



January 29, 2024

**MEMORANDUM**

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

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

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

Permit Application Number: **05388-2023-U**

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

Location of Property: **8121 Ardwick Ardmore Road  
Hyattsville**

Current Zone(s): **I-1**

Sign Posting Date: **October 7, 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 1998.**

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: NCU-05388-2023-UO  Revision of Case # \_\_\_\_\_

Companion Cases: \_\_\_\_\_

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

PROJECT NAME: **Eastern Billboard**

Complete address (if applicable) 8121 ARDWICK ARDMORE RD LANDOVER 20785

Geographic Location (distance related to or near major intersection)  
at the intersection of Ardwick Ardmore Road & John Hansen Highway

Total Acreage: <b>2.93</b>	Aviation Policy Area: <b>N/A</b>	Election District: <b>20</b>
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Tax Map/Grid: <b>51-F2</b>	Current Zone(s): <b>IE</b>	Council District: <b>4</b>
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WSSC Grid: <b>205NE07</b>	Existing Lots/Blocks/Parcels: <b>PT OF PARCEL N-4</b>	Dev. Review District:
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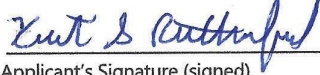
Planning Area: <b>4</b>	In Municipal Boundary: <b>NEW CARROLLTON &amp; GLENARDEN</b>	Is development exempt from grading permit pursuant to 32-127(a)(6)(A)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Tax Account #: <b>2246890</b>	Police District #: <b>III</b>	General Plan Growth Policy: <b>Established Communities</b>
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Proposed Use of Property and Request of Proposal: <b>Non-Conforming use for an existing Billboard</b>	Please list previously approved applications affecting the subject property:
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Applicant Name, Address & Phone: <b>EASTERN OUTDOOR ADVERTISING CO.                  7115 ROCKRIDGE ROAD • BALTIMORE, MD                  21207</b>  Owner Name, Address & Phone: (if same as applicant indicate same/corporation see Disclosure) <b>EASTERN OUTDOOR ADVERTISING CO.                  7115 ROCKRIDGE ROAD • BALTIMORE, MD 21207</b>	Consultant Name, Address & Phone: <b>Stephenie Clevenger, No Limit Land                  1001 Prince George's Blvd., Suite 700, Upper                  Marlboro, MD 20774 240-338-0131</b>  Contact Name, Phone & E-mail: <b>Stephenie Clevenger 240-338-0131                  nolimitland@icloud.com</b>
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SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner's signatures):

<p><small>Joel Blockowicz E062478 WMATA</small></p> <p><small>Digitally signed by Joel Blockowicz E062478 WMATA Date: 2023.06.05 07:59:40 -0400</small></p> <p>_____</p> <p>Owner's Signature (signed) <span style="float:right">Date</span></p>	<p align="center"></p> <p>_____</p> <p>Applicant's Signature (signed) <span style="float:right">Date</span></p> <p align="center"><b>Kurt S. Rutherford</b></p>
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<p>_____</p> <p>Contract Purchaser's Signature (signed) <span style="float:right">Date</span></p>	<p>_____</p> <p>Applicant's Signature (signed) <span style="float:right">Date</span></p>
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<b>FOR STAFF USE ONLY</b>	Application No.(s):
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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"/> 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"/>
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: <b>Non-Conforming use for an existing Billboard</b>	Applicable Zoning Ordinance Section(s):  
Total Number of Proposed: Lots <u>0</u> Outlots <u>0</u> Parcels <u>0</u> Outparcels <u>0</u>	
Number of Dwelling Units: Attached <u>0</u> Detached <u>0</u> Multifamily <u>0</u>	Gross Floor Area (Nonresidential portion only): <u>0</u>
Variance Request: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Applicable Zoning/Subdivision Regulation Section(s): _____
Departure Request: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Application Filed: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Alternative Compliance Request: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Application Filed: <input type="checkbox"/> Yes <input checked="" 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

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

Officers	Date Assumed Duties	Residence Address	Business Address

Officers	Date Assumed Duties	Date Term Expires	Residence Address	Business Address

**STATEMENT OF JUSTIFICATION**  
**8121 Ardwick Ardmore Road**  
**CERTIFICATION OF NONCONFORMING USE**

**1. CASE NAME**

05388-2023-UO

8121 Ardwick Ardmore Road, Landover, MD 20785

**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 8121 Ardwick Ardmore Road, Landover, MD 20785 (the “Property”), as a nonconforming use.

**3. DESCRIPTION & LOCATION OF THE SUBJECT PROPERTY**

The Property is located on the south side of John Hanson Highway (US Route 50), southwest of the intersection of Pennsy Drive and Ardwick Ardmore Road. Specifically, the Property is located on Map 51, Grid F2 and is approximately 2.93 acres in size. The property is currently zoned IE (Industrial, Employment) and was previously zoned I-1 (Light Industrial).

