

March 5, 2009

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Zoning Supervisor

FROM: Taslima Alam, Senior Planner

SUBJECT: Certification of Nonconforming Use CNU-47729-07—Refund Request
Taco Rico

In a letter dated January 12, 2009, the applicant, Omar Luna, requested that the above certification of nonconforming use be withdrawn and the application fee be refunded.

Section 27-125.02 of the Zoning Ordinance sets forth the fee structure for specific applications. The applicant was required to file a fee in the amount of \$1,060.00 to process the certification of nonconforming use (CNU) application and posting of two signs. Subsequent to the acceptance of the application, staff determined that it was not necessary for the Planning Board to certify the nonconforming use for a restaurant because the applicant had prior certification for the particular use. Therefore, staff was able to resolve the issues through an administrative review process. The technical staff report was not initiated and no signs were posted on the property.

Section 27-125.02(m)(4)(A)(iii)(aa) of the Zoning Ordinance provides that the Planning Board may approve a refund if “a request to withdraw an application is received in proper form prior to the public release of the Technical Staff Report. In this case, fifty percent (50%) of the filing fee shall be refunded.” Subsection (vi)(aa), which pertains to the refund of sign posting fees, states that a refund may be approved if “the application is withdrawn prior to the posting of the sign.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 \$560.00. This represents one-half of the CNU filing fee of \$1,000 and the entire \$60.00 sign posting fee.

RECOMMENDATION

The Zoning Section staff recommends that the request for a refund for CNU-47729-07 be APPROVED in the amount of \$560.00.