

March 24, 2021

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: **37221-2020-U**

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

Location of Property: **14600 Robert Crain Highway
Brandywine**

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

Sign Posting Date: **February 19, 2021**

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 1980.**

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 Waived Posting Date: _____ No. of Signs Posted: _____ Agenda Date: _____
 Application Fee: _____ Posting Fee: _____ Case Reviewer: _____
 Subdivision Development Review Committee Date: _____
 Referral Mail-Out Date: _____ Referral Due Date: _____
 Date of Informational Mailing: _____ Date of Acceptance Mailing: _____

APPLICATION TYPE: NCU Revision of Case # _____ Companion Cases: _____
 Payment option: Check (payable to M-NCPPC) Credit Card General Plan Growth Policy: Established Community

PROJECT NAME: Clear Channel

Complete address (if applicable) 14600 SE Robert Crain Hwy, Brandywine, MD 20613 Tax Account #: 1181718
 Geographic Location (distance related to or near major intersection) east side of US 301, south of its intersection with Short Cut Road Police District #: 5

Total Acreage: <u>9.80</u>	Aviation Policy Area: <u>N/A</u>	Election District: <u>11</u>
Tax Map/Grid: <u>155/A1</u>	Current Zone(s): <u>I-1</u>	Council District: <u>9</u>
WSSC Grid: <u>219SE07</u>	Existing Lots/Blocks/Parcels: <u>Parcel 14</u>	Dev. Review District: <u>N/A</u>
Planning Area: <u>85A</u>	In Municipal Boundary: <u>N/A</u>	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input checked="" 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:
Request to certify nonconforming outdoor advertising sign

Please list and provide copies of resolutions of previously approved applications affecting the subject property:

Applicant Name, Address & Phone:

Clear Channel Outdoor, Inc.
9590 Lynn Buff Court, Suite 5
Laurel, Maryland 20723
(240) 755-9203

Owner Name, Address & Phone:

(if same as applicant indicate same/corporation see Disclosure)
James R. Shraf & Dolores M. Schraf Living Trusts
James Russell Schraf, Trustee
1001 Wayson Way, Davidsonville, Maryland 21035
(301) 980-9213

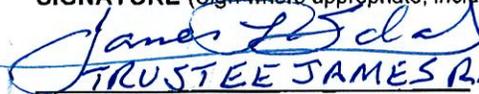
Consultant Name, Address & Phone:

GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033

Contact Name, Phone & E-mail:

Edward C. Gibbs, Jr., Esq.
(301) 306-0033
egibbs@gibbsshaller.com

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


TRUSTEE JAMES R. SCHRAF 11/10/2020
 Owner's Signature typed & signed Date
SCHRAF + DOLORES M. SCHRAF
LIVING TRUSTS.

 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)
 Yes 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: 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 non-conforming outdoor advertising sign Zoning Ordinance Section(s):
 27-244

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

NCU-37221-2020-00
Statement of Justification
for Certification of Non-Conforming Use

The property forming the subject matter of this application is known as Parcel 14 and comprises approximately 9.80± acres with a street address of 14600 Robert Crain Highway, Brandywine, Maryland ('The Property'). It is further identified in the Land Records of Prince George's County at Liber 38661, Folio 298.

The applicant is Clear Channel Outdoor, Inc. ("Clear Channel"). Clear Channel is engaged in outdoor advertising and is the current owner of an outdoor advertising sign erected on the Property pursuant to a valid lease. The sign is located in the northwest corner of the Property and faces the northbound lanes of US 301. It was constructed in 1980 pursuant to a lease agreement between then owner, James Robert Schraf, and Rollins Outdoor Advertising, Inc. Over the years, several other entities have leased the sign space. Copies of every lease dating back to the original 1980 lease have been filed with this application. As will be demonstrated below, the sign has existed continuously and uninterruptedly since its construction in 1980.

SURROUNDING AREA AND NEIGHBORHOOD

The Property is located along the east side of the northbound lanes of Robert Crain Highway (US Route 301), approximately 950 feet south of its intersection with Short Cut Road. It is zoned I-1 (Industrial, Light) and, apart from the outdoor advertising sign, is entirely undeveloped. Immediately north of the Property is other land zoned I-1 which is used for outdoor storage. The remainder of the surrounding land to the east and south is largely undeveloped. That land is in the R-M (Residential Medium) Zone, and was recently the subject of a Final Plat of Subdivision entitled "The Villages at Timothy Branch."

