



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772  
 www.mncppc.org/pgco

October 7, 2019

**RECEIVED**

OCT - 8 2019

CLERK OF THE COUNCIL  
 PRINCE GEORGE'S COUNTY MARYLAND

**MEMORANDUM**

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

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



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

Permit Application Number: **35603-2019-U**

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

Location of Property: **4545 Rhode Island Ave  
 Brentwood**

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

Sign Posting Date: **September 5, 2019**

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 1949.**

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): 35603-2019 Planning Board Review  Planning Director Review   
 Acceptance Date: 8/28/19 70-day limit \_\_\_\_\_ Limit waived–New limit \_\_\_\_\_  
 Posting Date: 9/5/19 No. of Signs Posted: 2 Agenda Date: \_\_\_\_\_  
 Filing Fee: \_\_\_\_\_ Posting Fee: \$10 Case Reviewer: Kelsey Shaffer  
 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 35603-2019

**PROJECT NAME:** 4545 Rhode Island Avenue

**Complete address** (if applicable) and Geographic Location (distance related to or near major intersection)  
 4545 Rhode Island Avenue, Brentwood, Maryland 20722. The Property is located on the east side of Rhode Island Avenue northeast of Webster Street. Please see the Statement of Justification for further description.

Total Acreage: 1.21	Election District: 17
Tax Map/Grid: 50/B2	Current Zone(s): U-L-I (Urban Light Indus.) Council District: 2
WSSC Grid: 205NE03	Existing Lots/Blocks/Parcels: Parcel D Dev. Review District: D-D-O
COG TAZ: 959	PG TAZ: 760 Aviation Policy Area: N/A
Planning Area: 68	In Municipal Boundary: North 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 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) Brentwood Investments, LLC 5901 Sonoma Road Bethesda, Maryland 20817 240-731-0977	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)

Brentwood Investments LLC 8-4-19	8-4-19
Owner's Signature typed & signed Date	Applicant's Signature typed & signed Date

Please see section 5, Clear Channel Outdoor Lease Agreement	8-4-19
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"/>
Variation, Variance or Alternative Compliance Request(s) Yes <input type="checkbox"/> No <input type="checkbox"/>		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 <input type="checkbox"/> Health Dept. <input type="checkbox"/>	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 billboard.	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 <input type="checkbox"/> No <input type="checkbox"/>	Applicable Zoning/Subdivision Regulation Section(s):
Departure Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>
Alternative Compliance Request Yes <input type="checkbox"/> No <input type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>

## 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 35603-2019

4545 Rhode Island Avenue

2. Description of proposed use/request

Certification of two outdoor advertising signs located at 4545 Rhode Island Avenue, Brentwood, Maryland 20722 (the "Property"), as a nonconforming use.

3. Description and location of the subject property

(a) The first outdoor advertising sign on the Property is located on the east side of Rhode Island Avenue running northeast, approximately 770 feet northeast of the intersection with Webster Street. The sign is constructed of a metal pole and contains a total of four poster faces, with two stacked poster faces on each side. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1949.

(b) The second outdoor advertising sign on the Property is located on the east side of Rhode Island Avenue running northeast, approximately 1,100 feet northeast of the intersection with Webster Street. The sign is constructed of a metal pole and contains a total of four poster faces, with two stacked poster faces on each side. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1987.

Specifically, the Property is located on Map 050, Grid B2, and is approximately 1.21 acres in size. The Property is zoned U-L-I (Urban Light Industrial).

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).



8-4-19

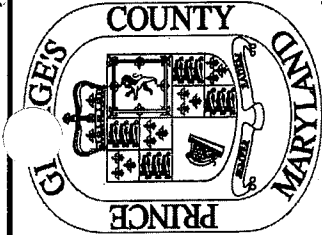
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April Mackoff  
Applicant, Clear Channel Outdoor

**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:** 08/02/2019

**PERMIT APPLICATION**

**Case Number:** 35603-2019-00

**ACTIVITY:** Building Permit Application  
**WORK DESCRIPTION:** Certification of outdoor advertising structure  
**USE TYPE:** Certification of outdoor advertising structure  
**EXISTING USE:** Outdoor advertising structure  
**PROPOSED USE:** Outdoor advertising structure

