

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
MONTGOMERY COUNTY, MARYLAND  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6660/fax (240) 777-6665**

**SPECIAL EXCEPTION OF LEAH GOITEIN**

**Case No. S.E. 12-02**

**ORDER OF REVOCATION**

**Background**

Special Exception 12-02 was granted to Petitioner Leah Goitein<sup>1</sup> by the Hearing Examiner, on August 9, 2012, to permit the operation of a Group Day Care Home for up to twelve (12) children, on her property located at 6104 Stardust Lane, Bethesda, Maryland, in the R-60 Zone. For the reasons outlined below, this order will revoke the special exception, at the request of its holder, Leah Goitein Hanlon (Exhibit 46(a)) and the present property owner, Robert Maggin (Exhibit 46(b)), and in accord with the recommendation of the Department of Permitting Services (DPS) (Exhibit 46(d)).

According to the Department of Permitting Services, Leah Goitein Hanlon notified Permitting & Code Enforcement Inspector Barbara Piczak Cox that she no longer occupied the subject property and that the use ceased at that location when she vacated the premises. Exhibit 46(d). Ms. Cox then sent letters to Leah Goitein Hanlon and Mr. Maggin seeking written confirmation of the abandonment of the special exception. On November 22, 2014, Leah Goitein Hanlon confirmed the abandonment, in writing (Exhibit 46(a)), and on April 2, 2015, the current property owner, Robert Maggin, confirmed the abandonment of the use (Exhibit 46(b)). Both requested revocation of the special exception.

On April 13, 2015, Ms. Cox sent OZAH its recommendation that the special exception be revoked as abandoned. Exhibit 46(d).

**Opinion**

Pursuant to Section 7.7.1.B.1. of the new Zoning Ordinance, special exceptions approved before October 30, 2014 must be reviewed under the standards of the Zoning Ordinance in effect on October 29, 2014 (*i.e.*, under the old, 2004 Zoning Ordinance). Since the subject special exception clearly falls into that category, it will be reviewed under the old Ordinance.

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<sup>1</sup> Ms. Goitein has apparently married, and now bears the surname of "Hanlon." For clarity, we will refer to her herein as Leah Goitein Hanlon.

Section 59-G-1.3(d) of the old Zoning Ordinance provides, in relevant part:

- (1) If, after making an inspection of a property governed by special exception, the Department finds that the special exception use as granted has been abandoned, it must forward written notice of its findings to the last recorded holder of the special exception and to the property owner, advising of the Department's finding and directing that they forward to the Department, within 60 days from the date of mailing of the notice, a written statement confirming the Department's finding that the special exception has been abandoned or challenging said finding and requesting that said special exception be continued.*
- (2) If the Department receives a written response from the special exception holder and the property owner acknowledges that the special exception has been abandoned, the Department must notify the Board of its findings, and the Board<sup>2</sup>, upon receipt of such notice, must adopt and issue a written resolution finding the special exception to have been abandoned and ordering the special exception revoked.*

As detailed above, both the special exception holder and the property owner have declared the special exception to be abandoned and requested that it be revoked. The Department of Permitting Services has also met its obligations under Section 59-G-1.3(d)(2), and that section now requires that the Hearing Examiner issue a finding the special exception has been abandoned and order the special exception revoked.

### **Order**

Based on this record, the Hearing Examiner hereby finds that the special exception granted in the above-captioned case has been abandoned. Accordingly, pursuant to Sections 59-G-1.3(d) and 59-G-1.3(f) of the 2004 Zoning Ordinance, Special Exception No. S.E. 12-02 is hereby **REVOKED**.

Dated: April 15, 2015



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Martin L. Grossman  
Director and Hearing Examiner  
Office of Zoning and Administrative Hearings

cc: Ms. Leah Goitein Hanlon  
Robert Maggin  
Barbara Piczak Cox, Department of Permitting Services  
Planning Department

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<sup>2</sup> Although this section refers to the "Board," meaning the Board of Appeals, the Hearing Examiner is authorized by Section 59-G-1.3(f) of the old Zoning Ordinance to conduct the same proceedings with regard to special exceptions, such as this one, that it has issued.