

February 10, 2022

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: **21285-2021-U**

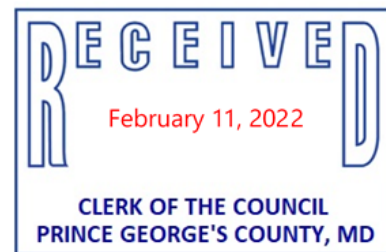
Specific Use(s): **Outdoor Advertising Sign (Billboard)**

Location of Property: **9408 Livingston Road
Fort Washington**

Current Zone(s): **C-M**

Sign Posting Date: **December 11, 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 1985.**



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



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

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 Communities (2035)

PROJECT NAME: 9408 Livingston Road, 21285-2021-00

Complete address (if applicable) 9408 Livingston Road, Fort Washington, MD 20744 Tax Account #: 05-0367060

Geographic Location (distance related to or near major intersection) Police District #: IV

9408 Livingston Road, Fort Washington, MD 20744. Property is located on Livingston Rd. NE of intersection w/ Oxon Hill Rd.

Total Acreage: 0.4870	Aviation Policy Area: N/A	Election District: 5
Tax Map/Grid: 114/A4	Current Zone(s): C-M (Comm. Misc.)	Council District: 8
WSSC Grid: 212SE01	Existing Lots/Blocks/Parcels:	Dev. Review District:
Planning Area: 80	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 an outdoor advertising structure as a non-conforming use

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

Applicant Name, Address & Phone:

Clear Channel Outdoor LLC
 c/o April Mackoff
 9590 Lynn Buff Court, Suite 5
 Laurel, MD 20723
 240-755-9203

Consultant Name, Address & Phone:

Contact Name, Phone & E-mail:

same as applicant

Owner Name, Address & Phone:

(if same as applicant indicate same/corporation see Disclosure)

Manufacturers and Traders Trust Company (M&T Bank)
 1 M and T Plaza Floor 18
 Buffalo, NY 14203

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

M&T Bank

6/3/21

Mackoff, April (Digitally signed by Mackoff, April Date: 2021.05.20 16:45:24 -0400)

5/20/21

Owner's Signature typed & signed

Date

Applicant's Signature typed & signed

Date

Please see Universal Outdoor Lease Agreement

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: Gross Floor Area (Nonresidential portion only):
 Attached _____ Detached _____ Multifamily _____

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: Zoning Ordinance Section(s):
 Certification of nonconforming use for existing billboard Sections 27-244 and 241

Total Number of Proposed:
 Lots _____ Outlots _____ Parcels _____ Outparcels _____

Number of Dwelling Units: Gross Floor Area (Nonresidential portion only):
 Attached _____ Detached _____ Multifamily _____

Variance Request Applicable Zoning/Subdivision Regulation Section(s):
 Yes No

Departure Request Application Filed
 Yes No

Alternative Compliance Request Application Filed
 Yes 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

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 21285-2021-00
9408 Livingston Road

2. Description of proposed use/request

Certification of an outdoor advertising sign located at 9408 Livingston Road, Fort Washington, Maryland 20744 (the "Property"), as a nonconforming use.

3. Description and location of the subject property

The outdoor advertising structure on the Property is located on Livingston Road running north, approximately 930 feet northeast of the intersection with Oxon Hill Road. Specifically, the Property is located on Map 114, Grid A4, and is approximately 0.4870 acres in size. The Property is zoned C-M (Commercial Miscellaneous).

The outdoor advertising structure on the Property is constructed on a metal post and contains four poster faces, two on each side. Our documentary evidence demonstrates that the structure has existed on the Property since at least 1985.

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).