**LOT:**  
**BLOCK:**  
**PARCEL:**

**SITE INFORMATION**

<b>SITE ADDRESS:</b> 4545 RHODE ISLAND AVE BRENTWOOD	<b>PROJECT NAME:</b>  <b>SUBDIVISION:</b> BRENTWOOD-MEYER & MAZOR ADDN	<b>EST. CONSTRUCTION COST:</b>  <b>ELECTION DISTRICT:</b> 17  <b>PROPERTY TAX ACCOUNT #:</b> 1916477
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<b>OWNER</b>	<b>OCCUPANT</b>	<b>CONTRACTOR</b>
Brentwood Investments LLC 5901 Sonoma Bethesda	Clear Channel Outdoor LLC Lynn Buff #5 4545 Rhode Island Ave Laurel Brentwood	Clear Channel Outdoor LLC Lynn Buff #5 Laurel
RD MD 20817	MD 20722	CT MD 20723

**FOR OFFICE USE ONLY**

	<b>Reviewer</b>	<b>Date</b>	<b>Reviewer</b>	<b>Date</b>
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** April Mackoff *Stephane C. Mackoff* Clear Channel Outdoor **COMPANY** (240) 755 - 9203 **PHONE** *[Signature]* **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 9/5/19  
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-35603-2019 Name: 4545 Rhode Island Avenue

Date: 9/5/19

Address: 3706 4Th Street, North Beach, MD 20714

Telephone: 240-338-0131

Capacity in which you are acting: agent  
(owner, applicant, agent)

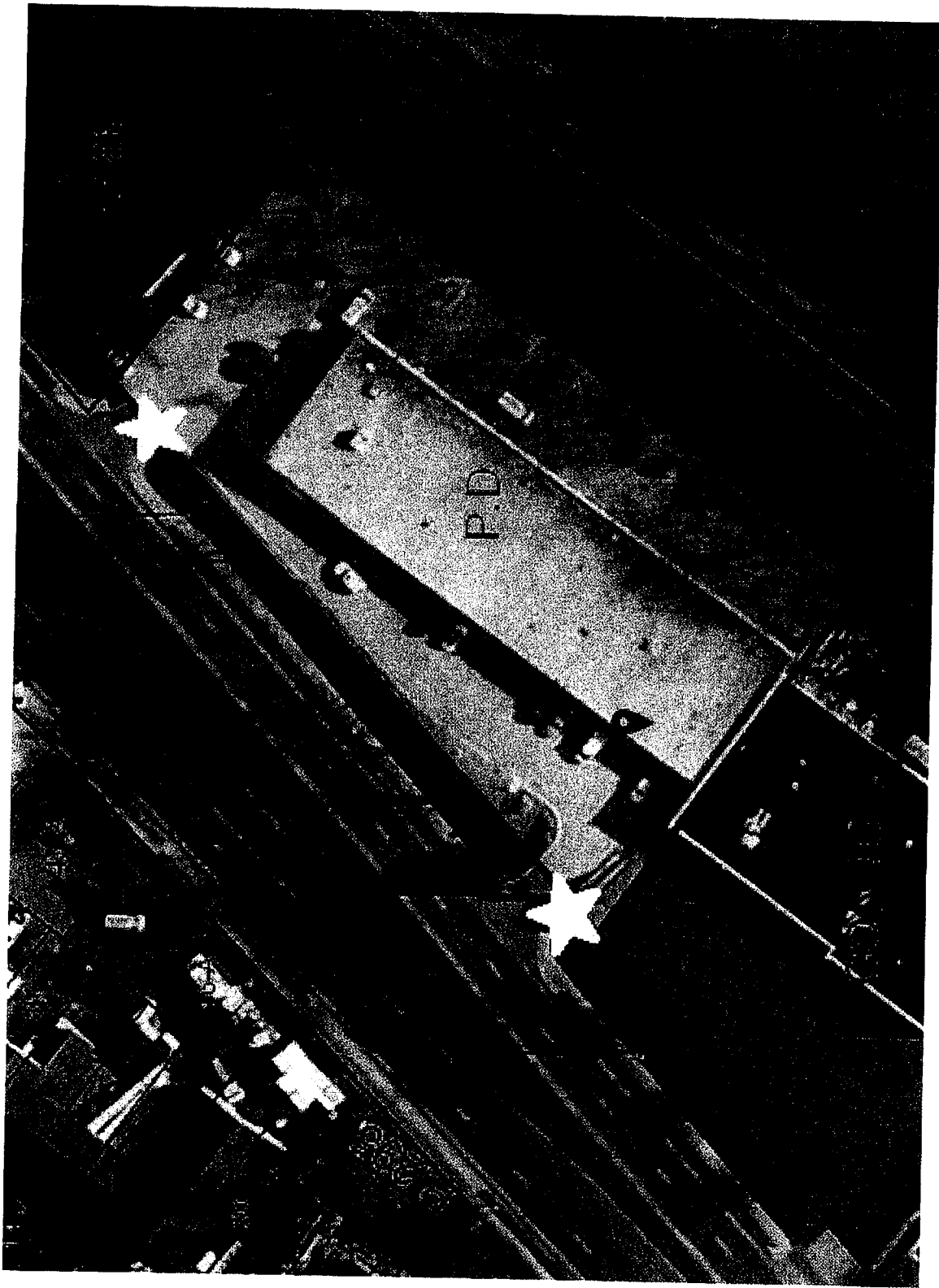
**NOTE:** Take **legible** photograph(s) showing sign(s) in place, (see attached map for posting locations) and return (email) this affidavit and photographs, **saved as one PDF to PGCR referrals@ppd.mncppc.org Subject: CaseNo-CaseName and "Posting Affidavit"**