An outdoor advertising sign is located on the north side of the Property. The outdoor advertising sign is supported by a single pole with advertising signs on both sides that are visible to eastbound and westbound traffic on John Hanson Highway (US Route 50). Documentary evidence submitted along with this Statement of Justification demonstrates that the structure has existed on the Property since at least 1998.

**4. APPLICABLE CODE & REQUIRED FINDINGS**

The Applicant is required to certify the outdoor advertising signs located on the Property pursuant to Section 27-244(d)(2) of Subtitle 27 of the Prince George’s County Code in effect prior to April 1, 2022 (the “Prior Zoning Ordinance”). Section 27-244(d)(2) of the Prior Zoning Ordinance 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. DEVELOPMENT PURSUANT TO PRIOR ZONING ORDINANCE

The Applicant submits this Certification request under the Prior Zoning Ordinance, pursuant to Section 27-1900 “Development Pursuant to Prior Ordinance” of the Prince George’s County Zoning Ordinance in effect after April 1, 2022 (the “**Current Zoning Ordinance**”). Section 27-1900 “Development Pursuant to Prior Ordinance” provides a two-year transitional period in which new development applications may be reviewed under the Prior Zoning Ordinance after April 1, 2022. This two-year transitional window is applicable to the subject Certification request. Analysis of the subject Certification request’s conformance with Section 27-1900 is provided below.

### A. §27-1904 – Procedures

*In order to proceed with development under the Prior Zoning Ordinance, the following procedures shall apply:*

*(a) If the development proposal will require an evidentiary hearing before the Planning Board, the applicant shall schedule and participate in a pre-application conference.*

Comment: The subject Certification request qualifies for administrative review and does not require an evidentiary hearing before the Planning Board.

*(b) The applicant shall provide a statement of justification which shall explain why the applicant has elected not to develop a specific property pursuant to the provisions of this Zoning Ordinance.*

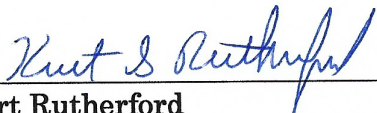
Comment: This Statement of Justification is submitted as an explanation of the subject request’s conformance with the Prior Zoning Ordinance’s applicable regulations for certifying a nonconforming use and the Current Zoning Ordinance’s procedures concerning development pursuant to the Prior Zoning Ordinance. The Property is subject to MR-1831F, which the Planning Board reviewed in April 2019. MR-1831F was evaluated in accordance with Maryland Land Use Article §20-301 through 305 and Section 27-294 of the Prior Zoning Ordinance. In order to maintain consistency with the regulations applicable to the Property’s prior Mandatory Referral, the Applicant is electing for review of this Certification request pursuant to the Prior Zoning Ordinance.

## II. VARIANCE REQUESTS & REQUIRED FINDINGS FOR EACH REQUEST

The Applicant is not requesting a variance for the Property.

**III. SUMMARY OF REQUEST**

The Applicant has provided satisfactory documentary evidence pursuant to Section 27-244(B)(2)(E). 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 27-244(d)(2).

  
\_\_\_\_\_  
**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)

2 sign(s) on 10/7/2023  
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-05388-2023 Name: 8121 Ardwick Ardmore rd

