




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: **34213-2023-U**

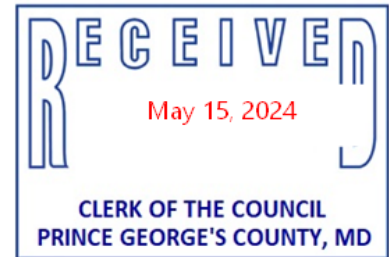
Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **7108 Robert Crain Highway
Bowie**

Current Zone(s): **R-A**

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: NCU Revision of Case # _____

Companion Cases: _____

Payment option: Credit Card Check (payable to M-NCPPC) *Do not submit payment until requested by staff*

PROJECT NAME: **Eatern Billboard Pannel 69**

Complete address (if applicable) 7096 NW ROBERT CRAIN HWY BOWIE 20715

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>77.19</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 55</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>0712570</u> | Police District #: <u>II</u> | General Plan Growth Policy: Rural and Agricultural Areas |
|----------------------------------|---------------------------------|--|

| | |
|--|--|
| Proposed Use of Property and Request of Proposal: Non-Conforming Use of Existing Billboard | Please list previously approved applications affecting the subject property: |
|--|--|

| | |
|---|--|
| Applicant Name, Address & Phone: EASTERN OUTDOOR 7115 Rockridge Road Baltimore, MD 21207 (P): (410)-494-4440 Kurt Rutherford (E): Info@easternoutdoor.net Owner Name, Address & Phone: (if same as applicant indicate same/corporation see Disclosure) EASTERN OUTDOOR 7115 Rockridge Road Baltimore, MD 21207 (P): (410)-494-4440 Kurt Rutherford (E): Info@easternoutdoor.net | Consultant Name, Address & Phone: No Limit Land, Stephenie Clevenger 1001 Prince George's Blvd., Suite 700, Upper Marlboro, MD 20774 Contact Name, Phone & E-mail: Stephenie Clevenger nolimitland@icloud.com 2403380131 |
|---|--|

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

| | | | |
|--|-----------------|---|--------------------|
| Owner's Signature (signed) <u>Mashic Drive, LLC</u> <u>Abdolkhossein Ejtema:</u> | 12/4/23 Date | Applicant's Signature (signed) Kurt S. Rutherford Eastern Outdoor Advertising Co. | 12/04/2023 Date |
|--|-----------------|---|--------------------|

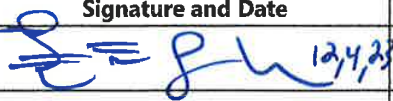
| | | | |
|---|------|--------------------------------|------|
| Contract Purchaser's Signature (signed) | Date | Applicant's Signature (signed) | Date |
|---|------|--------------------------------|------|

| | |
|---------------------------|---------------------|
| 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"/> DPPE <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 |
|-------------------------|--|--|
| Abdolhossein Ejtemai |  12/4/23 | 1921 Woodford Road Vienna, VA 22182 |
| | | |
| | | |
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| | | |

If the property is owned by a corporation, please fill in below.

| Officers | Date Assumed Duties | Residence Address | Business Address |
|----------|---------------------|-------------------|------------------|
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| Officers | Date Assumed Duties | Date Term Expires | Residence Address | Business Address |
|----------|---------------------|-------------------|-------------------|------------------|
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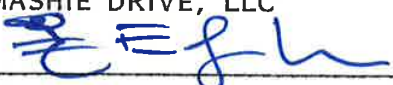
EASTERN OUTDOOR ADVERTISING CO.

7115 ROCKRIDGE ROAD • BALTIMORE, MD 21207

December 4, 2023
DPIE
9400 Peppercorn Place
Largo, MD 20774

To whom it may concern:

As the authorized property owner of 7096 NW Robert Crain HWY Bowie, MD 20715, I hereby grant permission to Eastern Outdoor Advertising Co. to file for a Non-Conforming Use Permit on the above property for continuance of a 12'x42' billboard.

OWNER: MASHIE DRIVE, LLC
BY: 
DATE: 12/4/23

STATEMENT OF JUSTIFICATION
7096 NW ROBERT CRAIN HIGHWAY, BILLBOARD #69
CERTIFICATION OF NONCONFORMING USE

1. CASE NAME

NCU-34213-2023
7096 NW Robert Crain Highway, Bowie 20715, Billboard #69

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 #69 (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 77.19 acres in size. The Property is currently zoned AR (Agricultural-Residential).

An outdoor advertising sign is located on the southeast 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

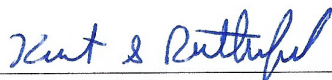
The Applicant is required to certify the outdoor advertising signs located on the Property pursuant to Section 27-3618(c)(3)(D) of Subtitle 27 of the Prince George’s County Code (the “**Zoning Ordinance**”). Section 27-3618(c)(3)(D) stipulates that “For outdoor advertising signs, if satisfactory documentary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



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-34213-2023 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.

