

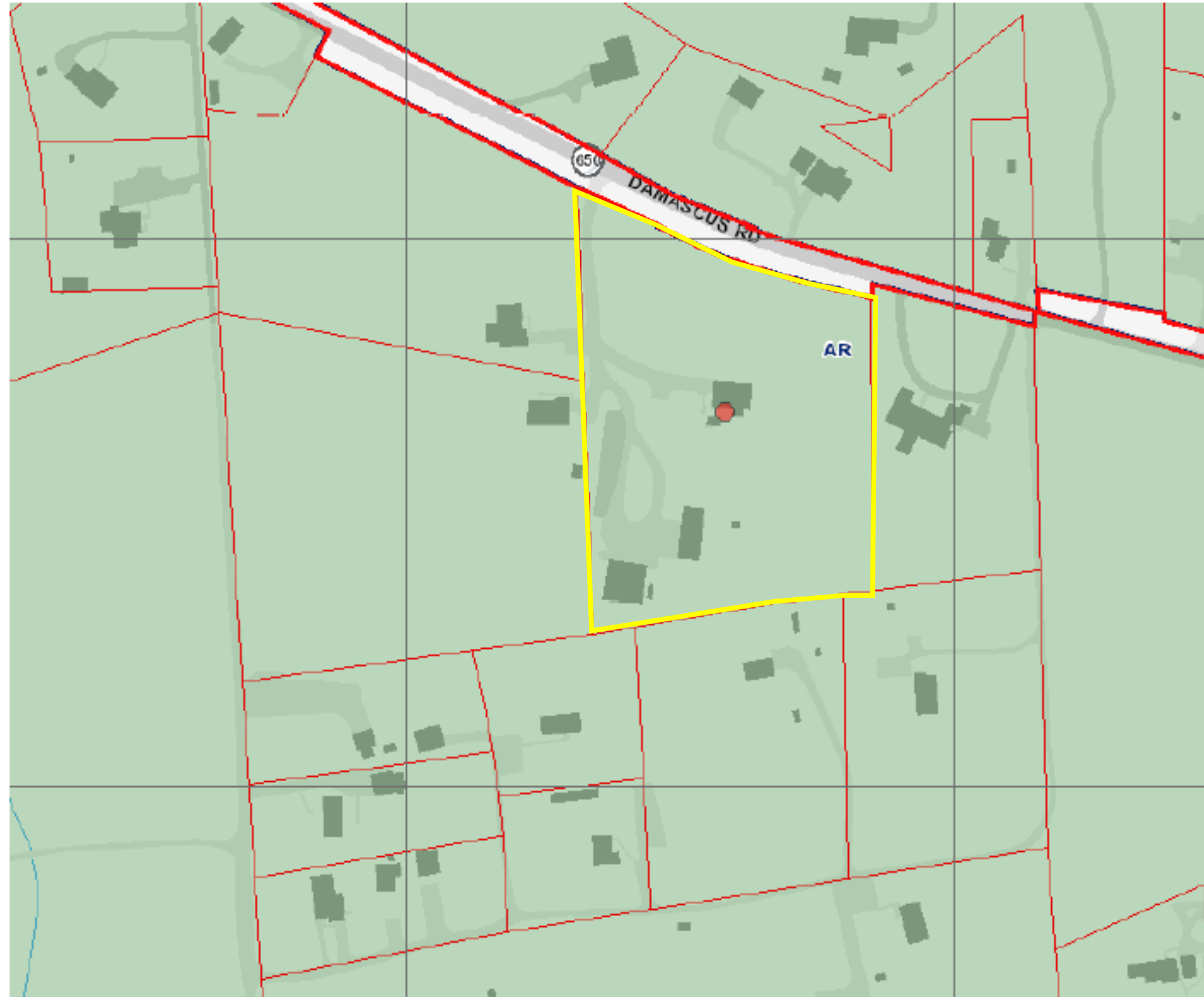
**American Lawn and Landscaping
Conditional Use No. CU 24-10 and
Variance Application No. A-6853
Gaithersburg, MD**