COMPLIANCE WITH ZONING ORDINANCE PROVISIONS

In the I-1 Zone, outdoor advertising signs are prohibited. Therefore, the applicant seeks to certify the sign as legally nonconforming. The provisions governing the certification of nonconforming uses are contained in Section 27-244 of the Zoning Ordinance. Generally, a nonconforming use may only continue if a use and occupancy permit identifying the use as nonconforming is issued after the Planning Board (or its designee), or the District Council, certifies that the use is nonconforming. To

certify a use, Section 27-244(b) requires applicants to submit certain information. Each of the items required by Section 27-244(b) is set forth and addressed below:

- (1) The applicant shall file for a use and occupancy permit in accordance with Division 7 of this Part.

Clear Channel filed for a Use and Occupancy permit on September 10, 2020. The application number is 37221-2020-00. A copy of this application is attached as Exhibit "A".

- (2) Along with the application and accompanying plans, the applicant shall provide the following:

- (A) Documentary evidence, such as tax records, business records, public utility installation or payment records, and sworn affidavits, showing the commencing date and continuous existence of the nonconforming use;

The outdoor advertising sign has existed continuously and uninterruptedly since its construction in 1980. This is first evidenced by a sworn affidavit prepared and submitted by James Russell Schraf. Mr. Schraf is the Trustee of the James R. Schraf Living Trust and the Dolores Marye Schraf Living Trust, which currently own the Property as Tenants in Common. A copy of that affidavit is filed with this application. It contains a detailed history of the Schraf Family's ownership of the Property. It also makes reference to several lease agreements dating back to 1980 when the sign was initially constructed. As abovementioned, copies of those lease agreements have been filed with this application. Historical aerial images dating back to 1980 have also been filed which clearly show the sign in its present location.

- (B) Evidence that the non-conforming use has not ceased to operate for more than one hundred eighty (180) consecutive calendar days between the time the use became nonconforming and the date when the application is submitted, that conditions of nonoperation for more than one hundred eighty (180) consecutive calendar days were beyond the applicant's and/or owner's control, were for the purpose of correcting Code Violations, or were due to the seasonal nature of the use.

As discussed below in response to Subsection (E), the requirements of Subsection (B) are inapplicable to this application.

(C) Specific data showing:

(i) The exact nature, size and location of the building, structure and use:

The Property is approximately 9.80 acres and is largely undeveloped. The only improvement is the outdoor advertising sign, which is located in the northwest corner of the Property along the northbound lanes of US Route 301. A survey depicting the Property and the location of the sign on the Property has been filed with this application.

(ii) A legal description of the property; and

The Property is known as Parcel 14 on Tax Map 155, Grid A-1. It has a street address of 14600 Robert Crain Highway, Brandywine, Maryland 20613. It is more particularly described in a deed recorded in the Land Records of Prince George's County at Liber 38661, Folio 298, a copy of which has been filed with this application.

(iii) The precise location and limits of the use on the property and within any building it occupies;

A copy of a site plan and survey depicting the outdoor advertising sign and its precise location on the Property has been filed with this application.

(D) A copy of a valid use and occupancy permit issued for the use prior to the date upon which it became a nonconforming use, if the applicant possesses one.

There is no record of a use and occupancy permit in the possession of the property owner or Prince George's County.

(E) (I) In the case of outdoor advertising signs, the requirements of Section 27-244(b)(2)(B) are not applicable. Documentary evidence, including, but not limited to deeds, tax records, business records, approved plats or development plans, permits, public utility installation or

payment records, photographs, and sworn affidavits, showing that the outdoor advertising sign was constructed prior to and has operated continuously since January 1, 2002.

The sign was constructed in 1980 and has operated continuously ever since. The historical aerial images submitted with this application show that the sign has existed in its present location since 1980. The leases submitted with this application likewise establish continuous, uninterrupted use by the various lessees beginning in 1980. Finally, the continuous and uninterrupted existence of the sign on the Property is sworn to in the Affidavit of James Russell Schraf, which has also been filed with this application.

CONCLUSION

Based upon the information provided and documentary evidence submitted, the Applicant submits that the outdoor advertising sign at the Property has been used continuously and uninterruptedly since before January 1, 2002. Accordingly, the use of the Property satisfies the criteria for certification as a non-conforming use. Therefore, the applicant requests that its application to certify the outdoor advertising sign at 14600 Robert Crain Highway, Brandywine, Maryland, 20613 as a legal non-conforming use be approved.