Date: 10/7/2023

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 – Route 50**

**CNU-05388-2023 - 8121 Ardwick Ardmore rd.**

**Sign posted by: Stephenie Clevenger**

**Posted on: 10/7/2023**



**Sign 2 – Route 50**

**CNU-05388-2023 - 8121 Ardwick Ardmore rd.**

**Sign posted by: Stephenie Clevenger**

**Posted on: 10/7/2023**

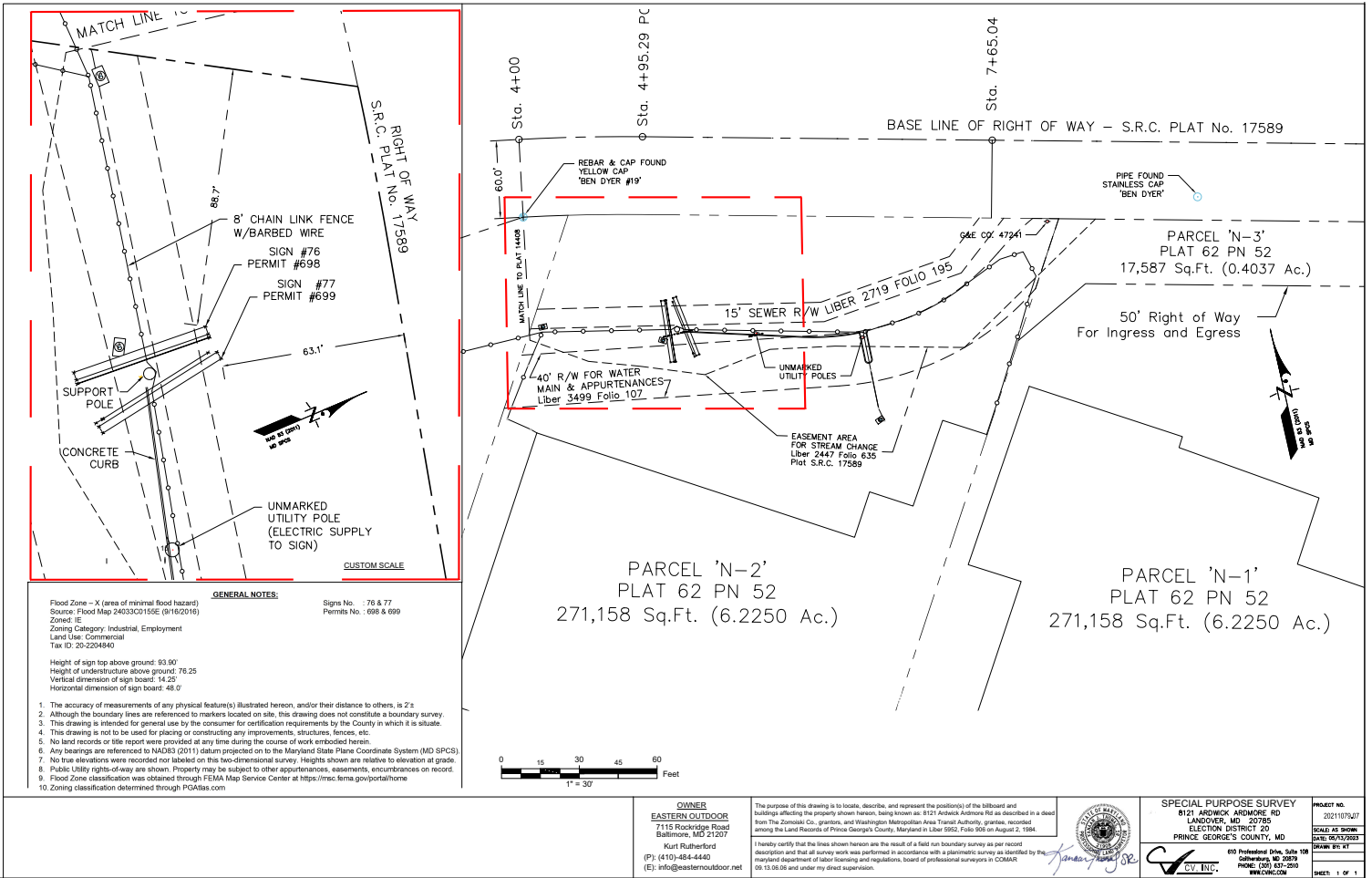


**Sign 1&2 – Route 50**

**CNU-05388-2023 - 8121 Ardwick Ardmore rd.**

**Sign posted by: Stephenie Clevenger**

**Posted on: 10/7/2023**



**GENERAL NOTES:**

Flood Zone - X (area of minimal flood hazard)  
 Source: Flood Map 24033C0155E (9/16/2016)  
 Zoned: IE  
 Zoning Category: Industrial, Employment  
 Land Use: Commercial  
 Tax ID: 20-2204940

Signs No. 76 & 77  
 Permits No.: 698 & 699

Height of sign top above ground: 80.0'  
 Height of understructure above ground: 76.25'  
 Vertical dimension of sign board: 14.25'  
 Horizontal dimension of sign board: 48.0'

- The accuracy of measurements of any physical features(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 situate.
- This drawing is not to be used for placing or constructing any improvements, structures, fences, etc.
- No land records or title report were provided at any time during the course of work embodied herein.
- 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. Property may be subject to other appurtenances, easements, encumbrances on record.
- Flood Zone classification was obtained through FEMA Map Service Center at <https://msc.fema.gov/portal/home>
- Zoning classification determined through PGADba.com.

**OWNER**  
**EASTERN OUTDOOR**  
 7115 Rockridge Road  
 Baltimore, MD 21207  
 Kurt Rutherford  
 (P): (410)-484-4440  
 (E): [info@easternoutdoor.net](mailto:info@easternoutdoor.net)

The purpose of this drawing is to locate, describe, and represent the position(s) of the billboard and buildings affecting the property shown hereon, being known as: 8121 Ardwick Ardmore Rd as described in a deed from The Zimardo Co., grantor, and Washington Metropolitan Area Transit Authority, grantee, recorded among the Land Records of Prince George's County, Maryland in Liber 5962, Folio 006 on August 2, 1984.