**Exhibit 36
OZAH Case No: CU 24-10**

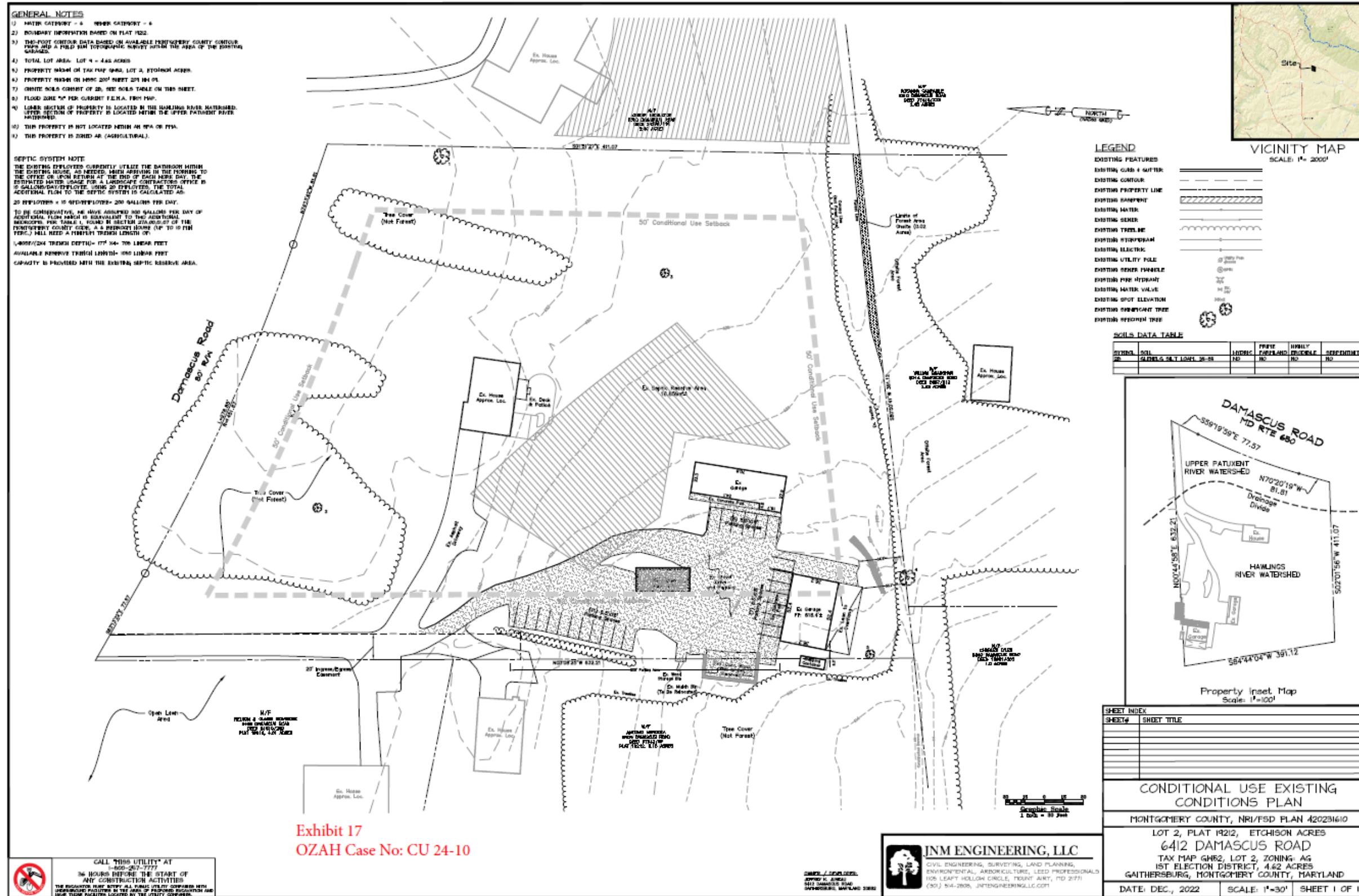
Aerial Photo