\* \* \* \* \*

**The affidavit must be received prior to the end of the 20-day posting period.**

Planning DIRECTOR case: CNU-35603-2019  
Reviewer: Kelsey Shaffer

*2 single-sided signs*



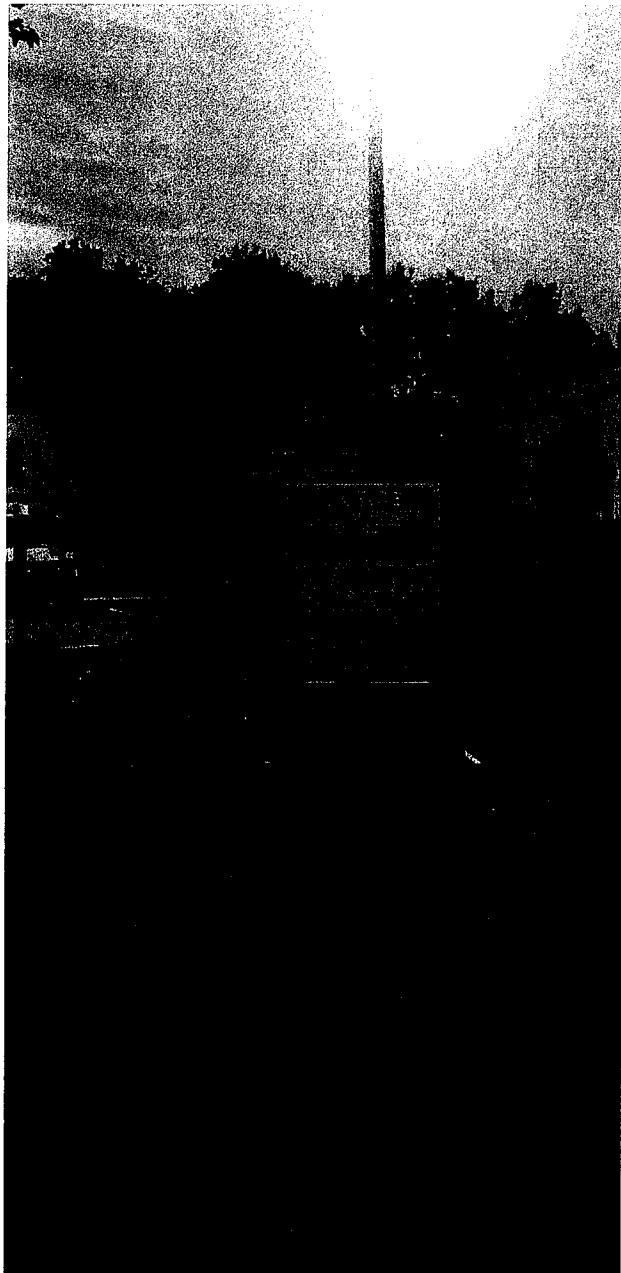
**CNU-35603-2019, 4545 Rhode Island Ave., Brentwood**

**Sign posted by: Stephenie Clevenger**

**Posted on: 9/5/19, 2 single sided signs**



**Sign 1**



**Sign 2**

# RHODE ISLAND AVENUE

MAC ROADWAY

PERPETUAL EASEMENT FOR SIDE DITCH (SCALED FROM PLAT)

BRICK

CONC WALK

EXISTING EASEMENT FOR SANITARY SEWER AND APPURTENANCES (SCALED FROM PLAT)

