

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

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CASE NO. CU 20-02

EDMONSON & GALLAGHER PROPERTY SERVICES, LLC

**ORDER CONFIRMING TRANSFER OF CONDITIONAL USE
FREDERICK ROAD 4% OWNER, LLC**

On July 1, 2020, the Hearing Examiner granted approval of a conditional use to Edmonson & Gallagher Property Services, LLC (E&G) to develop and operate an independent living facility for seniors under Section 59.3.3.2.C of the Montgomery County Zoning Ordinance. The legal description of the subject property is Parcel 507, Middlebrook subdivision. The property is located on Frederick Road approximately .14 miles from the intersection with Plummer Drive, Germantown, MD (Tax Account Number 09-00767475). It is zoned R-90.

On August 30, 2022, the Applicant submitted a request to transfer the conditional use to a new holder, Frederick Road 4% Owner, LLC, stating:

In order to facilitate the financing and the construction of the proposed project, described on its plat (Plan No. 25805) as “Seneca Park Seniors Housing”, E&G created a single-purpose entity to manage the financing and development of the senior residential facility. That entity has taken title to the property from the owner...”

The request further states that principals of E&G, the original conditional use holder, are also principals of Frederick Road 4% Owner, LLC. The request includes a letter from E&G consenting to the transfer.

OZAH Rule 27.0 permits the Hearing Examiner to transfer administratively a conditional use to a new holder if the existing and proposed holders submit a notarized letter to OZAH, signed by the land owner consenting to the change. While the request here is not notarized, it has been submitted by the attorney for both entities (who is an officer of the court) and is signed by a principal of both entities. The Hearing Examiner finds that the request meets the requirements of OZAH Rule 27.0 and hereby confirms transfer of the conditional use from E&G to Frederick Road 4% Owner, LLC.

So Ordered, this 14th day of September, 2022.



Lynn Robeson Hannan
Hearing Examiner

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