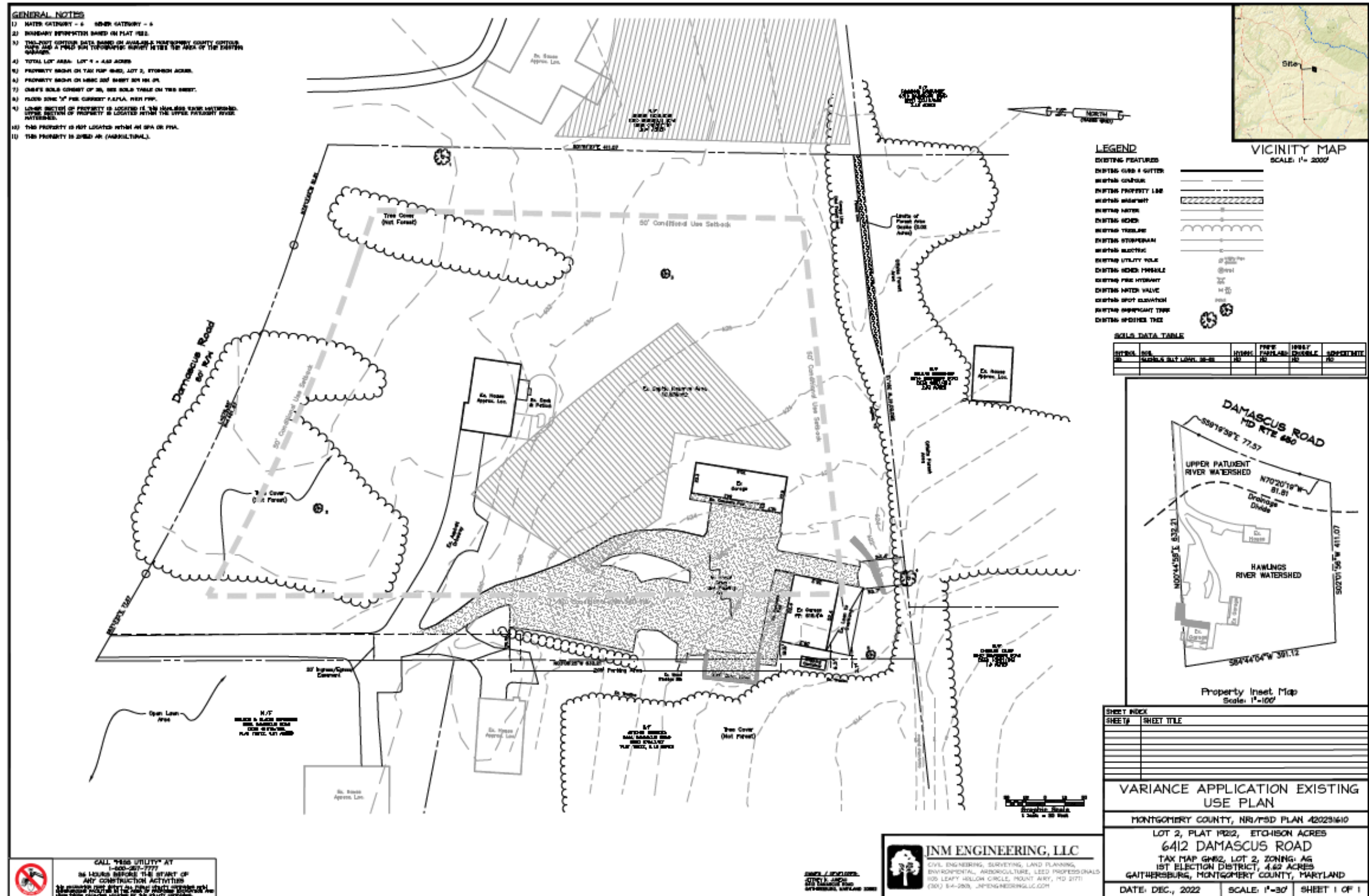
Certified Zoning Map (Enlargement of Exhibit 4)