62'± FROM FACE OF BILLBOARD TO RIGHT-OF-WAY

MH

N/F 549/91

EASEMENT AREA (SCALED FROM PLAT)

1'± FROM FACE OF BILLBOARD TO PROPERTY LINE

MAC

HW

PARCEL 'D'

CATWALK

2'± CATWALK OVER THE PROPERTY LINE

SIGN #001221  
SIGN #001222

SIGN #001219  
SIGN #001220

POLE

CATWALK

## BILLBOARD DETAIL #2

# RHODE ISLAND AVENUE

MAC ROADWAY

CONC WALK

BRICK

EXISTING EASEMENT FOR SANITARY SEWER AND APPURTENANCES (SCALED FROM PLAT)

26'± FROM FACE OF BILLBOARD TO RIGHT-OF-WAY

PARCEL 'C'

POLE

EASEMENT AREA (SCALED FROM PLAT)

SIGN #001452  
SIGN #001453

MAC

CATWALK

SIGN #001450  
SIGN #001451

CATWALK

5'± FROM FACE OF BILLBOARD TO PROPERTY LINE

PARCEL 'D'

CONC CURB

## BILLBOARD DETAIL #1

Scale: 1" = 20' 0' 20' 40' 60'

Page No.: 2 of 2

**JOB NOTES:**

- 1) THE SUBJECT PROPERTY IS ZONED U-L-1 (URBAN LIGHT INDUSTRIAL)
- 2) TAX ID#: 17-1916477
- 3) ROAD FRONTAGE OF RHODE ISLAND AVENUE: 333.93'
- 4) 322'± BETWEEN THE BILLBOARDS ON THE SUBJECT PROPERTY.

**SIGN HEIGHTS:**

- SIGN #001219 - TOP: 46.2' - BOTTOM: 33.6'
  - SIGN #001220 - TOP: 32.8' - BOTTOM: 20.2'
  - SIGN #001221 - TOP: 32.8' - BOTTOM: 20.2'
  - SIGN #001222 - TOP: 46.2' - BOTTOM: 33.6'
  - SIGN #001450 - TOP: 37.9' - BOTTOM: 26.0'
  - SIGN #001451 - TOP: 51.3' - BOTTOM: 39.4'
  - SIGN #001452 - TOP: 37.9' - BOTTOM: 26.0'
  - SIGN #001453 - TOP: 51.3' - BOTTOM: 39.4'
- (HEIGHT AT RHODE ISLAND AVENUE)