Respectfully submitted,



Edward C. Gibbs, Jr.
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033

PRINCE GEORGE'S COUNTY
DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT
PERMITTING CENTER
9400 PEPPER CORN PLACE, 1st FLOOR, LARGO, MD 20774 (301) 883-5900

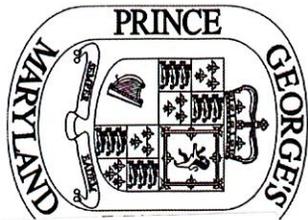


Exhibit "A"

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 : 09/10/2020

Case Number: 37221-2020-00

PERMIT APPLICATION

ACTIVITY: Building Permit Application
WORK DESCRIPTION: This application is to certify an existing, legally nonconforming, outdoor advertising sign
USE TYPE: outdoor advertising sign
EXISTING USE: outdoor advertising sign
PROPOSED USE: outdoor advertising sign

LOT :
BLOCK :
PARCEL : 014

SITE INFORMATION

SITE ADDRESS: 14600 ROBERT CRAIN HWY BRANDYWINE 20613	PROJECT NAME: SUBDIVISION:	EST. CONSTRUCTION COST: ELECTION DISTRICT: 11 PROPERTY TAX ACCOUNT #: 1181718
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OWNER James Russell Schraf 1001 Wayson Davidsonville MD 21035	OCCUPANT Clear Channel Outdoor, LLC 9590 Lynn Buff #5 Laurel MD 20723	CONTRACTOR	ARCHITECT
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FOR OFFICE USE ONLY

Reviewer	Date	Reviewer	Date
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 **NAME** Clear Channel Outdoor, LLC **COMPANY** (240) 755 - 9203 **PHONE** **SIGNATURE**

553+00

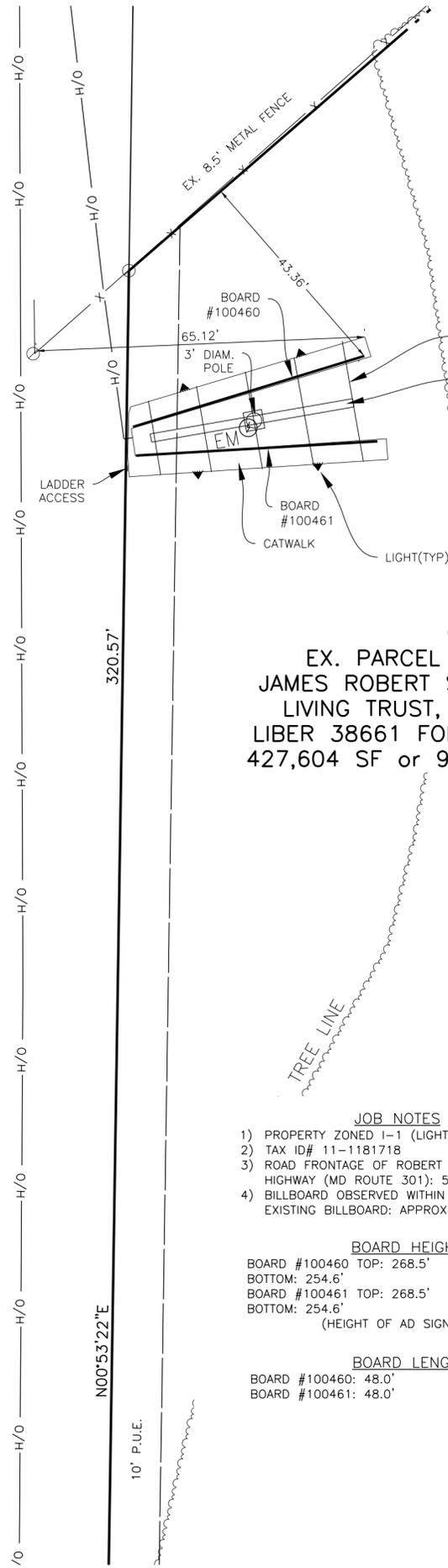
552+00

551+00

ROBERT S. CRAIN HIGHWAY
MD RTE 301
SHA P. 51648
R/W WIDTH 115'

EX. CONC. PAD
FOR STATE HWY SIGN

EX. CONC. CURB AND GUTTER



EX. PARCEL 14
JAMES ROBERT SCHRAF
LIVING TRUST, ETAL
LIBER 38661 FOLIO 298
427,604 SF or 9.8164 Ac.