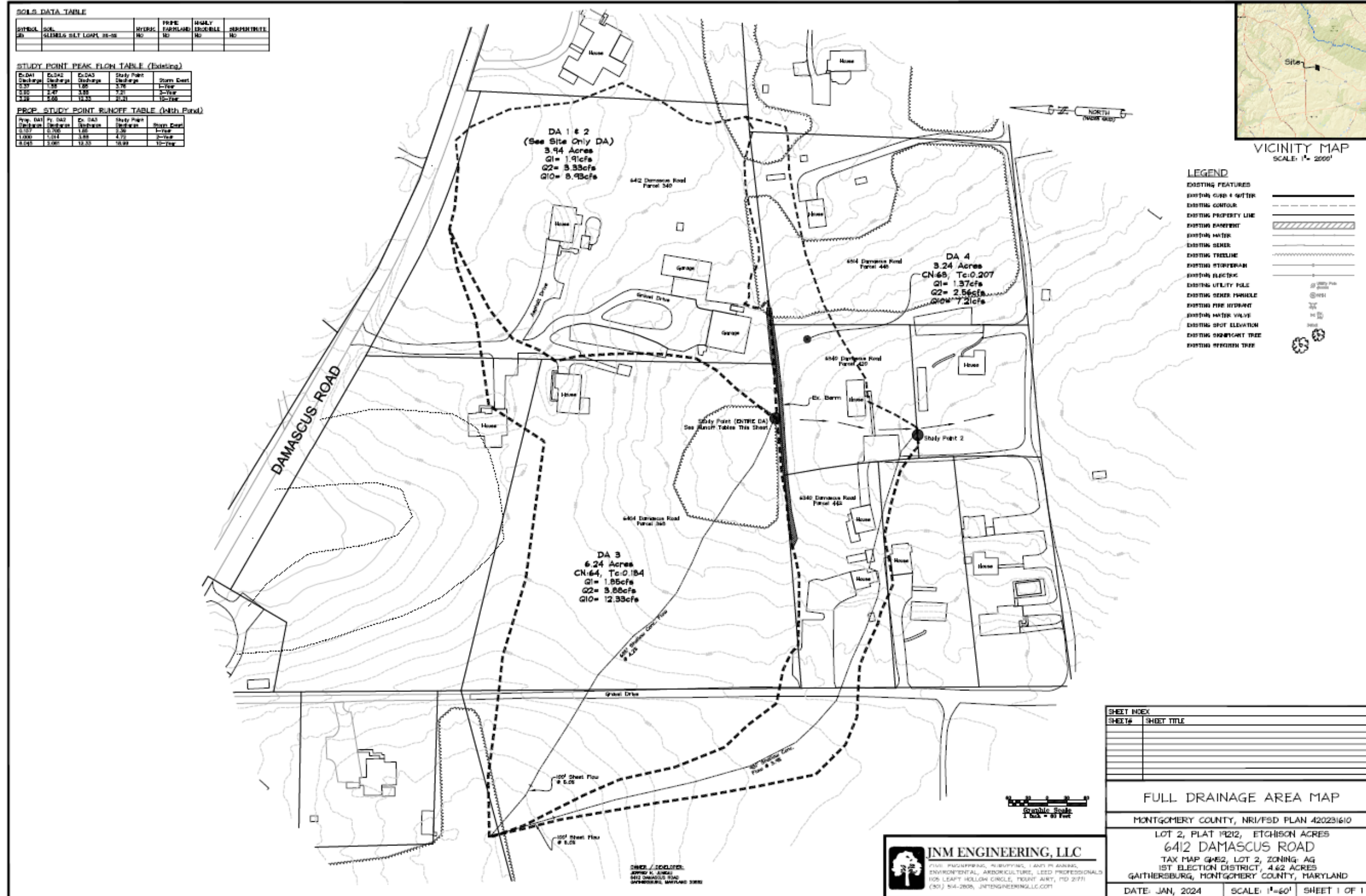
Conditional Use Plan (Reproduction of Exhibit 17)



Variance Plan (Reproduction of BOA Exhibit 7)



Drainage Area Map (Reproduction of Page 8 from Exhibit 34(a))



Proposed Stormwater Management (Reproduction of Exhibit 34(b))