**SIGN LENGTHS:**

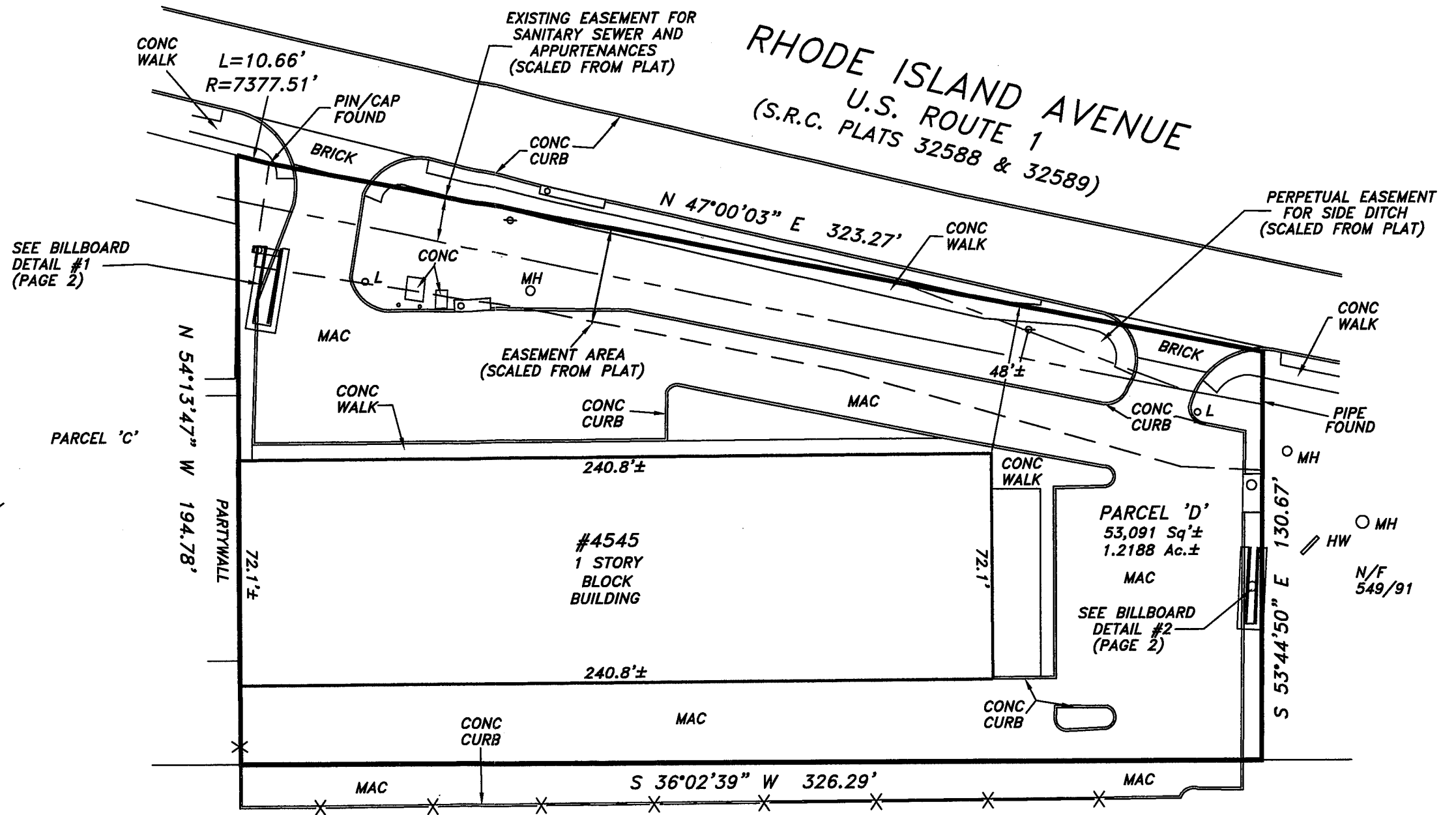
- SIGN #001219: 24.3'
- SIGN #001220: 24.3'
- SIGN #001221: 24.3'
- SIGN #001222: 24.3'
- SIGN #001450: 24.3'
- SIGN #001451: 24.3'
- SIGN #001452: 24.3'
- SIGN #001453: 24.3'

**LEGEND:**

- INLET ○
- LIGHT ○L
- UTILITY POLE ⊕
- MAN HOLE ○MH
- HEAD WALL // HW
- FENCE -X-

**GENERAL NOTES:**

- 1) The accuracy of the distances shown from any structure to any apparent property line is 2'±.
- 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.



**BALTIMORE AND OHIO RAILROAD**

**ENCROACHMENT NOTES:**

- 1) THE MACADAM, CONCRETE CURB, AND FENCE APPEAR TO LIE OFF THE SUBJECT INTO THE BALTIMORE AND OHIO RAILROAD.
- 2) THE CATWALK APPEARS TO OVERHANG THE SUBJECT PROPERTY LINE INTO THE LANDS NOW OR FORMERLY DESCRIBED IN LIBER 549, FOLIO 91.
- 3) THE BILLBOARD APPEARS TO LIE WITHIN THE EASEMENT AREA AS SCALED FROM PLAT.

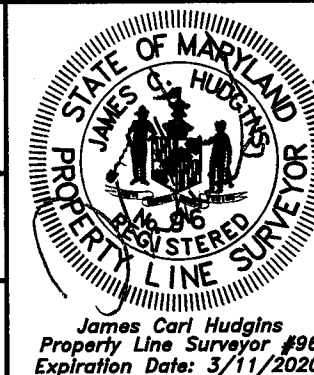
This is page one of a two page document. The advice found on the affixed page is an integral part of this drawing, and is not valid without all pages.



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: PARCEL 'D' as shown on the plat entitled "MEYER MAZOR ADDITION TO BRENTWOOD" recorded among the Land Records of Prince George's County, Maryland in Plat Book 87, folio 41.

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 SHADED X on the FIRM Map of Prince George's County, Maryland on Community Panel Number 24033C0129 E, effective 9/16/2016



**SPECIAL PURPOSE SURVEY**  
 4545 RHODE ISLAND AVENUE  
 17th 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" = 40'
Date: 7/11/2019
Field By: TOM
Drawn By: SCK
File No.: MISC 13487
Page No.: 1 of 2