ID: 11-1181767

Height of sign tops above ground: 41.0'
 Height of sign bottoms above ground: 27.0'
 Height of understructure above ground: 23.4'
 Vertical dimension of sign board: 14.0'
 Horizontal dimension of sign board: 48.0'

1. The accuracy of measurements of any physical feature(s) illustrated hereon, and/or their distance to others, is 2'±
2. Although the boundary lines are referenced to markers located on site, this drawing does not represent a boundary survey.
3. This drawing is intended for general use by the consumer for certification requirements by the County in which it is situate.
4. This drawing is not to be used for placing or constructing any improvements, structures, fences, etc.
5. No land records or title report were provided at any time during the course of work embodied herein.
6. The bearings are referenced to NAD83 (2011) datum projected on to the Maryland State Plane Coordinate System (MD SPCS).
7. No true elevations were recorded nor labeled on this two-dimensional survey. Heights shown are relative to elevation at grade.
8. Public Utility Easement is shown. Property may be subject to other appurtenances, easements, encumbrances on record.
9. Flood Zone classification was obtained through FEMA Map Service Center at <https://msc.fema.gov/portal/home>
10. Proposed existing zoning classifications are per Prince George's County at <http://zoningpgc.pgplanning.com/zoning-swipe-tool/>

* Bearings and distances shown hereon are 'as-surveyed'

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 as: 16400 Crain Highway as described in a deed from Mark Donald Schvien, grantor, and The 2008 Mark Schvien Separate Property Trust, grantee, recorded among the Land Records of Prince George's County, Maryland in Liber 31018, Folio 442 on September 19, 2009

I hereby certify that the lines shown hereon are the result of a field run boundary survey as per record description and that all survey work was performed in accordance with a planimetric survey as identified by the Maryland Department of Labor Licensing and Regulations, Board of Professional Surveyors in COMAR 09.13.06.06 and under my direct supervision.



SPECIAL PURPOSE SURVEY
 16400 ROBERT CRAIN HIGHWAY
 BRANDYWINE, MARYLAND 20613
 ELECTION DISTRICT 27A
 PRINCE GEORGE'S COUNTY, MD

1395 PICCARD DRIVE, SUITE 370
 ROCKVILLE, MARYLAND 20850
 PHONE: (301) 637-2510
 WWW.CVINC.COM

PROJECT NO.
 20211079
 SCALE: AS SHOWN
 DATE: 09/09/2021
 DRAWN BY: KT
 SHEET: 1 OF 1