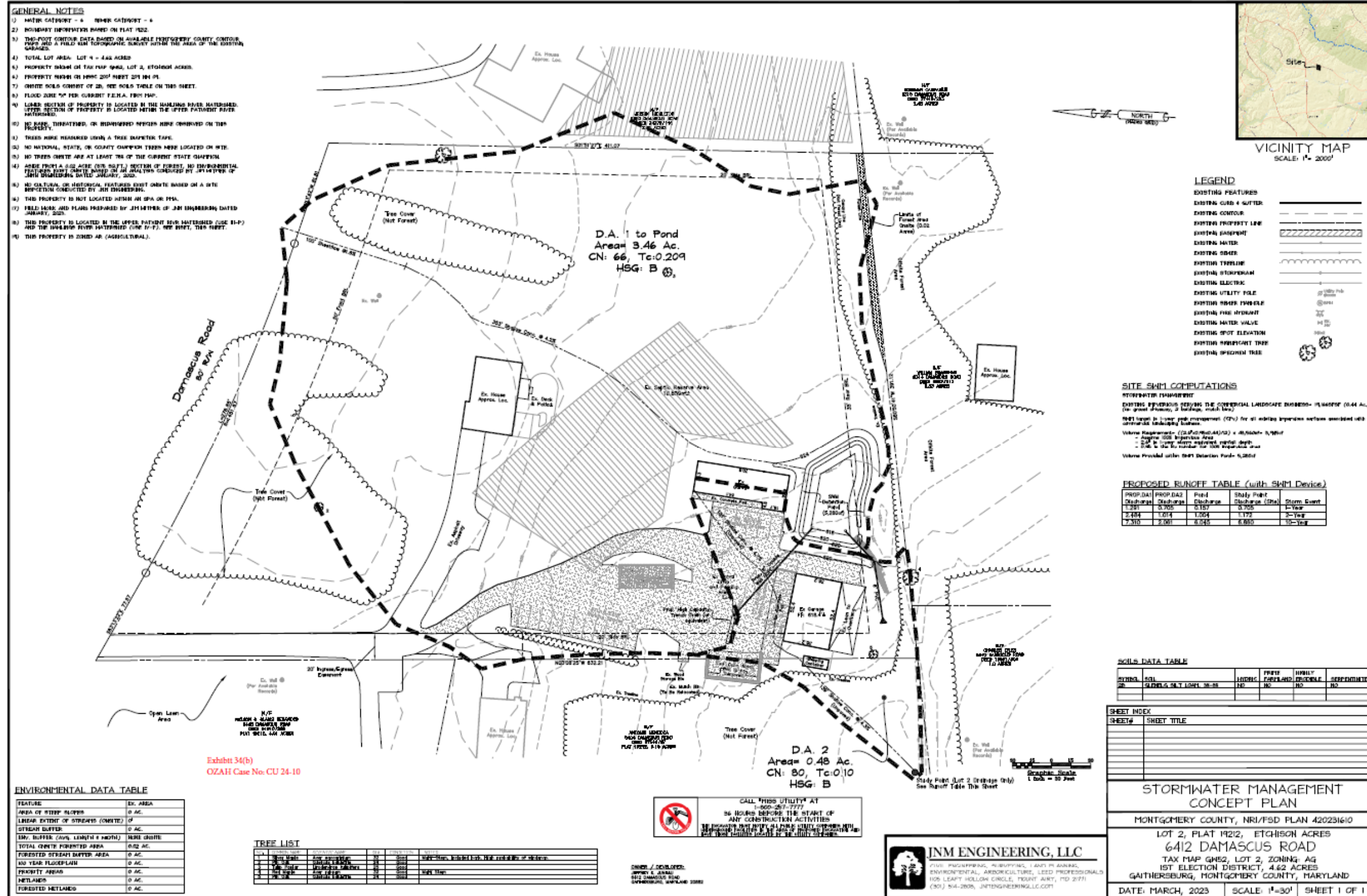


Exhibit 34(b)
OZAH Case No. CU 24-10

Conditions of Approval From Planning Board and Staff Report

(Reproduction Excerpts from Exhibits 26 and 27)

SECTION 1: RECOMMENDATIONS AND CONDITIONS

CONDITIONAL USE NO. CU202410

Staff recommends approval of American Lawn and Landscaping, Conditional Use No. CU202410, for a Landscape Contractor, subject to the following conditions:

1. The use is limited to a Landscape Contractor with two outbuildings/garages, parking on-site and single-family house to remain for residential purposes.
2. The employees will be required to have access to a bathroom in the house when onsite.
3. The Landscape Contractor must not have more than 24 employees on site per day.
4. The Applicant will utilize the following 12 total work vehicles onsite at any given time.
 - a. The Landscape Contractor must not have more than seven (7) stake body trucks.
 - b. The Landscape Contractor must not have more than four (4) pick-up trucks.
 - c. The Landscape Contractor must not have more than one (1) passenger van.
5. Hours of operation must be limited to 6:45 a.m. through 5:00 p.m., Monday through Friday. No operations will occur outside of normal weekday hours of operation or on weekends unless for an emergency such as storms or other similar events. The Applicant shall keep a log of emergency events..
6. The public will not visit the Property.

Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2425 Reedie Drive
Floor 14
Wheaton, MD 20902
MontgomeryPlanningBoard.org

March 5, 2024

Ms. Lynn Robeson Hannan, Director
Montgomery County Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, MD 20850

Subject: Request for a Conditional Use for a Landscape Contractor Service, located at 6412 Damascus Road, Gaithersburg 20882

Dear Director Robeson Hannan:

At its regular meeting on February 29, 2024, the Montgomery County Planning Board reviewed Conditional Use Application CU202410, for a Landscape Contractor. The Applicant, Jeffrey K. Juneau, proposes to establish a Landscape Contractor on approximately 4.62 acres, located at 6412 Damascus Road, in the AR Zone, and within the 2005 *Olney Master Plan* area. The Conditional Use Plan shows the proposed Landscape Contractor and the associated parking.

In its staff report dated February 16, 2024, technical staff recommended approval of the Conditional Use with conditions. During the Planning Board's review, the Applicant requested a revision to Condition No. 5. The Planning Board agreed and recommended an additional condition be added:

1. Modify Condition No. 5 to allow the hours of operation to end at 6:00 p.m. instead of 5:00 p.m.
2. Based on the proposed use, which is existing, the Board recognized a new non-inherent impact due to the existing development associated with the requested use on the subject property, which is believed to be the cause of uncontrolled runoff on the adjacent, downhill property. Therefore, the Board recommends providing mitigation for the non-inherent adverse impact to the neighbor, by requiring the applicant to provide stormwater management for all existing development on the subject property, to ensure there is not unreasonable runoff to the adjacent, downhill property.

With these revisions, the Planning Board concurred with the findings and recommendations of the staff report. The Planning Board agreed with staff's conclusion that the use is consistent with the recommendations of the 2005 *Olney Master Plan*. The application satisfies all the applicable requirements and regulations of the approval of a Conditional Use for a Landscape Contractor. The Applicant has also met the burden of proof by showing that operating the use at this location will not be a detriment to the neighborhood and will not adversely affect the public interest.

Exhibit 27
OZAH Case No: CU 24-10

CU Neighborhood Exhibit (Reproduction Excerpt from Exhibit 26)

