




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: **35178-2023-U**

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

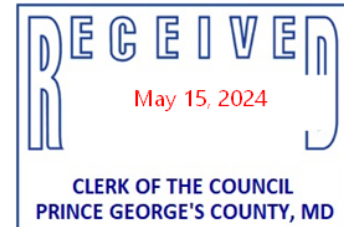
Location of Property: **11000 Robert Crain Highway  
Upper Marlboro**

Current Zone(s): **O-S**

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](http://pgplanning.org) • Maryland Relay 7-1-1

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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 - 35178-2023

Revision of Case # \_\_\_\_\_

Case(s): NCU

**PROJECT NAME:** Old Indian Head Highway

**Complete address** (if applicable) and Geographic Location (distance related to or near major intersection)  
Old Indian Head Hwy, Upper Marlboro, MD 20772. The outdoor advertising sign on the Property is seen off to the right of Robert Crain Hwy running northeast, approximately 315 feet southeast of the intersection with Old Indian Head Road.

Total Acreage: 0.59		Election District: 11
Tax Map/Grid: 127/B4	Current Zone(s): O-S (Open Space)	Council District: 9
WSSC Grid: 214SE09	Existing Lots/Blocks/Parcels: P. 174	Dev. Review District: N/A
COG TAZ: 1326	PG TAZ: 2715	Aviation Policy Area: N/A
Planning Area: 82A	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:

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)  
Kelly L. Degraff and Jeffrey Degraff  
10410 Old Indian Head Road  
Upper Marlboro, Maryland 20772

Consultant Name, Address & Phone:  
  
Contact Name, Phone & E-mail:  
same as applicant  
(240) 755-9203, aprilmackoff@clearchannel.com

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

Stephanie Clevenger - 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  Comprehensive Design  Conservation Sketch Plan  Pre-Preliminary Plan

Variation, Variance or Alternative Compliance Request(s) Applicable Zoning/Subdivision Regulation Section(s):

Yes  No

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:

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  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.

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**

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## Statement of Justification

1. Case Name

NCU - 35178-2023

Old Indian Head Highway

2. Description of proposed use/request

Certification of an outdoor advertising sign located at Old Indian Head Highway, Upper Marlboro, Maryland 20772 (the "Property"), as a nonconforming use.

3. Description and location of the subject property

The outdoor advertising sign on the Property is seen off to the right of Robert Crain Highway running north east, approximately 315 feet southeast of the intersection with Old Indian Head Road. Specifically, the Property is located on Map 127, Grid B4, and is approximately 0.59 acres in size. The Property is zoned O-S (Open Space).

The outdoor advertising structure on the Property is constructed on six metal posts and contains two side by side poster faces. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1955.

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).

*Stephenie Clevenger* - for April Mackoff

April Mackoff

Applicant, Clear Channel Outdoor

N





# SIGN POSTING AND INSPECTION AFFIDAVIT – PLANNING DIRECTOR REVIEW

I, Stephanie 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: Stephanie Clevenger

