



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: **35179-2023-U**

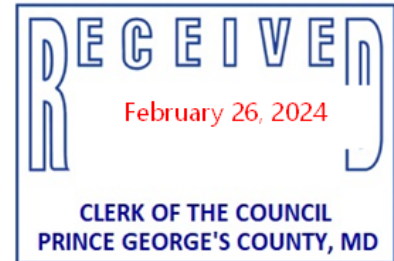
Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **9101 Old Marlboro Pike  
Upper Marlboro**

Current Zone(s): **I-4**

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.




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: <u>NCU- 35179-2023</u> <input type="checkbox"/> Revision of Case # _____		
Companion Cases: _____		
Payment option: <input type="checkbox"/> Credit Card <input type="checkbox"/> Check (payable to M-NCPPC) <i>Do not submit payment until requested by staff</i>		
PROJECT NAME: <b>CLEAR CHANNEL BILLBOARD</b>		
Complete address (if applicable) <u>9101 OLD MARLBORO PIKE, UPPER MARLBORO, MD 20772</u>		
Geographic Location (distance related to or near major intersection) <u>AT THE INTERSECTION OF OLD MARLBORO PIKE &amp; DOWER HOUSE RD.</u>		
Total Acreage: <b>0.59</b>	Aviation Policy Area: <b>N/A</b>	Election District: <b>15</b>
Tax Map/Grid: <b>99-D2</b>	Current Zone(s): <b>I-E</b>	Council District: <b>9</b>
WSSC Grid: <b>207SE08</b>	Existing Lots/Blocks/Parcels: <b>P. 45</b>	Dev. Review District:
Planning Area: <b>6</b>	In Municipal Boundary: <b>N/A</b>	Is development exempt from grading permit pursuant to 32-127(a)(6)(A)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Tax Account #: <b>1762301</b>	Police District #: <b>V</b>	General Plan Growth Policy: <b>Established Communities</b>
Proposed Use of Property and Request of Proposal: <b>NON-CONFORMING USE FOR EXISTING BILLBOARD</b>		Please list previously approved applications affecting the subject property:
Applicant Name, Address & Phone: <b>CLEAR CHANNEL OUTDOOR 9590 LYNN BUFF CT. #5, LAUREL, MD 20723</b>		Consultant Name, Address & Phone: <b>NO LIMIT LAND 1001 PRINCE GEORGE'S BLVD. #700, UPPER MARLBORO, MD 20774</b>
Owner Name, Address & Phone: (if same as applicant indicate same/corporation see Disclosure) <b>CLEAR CHANNEL OUTDOOR 9590 LYNN BUFF CT. #5, LAUREL, MD 20723</b>		Contact Name, Phone & E-mail: <b>STEPHENIE CLEVINGER 2403380131 NOLIMITLAND@ICLOUD.COM</b>

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

			12/11/2023
Owner's Signature (signed)	Date	Applicant's Signature (signed)	Date
		<b>Stephen Brvenik</b>	
Contract Purchaser's Signature (signed)	Date	Applicant's Signature (signed)	Date

FOR STAFF USE ONLY	Application No.(s): _____
--------------------	---------------------------

<b>SUBDIVISION CASES: Preliminary Plan of Subdivision/Conservation Sketch Plan</b>	
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): _____
<b>SUBDIVISION CASES: Final Plat</b>	
Water/Sewer: <input type="checkbox"/> DPIE <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"/>
<b>URBAN DESIGN AND ZONING CASES</b>	
Type of Application (Check all that apply): <input 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: <b>NON-CONFORMING USE FOR EXISTING BILLBOARD</b>	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.

<b>Owner(s) Name</b> (printed)	<b>Signature and Date</b>	<b>Residence Address</b>

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

<b>Officers</b>	<b>Date Assumed Duties</b>	<b>Residence Address</b>	<b>Business Address</b>

<b>Officers</b>	<b>Date Assumed Duties</b>	<b>Date Term Expires</b>	<b>Residence Address</b>	<b>Business Address</b>

Statement of Justification

1. Case Name NCU- 35179-2023  
9101 OLD MARLBORO PIKE, UPPER MARLBORO, MD 20772

2. Description of proposed use/request

Certification of outdoor advertising sign located at 9101 OLD MARLBORO PIKE, UPPER MARLBORO, MD 20772 (the "Property"), as a nonconforming use.

3. Description and location of the subject property

The Property is located AT THE INTERSECTION OF OLD MARLBORO PIKE & DOWER HOUSE RD.. Specifically, the Property is located on Map 99-D2 and is approximately 0.59 acres in size. The Property is zoned I-E.

An outdoor advertising structure constructed on six metal posts and containing one bulletin face, is located on the Property. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1988.

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).

A handwritten signature in black ink, appearing to be 'A. V. R.', written above a horizontal line.

