

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS**  
**Stella B. Werner Council Office Building**  
**Rockville, Maryland 20850**  
**(240) 777-6660**

**IN THE MATTER OF:**

**HANNAH WEISER**

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OZAH Case No. 16-07

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**ORDER TRANSFERRING CONDITIONAL USE  
FROM TO HANNAH WEISER**

On November 26, 2021, the Applicant submitted a request to transfer the above-captioned conditional use to the new property owners: Narasimha Murty Sadhanala, Lakshmi Gowri and Mani Medid. The subject property is Lot 1, Block 8 of the Green Tree Manor Subdivision, in the R-90 Zone.

**I. Background**

The conditional use was originally approved on July 8, 2016, for a Day Care Center up to 15 children on property located at 9205 Fernwood Avenue, Silver Spring, Maryland, under §§59.3.4.4.E the 2014 Zoning Ordinance. The Hearing Examiner approved the application subject to 22 conditions. Adjoining neighbors appealed the decision to the Board of Appeals. The Board of Appeals affirmed the Hearing Examiner's decision but modified Condition No. 4 of the Hearing Examiner's decision to require outdoor play time to cease at 4:00 p.m. rather than 5:00 p.m. The Board of Appeals decision became effective on September 21, 2016.

Subsequently, the Hearing Examiner granted a minor amendment to the original conditional use approval on April 24, 2017. This was later withdrawn at the request of the Applicant.

The conditional use came before the Hearing Examiner again on a complaint that landscaping had not been maintained according to the approved landscape plan. After a public hearing, the Hearing Examiner issued a decision on October 30, 2019 approving a revised landscape plan (Exhibit 118(a)) and modifying two conditions of the original conditional use as follows:

21. Waivers of the following provisions of Division 6.2 are hereby granted pursuant to Zoning Ordinance §59.6.2.10:

- from Section 59.6.2.5.D.1, modifying the requirement for striping and marking of off-street parking spaces to instead require marking in accordance with Condition No. 12.d, above;

- from Section 59.6.2.5 K 2.b. reducing the minimum side yard setback along the northern lot line for the parking facility to 7 feet, instead of 16 feet; and
- from Section 59.6.2.9.B.1.a., b., and c., allowing the parking lot landscaping to be in accordance with the revised landscape plan (Exhibit 118(a)).

## **II. Findings and Conclusions**

Transfers of conditional uses are governed by OZAH's Land Use Rules of Procedure, which states:

27.0 Transfer of Conditional Use to a New Holder. A conditional use may be administratively transferred from a conditional use holder to a new holder...by registering the transfer with OZAH in accordance with this Rule. Such a transfer is not an amendment to the conditional use...

a) To transfer a conditional use to a new holder...the existing and proposed holders must submit a notarized letter to OZAH, signed by the landowner(s), the existing conditional use holder(s), the existing conditional use holder(s) and the proposed new conditional use holder(s), seeking the change...of a conditional use holder.

b) Unless the Director of OZAH determines that the request for an administrative change does not comply with this Rule, the Director must make the administrative change to the conditional use records and send confirmation of that change to the Department of Permitting Services, the Planning Department, the Board of Appeals, the landowner(s) of the conditional use site and the old and new conditional use holder(s).

c) The change in the name of the conditional use holder(s) must be recorded in the conditional use case file.

d) If the Director of OZAH determines that the requested administrative change does not comply with this Rule, the Director must so notify the landowner(s) of the conditional use site, the conditional use holder(s) and the proposed new conditional use holder(s).

Ms. Weiser and Christopher Weiser, former owners of the property, and the new property owners have submitted all documentation required by OZAH's Rules. Therefore, the Hearing Examiner hereby transfers the conditional use holder from Hannan Weiser to Narasimha Murty Sadhanala, Lakshmi Gowri and Mani Medid.

## **III. Order**

For the foregoing reasons, the Hearing Examiner hereby grants the request for transfer of the conditional use holder submitted on November 26, 2021. This Order shall be retained in the conditional use file.

All conditions of approval contained in the Board of Appeals decision effective September 21, 2016, as modified by the Hearing Examiner's decision dated October 30, 2019 remain in full force and effect.

So Ordered this 27<sup>th</sup> day of January 2022.



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Lynn Robeson Hannan  
Hearing Examiner

COPIES TO:

Hannah Weiser (by email)  
Narasimha Murty Sadhanala, Lakshmi Gowri, and Mani Medid  
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