Application Number: CNU-35178-2023 Name: OLD INDIAN HEAD RD UPPER MARLBORO 20772

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

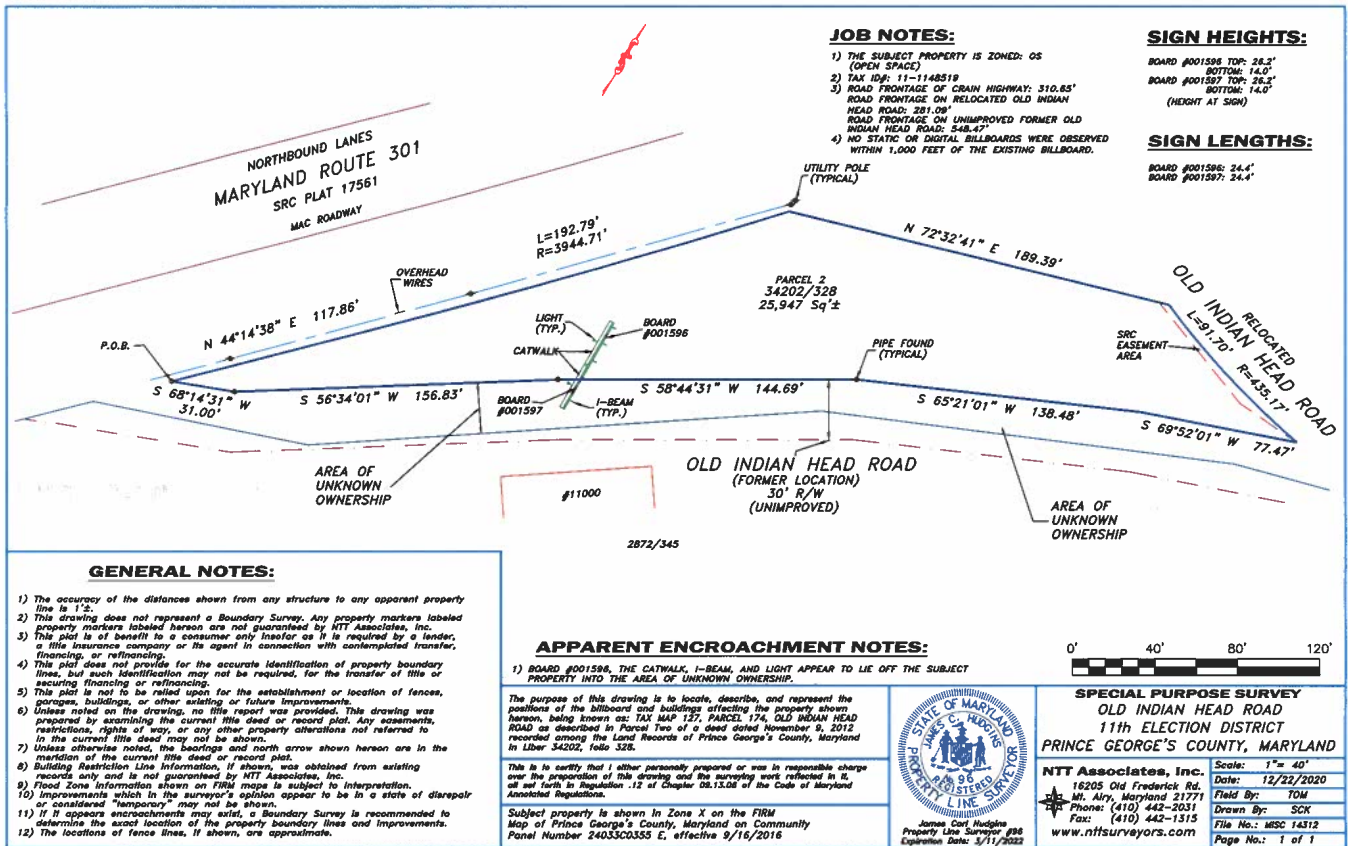
**CNU-35178-2023, OLD INDIAN HEAD RD UPPER MARLBORO 20772**

**Sign posted by: Stephenie Clevenger**

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



121270250



**JOB NOTES:**

- 1) THE SUBJECT PROPERTY IS ZONED: OS (OPEN SPACE)
- 2) TAX ID#: 11-1148818
- 3) ROAD FRONTAGE OF CRAIN HIGHWAY: 310.85'
- 4) ROAD FRONTAGE ON RELOCATED OLD INDIAN HEAD ROAD: 281.09'
- 5) ROAD FRONTAGE ON UNIMPROVED FORMER OLD INDIAN HEAD ROAD: 548.47'
- 6) NO STATIC OR DIGITAL BILLBOARDS WERE OBSERVED WITHIN 1,000 FEET OF THE EXISTING BILLBOARD.

**SIGN HEIGHTS:**

BOARD #001598 TOP: 26.2'  
 BOTTOM: 14.0'  
 BOARD #001597 TOP: 26.2'  
 BOTTOM: 14.0'  
 (HEIGHT AT SIGN)

**SIGN LENGTHS:**

BOARD #001598: 24.4'  
 BOARD #001597: 24.4'

**GENERAL NOTES:**

- 1) The accuracy of the distances shown from any structure to any apparent property line is 1/2".
- 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 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, porches, 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 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.

**APPARENT ENCROACHMENT NOTES:**

- 1) BOARD #001598, THE CATWALK, I-BEAM, AND LIGHT APPEAR TO LIE OFF THE SUBJECT PROPERTY INTO THE AREA OF UNKNOWN OWNERSHIP.

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: TAX MAP 177, PARCELS 174, OLD INDIAN HEAD ROAD as described in Parcel Two of a deed dated November 9, 2012 recorded among the Land Records of Prince George's County, Maryland in Liber 34202, folio 328.

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 08.15.08 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 2403300355 E, effective 9/16/2016



**SPECIAL PURPOSE SURVEY**  
 OLD INDIAN HEAD ROAD  
 11th ELECTION DISTRICT  
 PRINCE GEORGE'S COUNTY, MARYLAND

NTT Associates, Inc.  
 Scale: 1" = 40'  
 Date: 12/22/2020  
 16205 Old Frederick Rd.  
 Field By: TOM  
 Mt. Airy, Maryland 21771  
 Drawn By: SCX  
 Phone: (410) 442-2031  
 File No.: MSC 14312  
 Fax: (410) 442-1315  
 www.nttsurveyors.com  
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