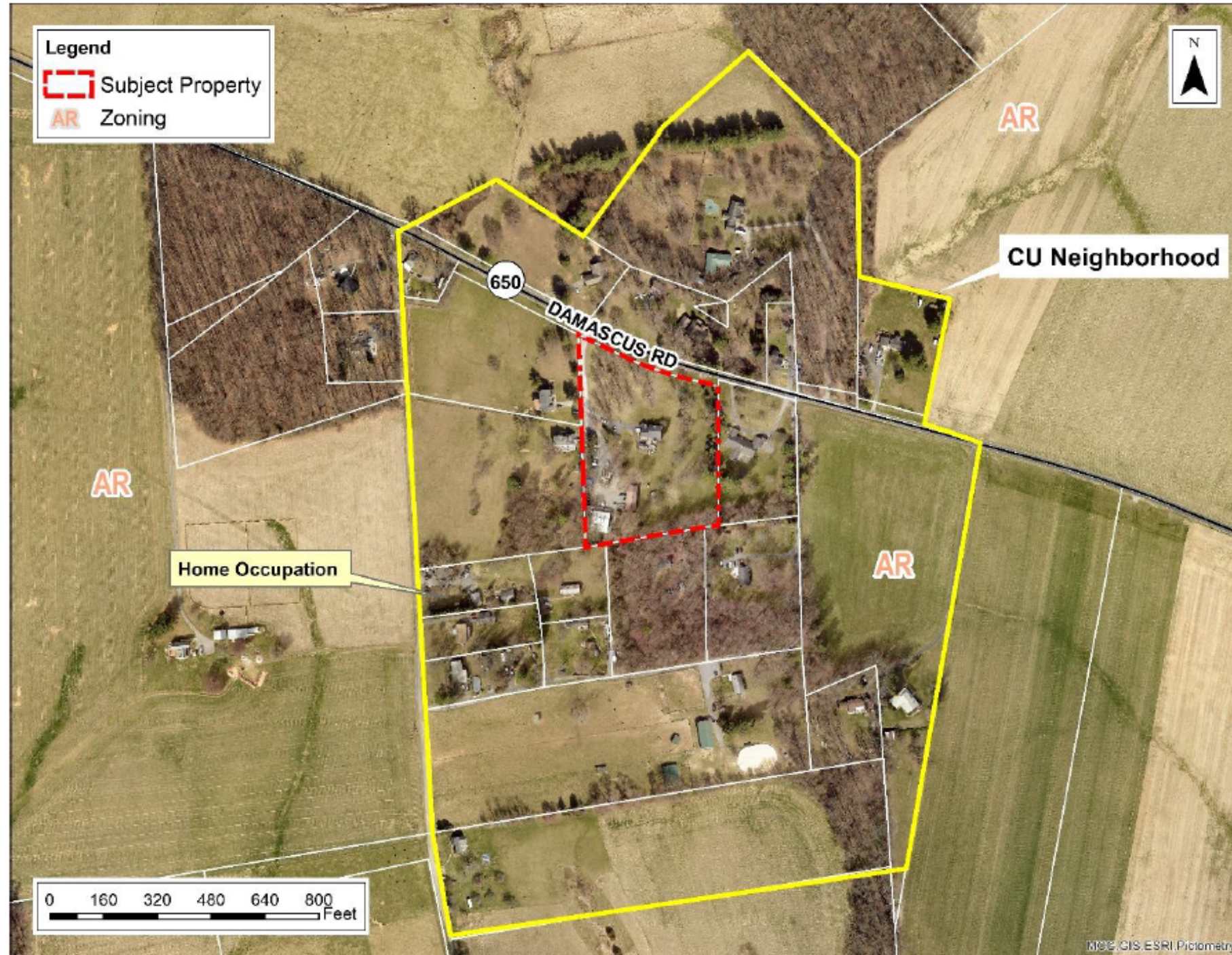
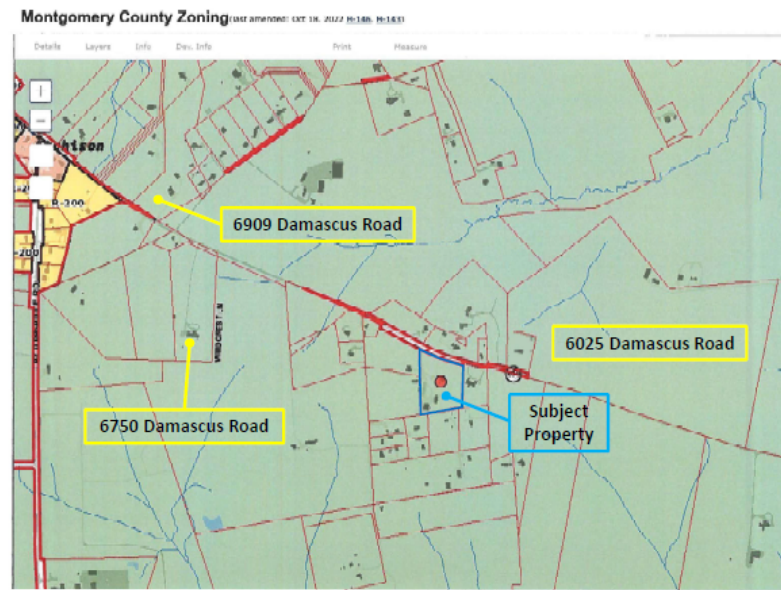