I hereby certify that the lines shown hereon are the result of a field run boundary survey as per 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**  
 8121 ARDWICK ARDMORE RD  
 LANDOVER, MD 20786  
 ELECTION DISTRICT 20  
 PRINCE GEORGE'S COUNTY, MD

610 Professional Print, Scale 1/8"  
 06/26/2023  
 PRINCE 1201 631-2510  
 WWW.CNC.COM

PROJECT NO.  
20211079277

SCALE AS SHOWN  
DATE 06/26/2023  
DRAWN BY: JLT

DECS: 1 OF 1

103-30

### OWNER'S DEDICATION

We, Georgia Pacific Corporation a Georgia Corporation, by Ronald Hoag, Vice President and Peoples Drug Stores, Incorporated, a Maryland Corporation by Sheldon W. Fante, President and Chief Executive Officer and Donnell K. Fullerton, Assistant Corporate Secretary, owners of the property shown hereon and described in the Surveyor's Certificate, hereby adopt this plan of resubdivision and establish the minimum building restriction lines.

There are no suits of action, leases, liens or trusts on the property included in this plan of resubdivision.

March 6, 1979

GEORGIA PACIFIC CORPORATION (BEAL)  
 Ronald Hoag  
 VICE PRESIDENT

PEOPLES DRUG STORES, INCORPORATED (BEAL)  
 Sheldon W. Fante  
 PRESIDENT AND CHIEF EXECUTIVE OFFICER

Donnell K. Fullerton  
 ASSISTANT CORPORATE SECRETARY

Witness:  
 Thomas H. Hoffman  
 DONALD W. HOBAN, VICE PRESIDENT

### SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown hereon is correct; That it is (1) a resubdivision of Parcel N-2 as shown on a plot of subdivision entitled "Parcels N-1, N-2 and N-3, Ardwick Industrial District" recorded among the Land Records of Prince Georges County, Maryland in Plat Book WWW62 at Folio N1952, said Parcel N-2 being all of the lands conveyed by Manor Real Estate Company, to Georgia Pacific Corporation, by deed dated December 10, 1968 and recorded December 13, 1968 among the aforesaid Land Records in Liber 5668 at Folio 138 (shown hereon as the area southeast of the line designated 'A-B' and comprising 4.2802 acres of land) and (2) a resubdivision of part of Parcel 'E-1' as shown on a plot of resubdivision entitled "Parcel E-1, Ardwick Industrial District" recorded among the aforesaid Land Records in Plat Book WWW61 at Folio N1916, said part of Parcel 'E-1' being all of the lands conveyed by Manor Real Estate Company, to Peoples Drug Stores, Incorporated, by deed dated January 14, 1966 and recorded April 7, 1966 among the aforesaid Land Records in Liber 5304 at Folio 404 (shown hereon as the area northwest of the line designated 'A-B' and comprising 2.8894 acres of land); That the total area included in this plan of resubdivision is 7.1697 acres of land; And that iron pipes designated thus: are in place as shown.

March 7, 1979

Robert E. Cornell  
 Professional Land Surveyor  
 Maryland No. 10825

FILED  
 MAY 17 1979  
 Norman L. Fritchett  
 Clerk of the Circuit Court  
 Prince Georges County, MD

ASSESSMENT  
 3/14/79  
 Mary J. Bennett

## PARCEL N-4 ARDWICK INDUSTRIAL DISTRICT LANHAM DISTRICT

PRINCE GEORGES COUNTY, MARYLAND  
 SCALE: 1" = 100' MARCH 1979

BEN DYER ASSOCIATES, INC.  
 ENGINEERS - SURVEYORS  
 10210 GREENBELT ROAD  
 SEABROOK, MD. 20691  
 PHONE: (301) 754-6600

(51) (5X)  
 J-61185

CURVE DATA				
N°	RADIUS	Δ	ARC	TAN CHORD BEARING
1	1414.16	63°42'12"	91.41	43°12'
2	31.35	57°53'43"		

FOR PUBLIC SEWER AND WATER SYSTEMS ONLY  
 MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION  
 PRINCE GEORGES COUNTY PLANNING BOARD  
 APPROVED MARCH 1979

John B. Cochran, Jr. Chairman  
 Robert M. Roberts Assistant Secretary

M.N.C.P.C. RECORD FILE NO. 5-79049

RECORDED: 5-17-79  
 PLAT BOOK: NLE 103  
 PLAT NO.: 30

PRINCE GEORGES COUNTY CIRCUIT COURT (Resubdivision Plat, P.O. Plat Book NLP 103, p. 30, MSA, S1350, 711. Data available 1/19/2017, Printed: 07/12/2023)

