

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for**

**MONTGOMERY COUNTY
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850**

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

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

CU CASE NO. CU 24-09 and BOA CASE NO: A-6834

**APPLICATION OF JOSE AND NELSY POLANCO, DBA
TREEMAN, INC.**

**ORDER CONSOLIDATING CONDITIONAL USE AND
VARIANCE APPLICATIONS**

On October 18, 2023, the Office of Zoning and Administrative Hearings (OZAH) received a referral from the Montgomery County Board of Appeals (Board) to conduct a hearing and submit a recommended decision on the above variance application filed by Jose Manuel and Nelsy Polanco, d/b/a Treeman, Inc. (Applicant). The subject property consists of approximately 2 acres and is located at 2230 Spencerville Road, Spencerville, Maryland 20868, in the RE-1 Zone (Tax Account No.00263833).

In its variance application, the Applicant informed the Board that it would be filing a conditional use application for the same property with OZAH. The Board referred the case to OZAH so that OZAH could consider the variance and conditional use applications together. Exhibit 20.

On October 30, 2023, the Applicant filed the above-captioned conditional use application seeking to operate approval for a landscape contractor under Section 59.3.5.5 of the Montgomery County Code on the subject property.

Consistent with the Board of Appeals referral, and because the two applications relate to the same property and the same proposed use, the Hearing Examiner finds that judicial economy will be served by consolidating the two cases for public hearing.

So Ordered this 8th day of January 2024.



Kathleen Byrne (By LRH)
Hearing Examiner

COPIES TO:

Francoise M. Carrier, Esquire, Attorney for the Applicant
Barbara Jay, Executive Director Board of Appeals

Exhibit 22
OZAH Case No: CU 24-09

Patrick Butler, Planning Department
Mark Beall, Planning Department
Victor Salazar, Dept. of Permitting Services
Washington Suburban Sanitary Commission
Montgomery County Public Schools
Abutting and Confronting Property Owners
Civic, Renters' and Homeowners' Associations (including a condominium's
Council of Unit Owners)
Any Municipality within one-half mile of the property