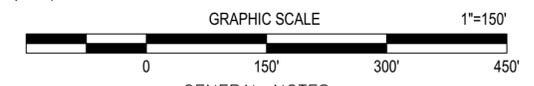
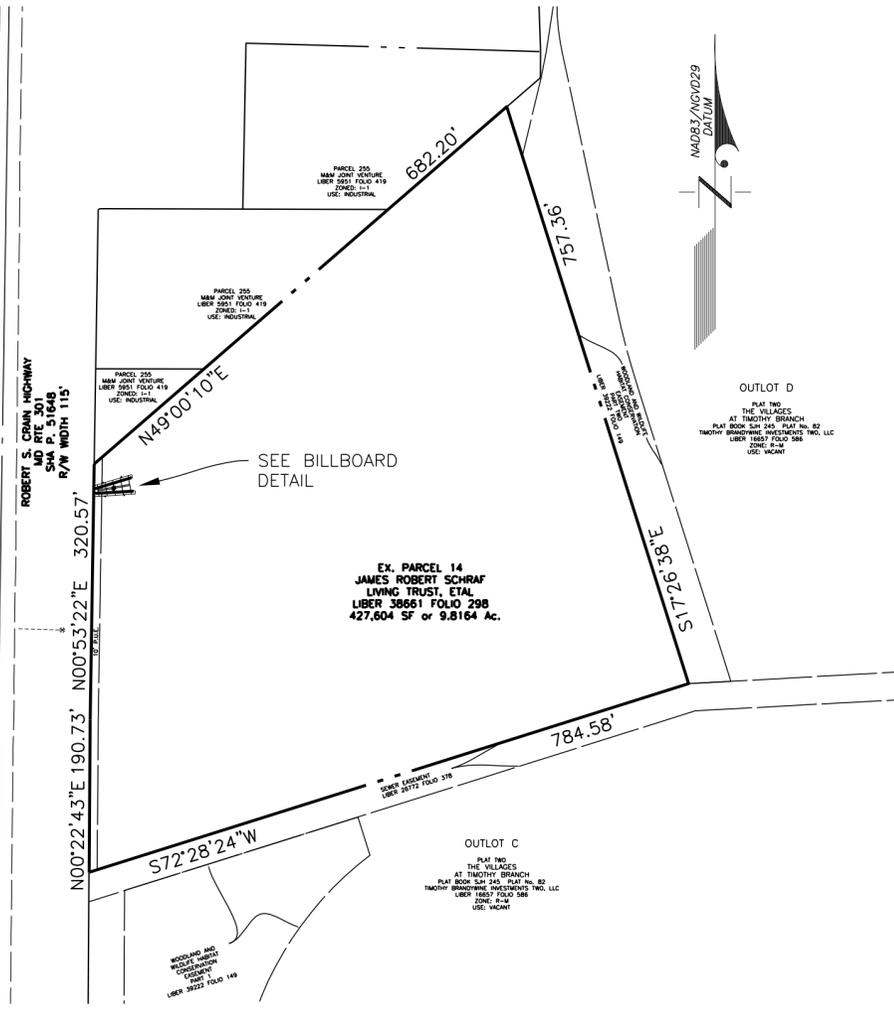
- JOB NOTES**
- 1) PROPERTY ZONED I-1 (LIGHT INDUSTRIAL)
 - 2) TAX ID# 11-1181718
 - 3) ROAD FRONTAGE OF ROBERT S. CRAIN HIGHWAY (MD ROUTE 301): 511.30'
 - 4) BILLBOARD OBSERVED WITHIN 1,000' OF EXISTING BILLBOARD: APPROX. 540' NORTH

BOARD HEIGHTS

BOARD #100460 TOP: 268.5'
BOTTOM: 254.6'
BOARD #100461 TOP: 268.5'
BOTTOM: 254.6'
(HEIGHT OF AD SIGN/SPACE)

BOARD LENGTHS

BOARD #100460: 48.0'
BOARD #100461: 48.0'



