

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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Case Nos. S-856-B [S-452-D]

PETITIONS OF FRIENDS HOUSE, INC.

OPINION OF THE BOARD

(Opinion Adopted April 12, 2017)
(Effective Date of Opinion: May 8, 2017)

Case No. S-856-B [S-452-D] is an application for a modification of the Friends House, Inc., special exception to permit application for a special exception pursuant to Section 59-G-2.35 (*Housing, Elderly & Handicapped*) and Section 59-G-2.37 (*Nursing Home or Domiciliary Care Home*) of the Zoning Ordinance to permit a total of 361 new living units for seniors with various care needs as well as a wide range of income levels, to be comprised of 126 new independent apartment living units, 163 lodge apartment units, 24 cottage dwelling units, and 48 assisted living units. Petitioner indicates that this will be a multi-stage process. Upon completion of all phases of the development, the total units on site will be 451 living units (126 independent living apartments; as many as 163 lodge apartments; 32 cottage duplex units; 48 assisted living units; and 82 beds in the skilled nursing hall). The proposed changes include:

- 1) the permanent removal of two cottages;
- 2) construction of a new 80-unit low income tax credit financed apartment building;
- 3) addition of a new 48 unit assisted living facility to the existing nursing home, as well as a modest expansion of the nursing home to allow the conversion of semi-private rooms to private rooms;
- 4) preservation of 8 duplex cottage units;
- 5) preservation of a 25-unit wing of HUD program apartments on a temporary basis;
- 6) construction in Phase 1 of 13 new single and duplex cottage units and 33 lodge units;
- 7) eventual replacement of certain of the existing cottage buildings with lodges; and
- 8) renovation of the Commons Building to provide better common facilities, including dining, for the residents of the multi-family residential buildings.

The Petitioner is proposing to add three new full time staff, mostly in dining services capacities, and two other full equivalents (comprised of 5 to 6 part-time employees) during Phase 1. The Petitioner notes that Phase 2 will require an increase in staff from 17 up to 32 employees with full occupancy, and that Phase 3 will require an additional 4.6 full time equivalent positions (two full time and 2.6 FTEs working in the kitchen or in administrative capacities).

The Hearing Examiner for Montgomery County held hearings on the application on December 19, 2016, and January 23, 2017, closed the record on February 21, 2017, reopened the record again on March 21, 2017, for the sole purpose of receiving an Order and comments from Staff of the Planning Department on a revised landscape plan, and on March 21, 2017, issued a Report and Recommendation for approval of the application.

The subject property is Parcels N225 and N214 Subdivision, located at 17340 Quaker Lane, Sandy Spring, Maryland, 20860, in the RE-2 Zone.

Decision of the Board: Special Exception Modification **Granted**,
Subject to Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on April 12, 2017. Because Case Nos. S-856-B [S-452-D] were approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this modification request must be reviewed under the standards and procedures in effect on October 29, 2014, unless the applicant elects otherwise. After careful consideration and review of the record in the case, the Board adopts the Hearing Examiner's Report and Recommendation with minor technical revisions to Conditions 14 and 15, and **grants** the requested modification, subject to the following conditions:


1. The Petitioner is bound by the testimony of its witnesses, exhibits of record, and attorney's representations that are identified in this Report.
2. The Special Exception uses must be limited to a total of 316 independent living units, and a total of 130 assisted-living units/nursing beds, and the existing adult day care program.
3. The Special Exception Site Plan (Exhibit 79) must show the rights-of-way from the centerlines of Norwood Road along the property southern and northwestern frontages of the subject property.
4. All physical improvements to the property are limited to those shown on the Special Exception Site Plan (Exhibit 79), Landscape Plan (Exhibit 87) and Lighting Plan (Exhibit 55(e)).

5. Prior to the issuance of the initial building permits, the Petitioner must coordinate with the Montgomery County Department of Transportation (MCDOT) to provide the necessary additional traffic control markings and signs to assure safe crossing of Norwood Road to access the Metrobus stops (for the Z2 route) on the opposite side of the road along Norwood Road.
6. The Petitioner must provide internal sidewalk connections and crossings of driveways/curb cuts that are ADA compliant.
7. All parking and loading facilities must comply with the requirements of the Maryland Accessibility Code.
8. The Petitioner must ensure that shuttle bus service continues while the special exception for housing for senior adults is in operation.
9. The Petitioner must at all times qualify for at least one type of exemption from familial status requirements of the Federal Fair Housing Act.
10. A minimum of 20 percent of the dwelling units must be permanently reserved for households of low income (at or below 60 percent of area median income)
11. Within 10 days after approval of the special exception, the Petitioner must record covenants on the property that permanently reserve a minimum of 20 percent of the dwelling units for households of low income (at or below 60 percent of area median income).
12. The Petitioner shall at all times comply with the approved Final Forest Conservation Plan.
13. No future applications for modification of the Approved Special Exception shall be filed separately for S-452-D or S-856-B. Any proposed modification on the property must amend both cases as approved in the subject Major Modification of the Approved Special Exception Site Plan.
14. Any temporary construction signs must comply with all applicable requirements of Article 59-F of the 2004 Zoning Ordinance. All signs placed on the property must meet the requirements of Section 59-F-4.2(a) in terms of number, location and area, and Section 59-F-4.1(e) regarding illumination. The Applicant must obtain any sign permits that may be required by the Department of Permitting Services or the Sign Review Board, as appropriate, and must file a copy of any such sign permit with the Board of Appeals. The final design of the proposed sign must be in compliance with the Zoning Ordinance, or the Applicant must first obtain a sign variance from the Sign Review Board.
15. The Applicant must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits,

necessary to occupy the special exception premises and operate the special exception as granted herein. The Applicant shall at all times ensure that the special exception and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements, including the annual payment of special exception use administrative fees assessed by the Department of Permitting Services.

On a motion by John H. Pentecost, Vice Chair, seconded by Edwin S. Rosado, with Carolyn J. Shawaker, Chair, Stanley B. Boyd and Bruce Goldensohn in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.


Carolyn J. Shawaker
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 8th day of May, 2017.


Barbara Jay
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.