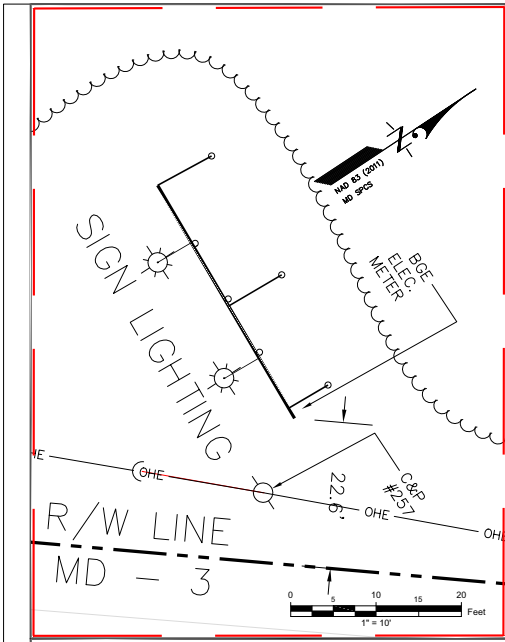


Sign 1

CNU-34213-2023, Route 3 Bowie

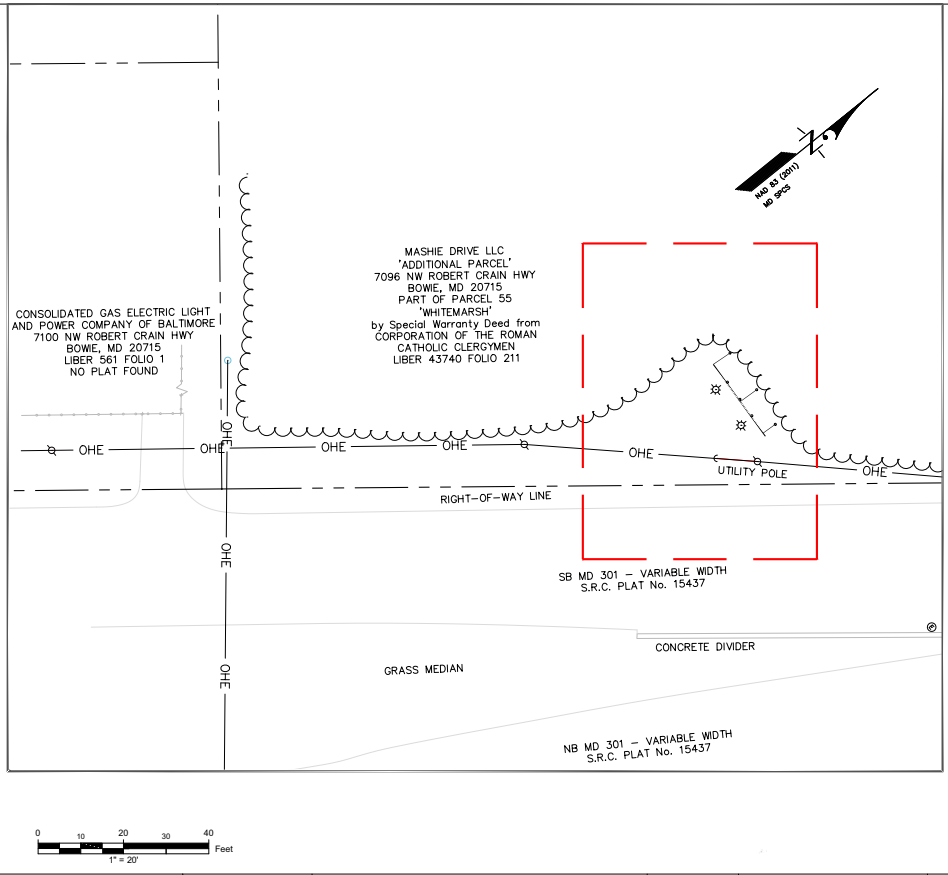
Sign posted by: Stephenie Clevenger

Posted on: 12/30/2023



GENERAL NOTES:
 Sign No. : 69 Permit No. : L01211
 Flood Zone - AE Source: Flood Map 24033C0155E (9/16/2016)
 Zoned: AR OHE = Overhead Electric
 Zoning Category: Agricultural-Residential OHC = Overhead Cable
 Tax ID: 07-0712570
 Height of sign top above ground: 5.5'
 Height of understructure above ground: N/A
 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 referenced 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 situated.
- This drawing is not to be used for placing or constructing any improvements, structures, fences, etc.
- 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 only if discovered during land record research for this survey.
- A file report was not provided to CV, Inc. during the course of this survey.
- Property may be subject to other appurtenances, easements, encumbrances on record.
- Flood Zone classification was obtained through FEMA Map Service Center at <https://mcs.fema.gov/portal/home>
- Zoning classification determined through PGAtlas.com



OWNER
 EASTERN OUTDOOR
 7115 Rockledge 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 surroundings affecting the property shown hereon, being known as: 7096 NW Robert Crain Hwy as per a Special Warranty Deed on June 18, 2020 from the Corporation of the Roman Clergymen to MASHIE DRIVE LLC at Liber 43740 Folio 211 among the Land Records of Prince George's County, Maryland.

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 COMAR 09.13.06.06 and under my direct supervision.

SPECIAL PURPOSE SURVEY
 7096 NW ROBERT CRAIN HIGHWAY
 BOWIE, MD 20715-9006
 QUEEN ANNE (7TH) ELECTION DISTRICT
 PRINCE GEORGE'S COUNTY, MD

610 Professional Stamp, State 108
 Baltimore, MD 20878
 PHONE: (301) 837-2570
 WWW.CVINC.COM

PROJECT NO. 2021107427
 SCALE AS SHOWN
 DATE: 12/02/2023
 SHEET NO. 11
 SHEETS: 1 OF 1