

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
Stella B. Werner Council Office Building
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<https://www.montgomerycountymd.gov/ozah>

IN THE MATTER OF:

HERITAGE GARDENS LAND LLC
Applicant

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OZAH Case No. CU 22-01

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ERRATA

On September 6, 2022, the Hearing Examiner in the above-captioned case issued a Report and Decision (Report) approving the above application for a Residential Care Facility (senior care community) under Section 59.3.3.2.E of the Montgomery County Zoning Ordinance. The property is located at 10701 South Glen Road, Potomac, Maryland.

After the Report was issued, Staff of the Montgomery County Department of Permitting Services informed the Hearing Examiner that the Report incorrectly identified a prior special exception and variance approval for the Fourth Presbyterian School, the former use on the subject property. According to Staff, the special exception had been revoked in 2019. Exhibit 200.

Condition No. 8 of the Report required the former approvals to be abandoned.

The Hearing Examiner issues this Errata solely to correct the identification and status of the former Board of Appeals approvals for the subject property and to remove Condition No. 8, as follows:

1. All references to Special Exception Nos. 1609 and 1610 or S-1609 and S-1610 should be changed to BOA Case Nos. CBA-1609 and CBA-1610.
2. Delete the text under the heading “*a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*”, (on page 40 of the Report) in its entirety and substitute the following:

Staff of the Department of Permitting Services advises that the property was subject to a special exception (Board of Appeals Case No. CBA-1609) for a private educational institution. Exhibit 200(a). Associated with the special exception, the Board of Appeals granted a variance from the minimum road frontage required for the use (*i.e.*, 200 feet), because the property had only 60 feet of frontage. *Id.* In its decision, the Board stated, “...the requested variance and special exception are granted to the petitioner only in the

manner set forth in the exhibits and testimony.” *Id.* The special exception was revoked in 2019 because the school use had been abandoned. Exhibit 200(b).

Conclusion: As the special exception has been revoked, this prior approval no longer applies to the subject property. Because the parcels subject to this decision will be subdivided into one lot, and there is no longer a requirement for a to have 200 feet of road frontage, the Hearing Examiner finds that the variance is moot and compliance is no longer required.¹ This standard has been met.

3. Delete Condition No. 8 of the conditions of approval (on page 120 of the Report).

This correction does not affect the substance of the Hearing Examiner’s decision in the case.

Issued this 9th day of September, 2022.



Lynn Robeson Hannan
Hearing Examiner

COPIES TO:

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Victor Salazar, Department of Permitting Services
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Parties to CU 22-01

¹ There is no formal procedure for revoking a variance under either the 2004 or 2014 Zoning Ordinance. *See, 2004 Zoning Ordinance*, Division 59-G-3; *2014 Zoning Ordinance*, §59.7.3.2.