6/3/21

April Mackoff
Applicant, Clear Channel Outdoor LLC

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 : 05/20/2021

PERMIT APPLICATION

Case Number: 21285-2021-00

ACTIVITY: Building Permit Application
WORK DESCRIPTION: Certification of an outdoor advertising structure as a non-conforming use
USE TYPE:
EXISTING USE: Outdoor advertising structure
PROPOSED USE: Outdoor advertising structure

LOT :
BLOCK :
PARCEL : 149

SITE INFORMATION

SITE ADDRESS: 9408 LIVINGSTON RD FORT WASHINGTON 20744	PROJECT NAME: SUBDIVISION:	EST. CONSTRUCTION COST: ELECTION DISTRICT: 05 PROPERTY TAX ACCOUNT #: 0367060
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<u>OWNER</u>	<u>OCCUPANT</u>	<u>CONTRACTOR</u>	<u>ARCHITECT</u>
Manufacturers and Traders Trust Company (M&T) One M&T PLZ Buffalo NY 14203	Clear Channel Outdoor LLC 9590 Lynn Buff CT #5 Laurel MD 20723	Clear Channel Outdoor LLC 9590 Lynn Buff CT #5 Laurel MD 20723	

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 Clear Channel Outdoor LLC (240) 755 - 9203 
NAME **COMPANY** **PHONE** **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 12/11/2021
(specify number) (date)

Signature: Stephenie Clevenger

Application Number: CNU-21285-2021 Name: Clear Channel Billboard

Date: 12/9/2021

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.

Planning DIRECTOR case: **CNU-21285-2021 - 9408 LIVINGSTON ROAD**

Reviewer: **KELSEY SHAFFER**

1 double-sided signs , 2 signs total





Sign 1

CNU- 21285-2021-00 9408 Livingston Rd., Ft. Washington

Sign posted by: Stephenie Clevenger

Posted on: 12/11/2021



Sign 2

CNU- 21285-2021-00 9408 Livingston Rd., Ft. Washington

Sign posted by: Stephenie Clevenger

Posted on: 12/11/2021

SIGN HEIGHTS:

BOARD #001712 TOP: 32.1'
 BOTTOM: 19.9'
 BOARD #001713 TOP: 46.2'
 BOTTOM: 34.0'
 BOARD #001714 TOP: 46.2'
 BOTTOM: 34.0'
 BOARD #001715 TOP: 32.1'
 BOTTOM: 19.9'
 (HEIGHT AT LIVINGSTON ROAD)

SIGN LENGTHS:

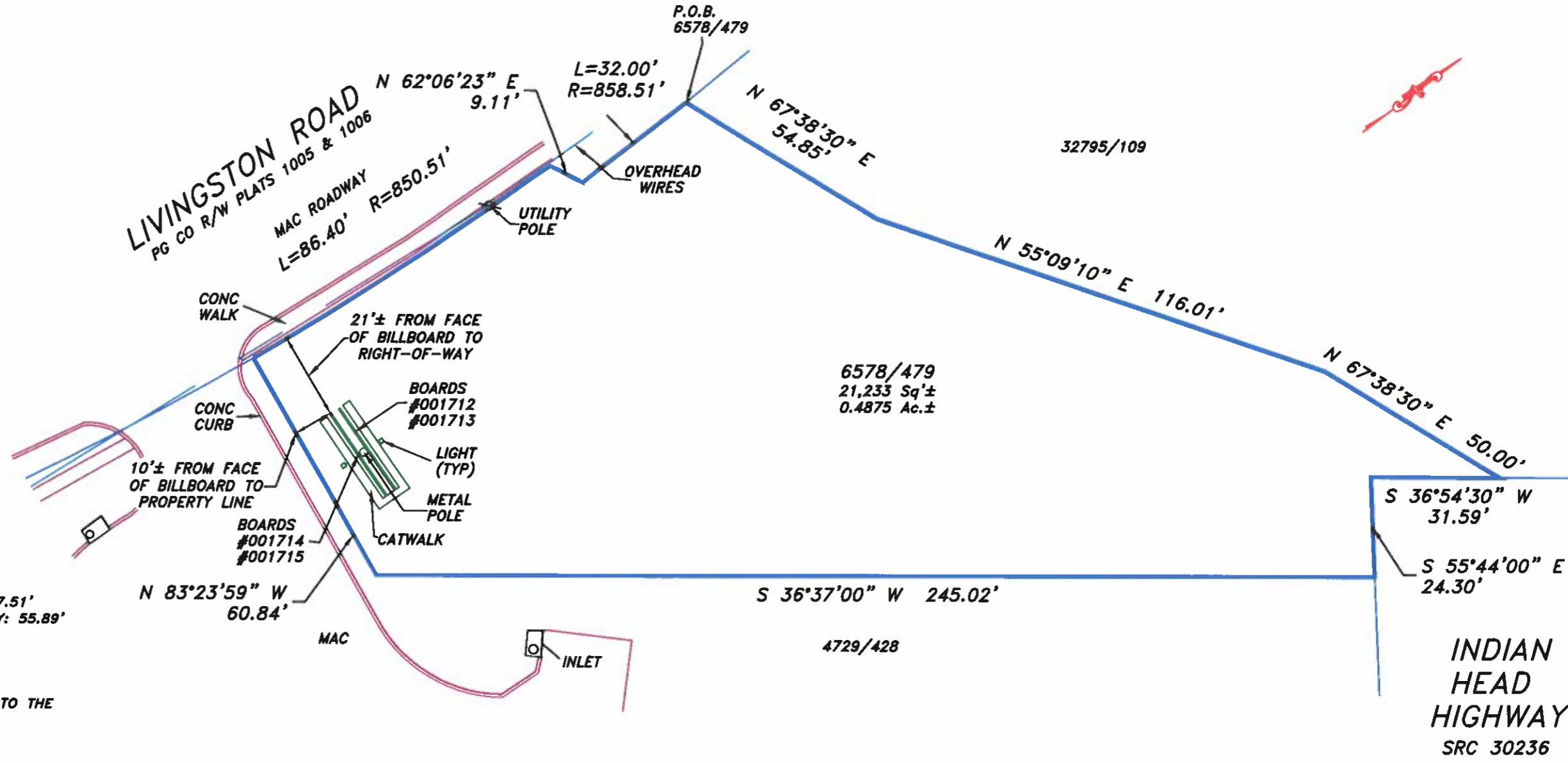
BOARD #001712: 24.4'
 BOARD #001713: 24.4'
 BOARD #001714: 24.4'
 BOARD #001715: 24.4'