Applicant, Clear Channel 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-35179-2023 Name: 9101 OLD MARLBORO PIKE 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.



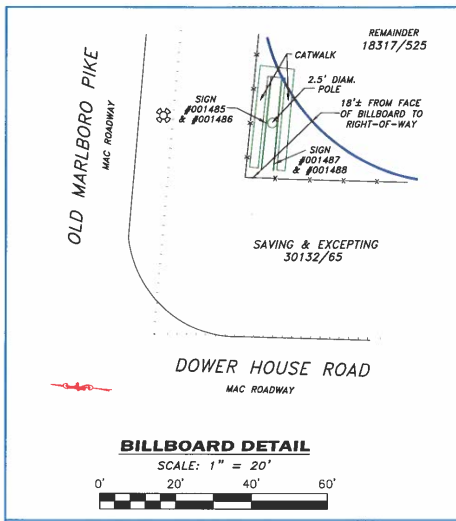


**Sign 1**

**CNU-35179-2023, 9101 OLD MARLBORO PIKE UPPER MARLBORO  
20772**

**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 1".
- 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 plot. Any assessments, 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 plot.
- 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.

**JOB NOTES:**

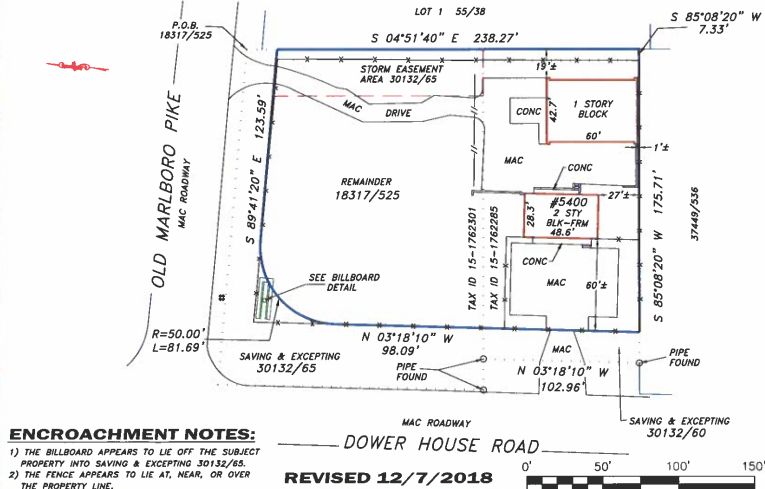
- 1) PROPERTY ZONED I-4 (LIMITED INTENSITY INDUSTRIAL)
- 2) TAX ID 15-1762285 & 15-1762501
- 3) ROAD FRONTAGE OF DOWER HOUSE ROAD: 278.02'  
ROAD FRONTAGE OF OLD MARLBORO PIKE: 217.49'  
TOTAL ROAD FRONTAGE: 495.51'
- 4) NO BILLBOARD WERE OBSERVED WITHIN 1,000' FROM THE EXISTING BILLBOARD.

**SIGN HEIGHTS:**

- SIGN #001845 TOP: 48.9'  
BOTTOM: 36.7'  
SIGN #001486 TOP: 34.0'  
BOTTOM: 21.8'  
SIGN #001487 TOP: 48.9'  
BOTTOM: 36.7'  
SIGN #001488 TOP: 34.0'  
BOTTOM: 21.8'  
(HEIGHT AT POLE)

**SIGN LENGTHS:**

- SIGN #001485: 24.4'  
SIGN #001486: 24.4'  
SIGN #001487: 24.4'  
SIGN #001488: 24.4'



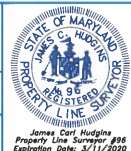
**ENCROACHMENT NOTES:**

- 1) THE BILLBOARD APPEARS TO LIE OFF THE SUBJECT PROPERTY INTO SAVING & EXCEPTING 30132/65.
- 2) THE FENCE APPEARS TO LIE AT, NEAR, OR OVER THE PROPERTY LINE.

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: 5400 DOWER HOUSE ROAD being the Remainder of the land described in a deed recorded among the land records of Prince George's County, Maryland in Liber 18317, folio 525, Saving and Excepting the lands described in Liber 30132, folios 60 and 65.

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 09.13.08 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 24033C0255 E, effective 9/16/2016.



**SPECIAL PURPOSE SURVEY**  
5400 DOWER HOUSE ROAD  
15th ELECTION DISTRICT  
PRINCE GEORGE'S COUNTY, MARYLAND

NTT Associates, Inc.  
16205 Old Frederick Rd.  
Mt. Airy, Maryland 21777  
Phone: (410) 442-2031  
Fax: (410) 442-1518  
www.nttsurveyors.com

Scale: 1" = 50'  
Date: 9/5/2018  
Field By: TOM  
Drawn By: SCJ  
File No.: MSC 12900  
Page No.: 1 of 1