




February 20, 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: **35169-2023-U**

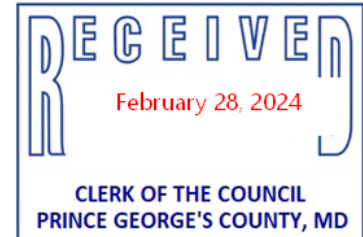
Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **3802 38<sup>th</sup> Street  
Brentwood**

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

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 1977.**



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 -35169-2023  Revision of Case # \_\_\_\_\_  
 Case(s): NCU

**PROJECT NAME:** 38th Street  
**Complete address** (if applicable) and Geographic Location (distance related to or near major intersection)  
 38th Street, Brentwood, Maryland 20722. The Property can be seen off to the right of 38th Street running southeast, approximately 785 feet southeast of the intersection with Rhode Island Avenue running northeast.

Total Acreage: 0.0690		Election District: 17
Tax Map/Grid: 050/A3	Current Zone(s): U-L-I (Urb. Light Indus.)	Council District: 2
WSSC Grid: 205NE03	Existing Lots/Blocks/Parcels: Block 2	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 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) same as applicant	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)

Stephanie Cleverger - for April Mackoff  
 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 <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 <input type="checkbox"/> No <input type="checkbox"/>	Applicable Zoning/Subdivision Regulation Section(s):
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Total Number of Proposed:  
 Lots \_\_\_\_\_ Outlots \_\_\_\_\_ Parcels \_\_\_\_\_ Outparcels \_\_\_\_\_

Number of Dwelling Units: Attached _____ Detached _____ Multifamily _____	Gross Floor Area (Nonresidential portion only):
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**SUBDIVISION CASES – FINAL PLAT:**

Water/Sewer: DER <input type="checkbox"/> Health Dept. <input type="checkbox"/>	Number of Plats:
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CSP/DSP/SDP No.:	WSSC Authorization No.:
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Preliminary Plan No.:

Approval Date of Preliminary Plan:

**URBAN DESIGN AND ZONING CASES:**

Details of Request: Certification of nonconforming use for existing billboard.	Zoning Ordinance Section(s): Sections 27-244 & 241
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Total Number of Proposed:  
 Lots \_\_\_\_\_ Outlots \_\_\_\_\_ Parcels \_\_\_\_\_ Outparcels \_\_\_\_\_

Number of Dwelling Units: Attached _____ Detached _____ Multifamily _____	Gross Floor Area (Nonresidential portion only):
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Variance Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Applicable Zoning/Subdivision Regulation Section(s):
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Departure Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>
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Alternative Compliance Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>
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**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 -35169-2023

38<sup>th</sup> Street

2. Description of proposed use/request

Certification of an outdoor advertising sign located at 38<sup>th</sup> Street, Brentwood, Maryland 20722 (the "Property"), as a nonconforming use.

3. Description and location of the subject property

The Property can be seen off to the right of 38<sup>th</sup> Street running southeast, approximately 785 feet southeast of the intersection with Rhode Island Avenue running northeast. Specifically, the Property is located on Map 050, Grid A3, and is approximately 0.0690 acres in size. The Property is zoned U-L-I (Urban Light Industrial).

An outdoor advertising structure constructed on three thin metal posts, containing two poster faces one on top of the other on one side, and two poster faces one on top of the other on the other side, is located on the Property. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1977 (1977 aerial photo).

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).

*Stephanie Clevenger* - for April Mackoff  
\_\_\_\_\_  
April Mackoff  
Applicant, Clear Channel Outdoor

Homeowners &  
Renters, too

**GEICO**



Jugosos.  
Tiernos.  
Deliciosos.







problem.

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# 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-35169-2023 Name: 38TH ST BRENTWOOD 20722

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.