JOB NOTES:

- 1) THE SUBJECT PROPERTY IS ZONED C-M (COMMERCIAL-MISCELLANEOUS)
- 2) TAX ID#: 05-0367060
- 3) ROAD FRONTAGE OF LIVINGSTON ROAD: 127.51'
 ROAD FRONTAGE OF INDIAN HEAD HIGHWAY: 55.89'
 TOTAL ROAD FRONTAGE: 183.40'
- 4) NO STATIC OR DIGITAL BILLBOARDS WITHIN 1,000 FEET OF THE EXISTING BILLBOARD WERE OBSERVED.
- 5) ONLY IMPROVEMENTS IN CLOSE PROXIMITY TO THE EXISTING BILLBOARD ARE SHOWN HEREON.

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 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.



NOTE: DEED 6578/479 CALLS TO EASEMENTS ON PRINCE GEORGE'S COUNTY RIGHT-OF-WAY PLATS 1005 & 1006, HOWEVER SAID PLATS WERE NOT FOUND OR PROVIDED.

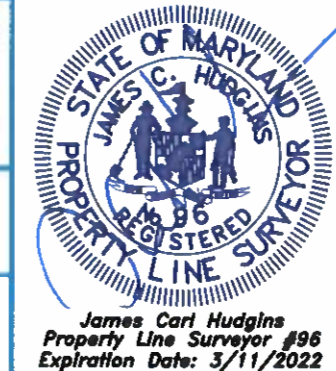
NOTE: DEED 6578/479 CALLS TO A W.S.S.C. EASEMENT IN 3047/423, HOWEVER DUE TO LACK OF INFORMATION IS NOT SHOWN HEREON.



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: #9408 LIVINGSTON ROAD as described in a deed from Nels F. Peterson to The First National Bank of Maryland dated December 30, 1986 recorded among the Land Records of Prince George's County, Maryland in Liber 6578, folio 479.

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 AE on the FIRM Map of Prince George's County, Maryland on Community Panel Number 24033C0240 E, effective 9/16/2016



SPECIAL PURPOSE SURVEY
 9408 LIVINGSTON ROAD
 5th 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" = 30'
 Date: 5/12/2021
 Field By: CB/TOM
 Drawn By: SCK
 File No.: MISC 14557
 Page No.: 1 of 1