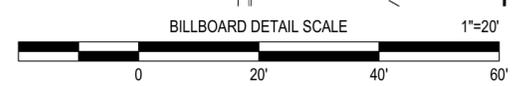
- GENERAL NOTES**
- 1) THE PROPERTY LINES SHOWN IN THIS DRAWING ARE BASED UPON A BOUNDARY SURVEY PERFORMED BY BEN DYER ASSOCIATES IN SEPTEMBER 2018.
 - 2) THE PURPOSE OF THIS DRAWING IS TO LOCATE, DESCRIBE, AND REPRESENT THE POSITIONS OF THE BILLBOARD AFFECTING THE PROPERTY SHOWN HEREON, BEING KNOWN AS: 14600 SE ROBERT CRAIN HIGHWAY BEING THE LAND DESCRIBED IN A DEED RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 38661 FOLIO 298.
 - 3) UNLESS OTHERWISE NOTED ON THE DRAWING, NO TITLE REPORT WAS PROVIDED. ANY EASEMENTS, RESTRICTIONS, RIGHTS OF WAYS, OR ANY OTHER PROPERTY ALTERATIONS NOT REFERRED TO IN THE CURRENT TITLE DEED MAY NOT BE SHOWN.
 - 4) BUILDING RESTRICTION LINE INFORMATION, IF SHOWN, WAS OBTAINED FROM EXISTING RECORDS ONLY AND IS NOT GUARANTEED BY BEN DYER ASSOCIATES.
 - 5) FLOOD ZONE INFORMATION SHOWN ON FIRM MAPS IS SUBJECT TO INTERPRETATION.
 - 6) IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR CONSIDERED "TEMPORARY" MAY NOT BE SHOWN.
 - 7) BASED UPON THE SPECIAL PURPOSE SURVEY, THE CATWALK FOR THE BILLBOARD ENCROACHES THE STATE OF MARYLAND RIGHT OF WAY 1.88' WHILE THE BILLBOARD REMAINS ON THE SUBJECT PROPERTY.

SPECIAL PURPOSE SURVEY
BRANDYWINE COMMERCIAL CENTER
14600 SE ROBERT CRAIN HIGHWAY
PARCEL 14
BRANDYWINE DISTRICT No. 11
PRINCE GEORGE'S COUNTY, MARYLAND

Subject property is shown in Zone 'X' on the FIRM Map of Prince George's County, Maryland on Community Panel Number 24033C0355E, effective 9/16/2016

LEGEND

- CONC. = CONCRETE
- ELEC. = ELECTRIC
- ELEV. = ELEVATION
- R/W = RIGHT-OF-WAY
- ⊙ = ELECTRIC METER (EM)
- *--- = STATE HIGHWAY SIGN
- P. U. E. = PUBLIC UTILITY EASEMENT (PUE)
- O/H— = OVERHEAD ELECTRIC



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN COMAR 09.13.06.12 AND I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND

R. WADE COLLINS, JR., PLS
LICENSE NO. 21638
EXPIRATION DATE: 12/28/21

DATE	DESCRIPTION	BY

11721 WOODMORE ROAD, SUITE 200
MITCHELLVILLE, MARYLAND 20721

BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners
TELEPHONE (301) 430-2000
COPYRIGHT © 2020 BEN DYER ASSOCIATES, INC.

DRAWN BY: NKW	DESIGNED BY: NKW	CHECKED BY: RWC	RECORD NO. J-B05052
DATE: DECEMBER 2020	SCALE:	DRWG. NO. 51.017-P	

SIGN POSTING AND INSPECTION AFFIDAVIT – PLANNING DIRECTOR REVIEW

I, Stephen Mauersberg, hereby certify that the subject property was posted with
(print or type name)
(1) one sign(s) on February 19, 2021.
(specify number) (date)

Signature: 

Application Number: NCU 37221-2020 Name: Brandywine Commerce Center -Clear Channel

Date: March 9, 2021

Address: Ben Dyer Associates, Inc
1721 Woodmore Road , Suite 200 Mitchellville, Maryland 20721

Telephone: 301-430-2000

Capacity in which you are acting: Engineer For Owner
(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. 20 day period is March 9, 2021

11721 WOODMORE ROAD, SUITE 200 MITCHELLVILLE, MD 20721



BEN DYER ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS
TELEPHONE: 301-430-2000

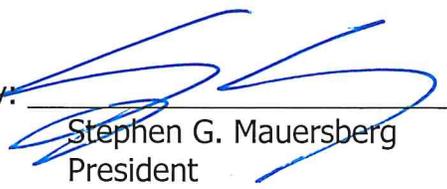
SIGN POSTING REPORT

JOB NAME:	Brandywine Commercial Center - Clear Channel	JOB NO./WORK ORDER:	B05052-9460, W.O 113111
CASE NO.:	NCU-37221-2020	DATE POSTED:	February 19, 2021
NUMBER OF SIGNS:	(1) One	PM:	Wade Collison

COMMENTS:

I installed (1) one sign at the location marked on the map. I took (2) two pictures of the sign; one close to the sign and one from a distance. The sign is in good condition.

By: _____


Stephen G. Mauersberg
President

Project: Brandywine Commercial Center-Clear Channel
Case Number: (NCU-37221-2020) Sign Posted On: 02/19/2021

Location A (Close)



Location A (Away)



Planning DIRECTOR case: NCU 37221-2020

Reviewer: K. Shaffer

1 single-sided signs xx double-sided signs (for a total of 1 physical signs)

