

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

<https://www.montgomerycountymd.gov/ozah/>

IN THE MATTER OF:
AJ OF OLNEY LLC

Applicant

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OZAH Case No. CU 21-01

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ORDER APPROVING WITHDRAWAL OF THE APPLICATION

On July 21, 2020, the Applicant, AJ of Olney, LLC (Applicant or AJ), applied for a conditional use to convert part of an existing restaurant for use as a filling station under Section 59.3.5.13.C of the Montgomery County Zoning Ordinance. The subject property is located at 5500 Olney-Laytonsville Road, Olney, MD 20832 (Tax Account No. 08-00719322.) The property is zoned CRT and RE-1.

On January 27, 2021, the Hearing Examiner postponed OZAH's public hearing at the Applicant's request to permit it more time to address issues raised by Planning Staff. Exhibit 48. OZAH issued a notice a public hearing for February 7, 2022, but again postponed it indefinitely at the request of the Applicant. Exhibit 54. On November 10, 2022, AJ submitted a request to withdraw the application, along with a request for refund of a portion of the filing fee. Exhibit 57.

Section 59.7.3.1.D.4 of the Zoning Ordinance permits the Applicant to withdraw an application, provided that "[T]he Hearing Examiner or the Hearing Examiner's designee must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a conditional use." Rule 23.0 of OZAH's Land Use Rules of Procedure authorize a refund 50% of the filing fee when the application is withdrawn at least 30 days before the public hearing. The filing fee in this case was \$12,929.50.

The Hearing Examiner hereby approves the withdrawal of the application. As no hearing was scheduled at the time request for withdrawal was filed with OZAH, and one has never been held, she also grants a refund of 50% of the filing fee.

ORDER

Based on the foregoing, it is this 29th day of November, 20:22

ORDERED: That the Applicant's November 10, 2022, request to withdraw the above-captioned conditional use application be, and hereby is, **GRANTED**; and it is further

ORDERED, that the Applicant shall be refunded \$6,146.25, or 50% of the filing fee previously paid by the Applicant in this case.



Lynn Robeson Hannan
Hearing Examiner

COPIES TO:

Heather Dlhopsky, Esq.
Attorney for the Applicant
Josh Penn, Planning Department
Patrick Butler, Planning Department
Greg Nichols, Department of Permitting Services
James Babb, Division Chief, Treasury Division
Washington Suburban Sanitary Commission
Montgomery County Public Schools
Abutting and Confronting Property Owner, or a condominium's council of unit owners, if applicable)
Civic, Renters' and Homeowners Associations, and any municipality within one half mile of the site.