

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for
MONTGOMERY COUNTY**

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Phone: (240) 777-6660; Fax (240) 777-6665**

CASE NO. CU 18-07

**APPLICATION OF CLARKSBURG ANIMAL HOSPITAL
AND MASHED POTATO PROPERTIES, LLC**

ORDER ABANDONING CONDITIONAL USE

On October 18, 2018, the Hearing Examiner approved the above-captioned conditional use application for a veterinary office/hospital at 26221 Prescott Road, Clarksburg, Maryland, under Section 59.3.5.1.C of the Zoning Ordinance. The Hearing Examiner revised the approval on October 26, 2018.

Subsequently, the Department of Permitting Services (DPS) received e-mail correspondence from Greta Stamberg, D.V.M., requesting that the approved conditional use be abandoned. Dr. Stamberg wrote, "Due to a variety of circumstances that negatively impacted the budget for my construction project, I was forced to give up on building my new hospital." On January 15, 2020, DPS forwarded her e-mail to the Hearing Examiner, stating:

...let it [Dr. Stamberg's e-mail correspondence] serve as notice to OZAH that the applicant wished to rescind their CU 18-07. As this CU was never established/constructed, DPS has no objections to rescinding the commercial CU and allowing the property to return to its residential status.

Dr. Stamberg has confirmed to the Hearing Examiner that she remains a principal of both Applicants (*i.e.*, Clarksburg Animal Hospital, Inc. and Mashed Potato Properties, LLC). She also confirmed that Mashed Potato Properties, LLC remains the owner of the property, as further evidenced by the Hearing Examiner's review of the records of the State Department of Assessment and Taxation.

Section 59.7.3.1.L.7.a of the Zoning Ordinance authorizes the abandonment of an approved conditional use when the property owner and the Applicant acknowledge that it has been abandoned:

If the conditional use holder and the property owner acknowledge that the conditional use has been abandoned, DPS must notify the Board of Appeals or the Hearing Examiner, as appropriate. The Board of Appeals or Hearing Examiner

must adopt and issue a written resolution finding the conditional use to have been abandoned and ordering it revoked.

DPS has notified the Hearing Examiner that the conditional use has been abandoned, and correspondence from the Applicant/owner confirms their request and intention that the above-captioned conditional use be abandoned. From this record, the Hearing Examiner finds that the conditional use approved in the above-captioned case has been abandoned.

Therefore it is this 21st day of January, 2020:

ORDERED: That **Conditional Use No. CU 18-07, Clarksburg Animal Hospital, Inc. and Mashed Potato Properties, LLC is hereby revoked**, at the request of and with the consent of the Applicants and the property owner.



Lynn Robeson Hannan
Hearing Examiner

Copies to:

Greta Stamberg, D.V.M.
Jennyffer Vargas, DPS
Victor Salazar, DPS