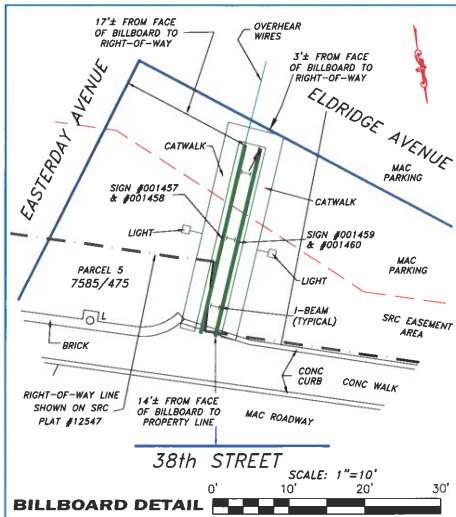


**Sign 1**

**CNU-35169-2023, 38TH ST BRENTWOOD 20722**

**Sign posted by: Stephenie Clevenger**

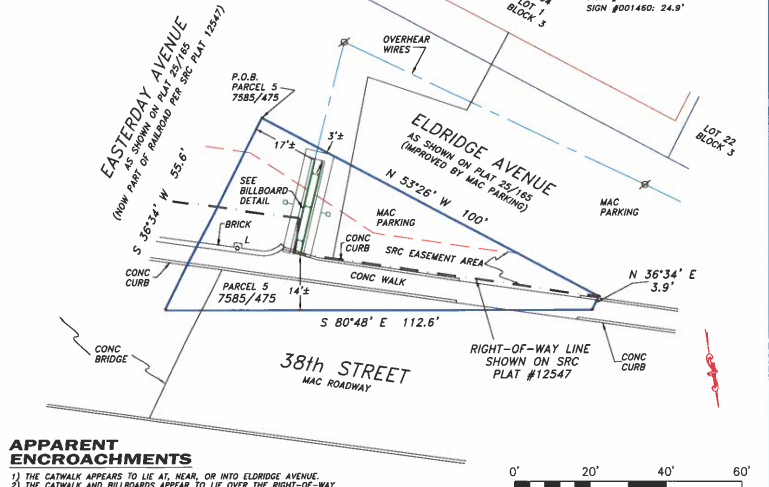
**Posted on: 12/30/2023**



- GENERAL NOTES:**
- 1) The accuracy of the distances shown from any structure to any apparent property line is 3'±.
  - 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 curbs 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 FEMA 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.

- JOB NOTES:**
- 1) PROPERTY ZONED U-L-1 (URBAN LIGHT INDUSTRIAL)
  - 2) TAX ID# 17-1859578
  - 3) ROAD FRONTAGE OF 38th STREET: 112.6' (ELDRIDGE AVENUE AND EASTERDAY AVENUE NOT INCLUDED)
  - 4) NO DEED WAS FOUND OR PROVIDED FOR THE APPARENT ROAD TAKING SHOWN ON SRC PLAT 12547. SHA WAS CONTACTED AND COULD NOT PRODUCE THE REQUESTED DOCUMENTS.

- SIGN HEIGHTS:**
- SIGN #001457- TOP: 34.5'; BOTTOM: 22.4'
- SIGN #001458- TOP: 21.0'; BOTTOM: 8.9'
- SIGN #001459- TOP: 21.0'; BOTTOM: 8.9'
- SIGN #001460- TOP: 34.5'; BOTTOM: 22.4'
- SIGN LENGTHS:**
- SIGN #001457: 24.9'
- SIGN #001458: 24.9'
- SIGN #001459: 24.9'
- SIGN #001460: 24.9'



**APPARENT ENCROACHMENTS**

1) THE CATWALK APPEARS TO LIE AT, NEAR, OR INTO ELDRIDGE AVENUE.

2) THE CATWALK AND BILLBOARDS APPEAR TO LIE OVER THE RIGHT-OF-WAY LINE SHOWN ON STATE ROADS COMMISSION PLAT NUMBER 12547.

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: #3812 38th STREET as described in a deed recorded among the land records of Prince George's County, Maryland in Liber 7385, folio 475.

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, as set forth in Regulation .12 of Chapter 09.15.06 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 24033C0144 E, effective 9/16/2016.