



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Request for Refund of Filing Fees CNU-35454-2011

Application	General Data	
<b>Project Name:</b> Brincefield Property  <b>Location:</b> East of Columbia Avenue, approximately 331 feet north of Calvert Avenue.  <b>Applicant/Address:</b> Elaine C. Brincefield 2705 Lackawanna Street Adelphi, MD 20783  Property Owner: Same as above	Planning Board Hearing Date:	02/14/13
	Staff Report Date:	01/30/13
	Date Accepted:	05/31/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.245
	Zone:	R-18
	Gross Floor Area:	3,436 sq. ft.
	Lots:	1
	Parcels:	N/A
	Planning Area:	66
	Tier:	Developed
	Council District:	03
	Election District	21
	Municipality:	College Park
	200-Scale Base Map:	209NE04

Purpose of Application	Notice Dates	
Request for a refund of filing fees.	Informational Mailing	12/29/11
	Acceptance Mailing:	05/01/12
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Ivy Thompson <b>Phone Number:</b> 301-952-4326 <b>E-mail:</b> Ivy.Thompson@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
X			

January 30, 2013

**MEMORANDUM**

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: Ivy R. Thompson, Senior Planner, Zoning Section, Development Review Division

SUBJECT: Certification of Nonconforming Use CNU-35454-11—Request for refund of filing fees Brincefield Property

In a letter dated January 24, 2013, the applicant, Elaine Brincefield, requested that the above certified nonconforming use application be withdrawn and the application fee be refunded.

**Section 27-125.02** of the Zoning Ordinance sets forth the fee structure for the specific applications. The applicant was required to file a fee in the amount of \$1,060.00 to process a certification of nonconforming use (CNU) and post two signs. Subsequent to the acceptance of the application, staff learned that the application was accepted in error as the City of College Park now has the ability to review certification of nonconforming uses within its jurisdiction. The technical staff report was not initiated and no signs were posted on the property.

**Section 27-125.02(m)(4)(A)(i)** of the Zoning Ordinance provides that the Planning Board may approve a refund if “the fee was paid by mistake and the applicant has requested (in writing) a refund.” Subsection (vi)(aa), which pertains to the refund of sign posting fees, states a refund may be approved if “the application is withdrawn prior to the posting of the sign. In this case, the entire sign posting fee may be refunded.” The appropriate amount which may be refunded to the applicant is \$530.00. This represents all of the CNU filing fee of \$500 and the entire \$30.00 sign posting fee.

**RECOMMENDATION**

The Zoning Section staff recommends that the request for the refund for Certification of Nonconforming Use CNU-35454-11 be **APPROVED** in the amount of \$530.00.