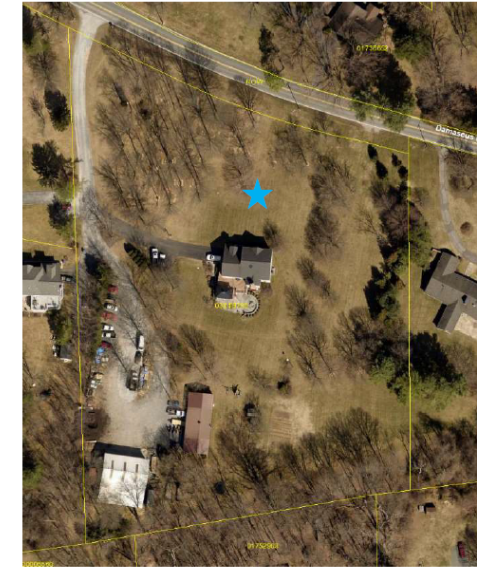
Figure 1: Vicinity Map with Staff-defined neighborhood highlighted in solid yellow

Neighborhood Exhibit (Reproduction of BOA Exhibit 5)



Reproduction of Vicinity Map

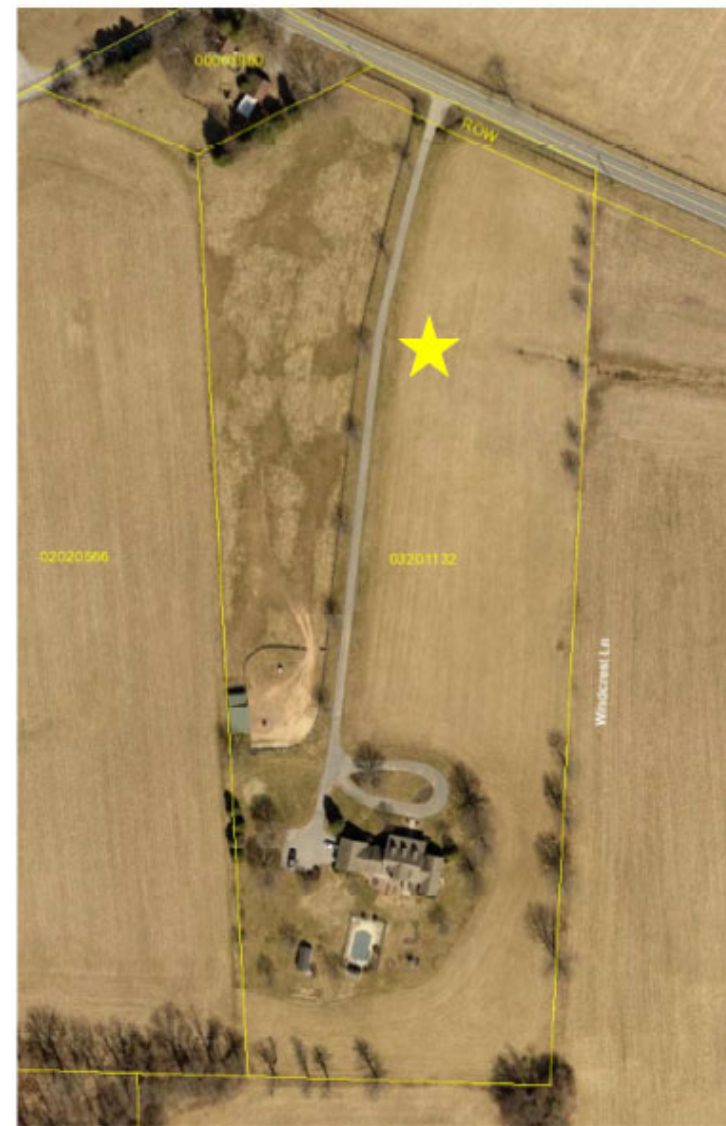
Subject Property



6412 Damascus Road



6909 Damascus Road



6750 Damascus Road



6025 Damascus Road