

LAND USE REPORT

This Land Use Report is submitted on behalf of Doctor Charles Weiss, on behalf of the Bradley Hills Animal Hospital, (the "Petitioner") in connection with its request pursuant to Section 7.3.1 of the Montgomery County Zoning Ordinance ("Zoning Ordinance") to permit and confirm the continued use of the property, located at 7210 Bradley Boulevard in Bethesda, Maryland (the "Property"), as a full service Veterinary Office/Hospital (per Section 3.5.1 of the Zoning Ordinance) (the "Project").

As discussed in greater detail below, the Property has been operated as a full-service animal hospital since the late-1970s. The existing use has operated pursuant to validly issued home occupation certificates, the most recent of which was issued on March 01, 2000 (*see Attachment "A"*). The existing building and site layout, and approved operations, will remain unchanged as a result of this Application. As such, the proposed Conditional Use will continue to be compatible with the surrounding neighborhood. The Petitioner is merely seeking Conditional Use approval to formalize, under the current Zoning Ordinance, the long-standing use of the Property.

As discussed in this Report, the proposed use will satisfy the applicable development standards of the R-200 Zone and the use standards contained in Section 3.5.1.C.2.b (as applicable). The Project substantially conforms with the *1990 Approved and Adopted Bethesda – Chevy Chase Master Plan* (the "Master Plan"). Importantly, the Veterinary Office/Hospital will continue to serve an essential need for the community, providing much needed high quality veterinary care services to area residents.

I. BACKGROUND

The Petitioner purchased the Property in 2000 and sought approval of a Home Occupation Certificate to continue the then-existing use of the Property as a full-service animal hospital, known as the Bradley Hills Animal Hospital. The Bradley Hills Animal Hospital has operated on the Property since the 1970s and is located in the southwestern wing of the existing building. The Veterinary Office/Hospital use is comprised of approximately 1,596 square-feet. The remainder of the existing building is used as the Petitioner's primary residence. The Bradley Hills Animal

Hospital has been serving residents of Bethesda and the surrounding community for more than 45 years, the last 22 years of which have been under Dr. Weiss's care.

II. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

a. Property Location, Characteristics, and Existing Conditions

The Property is located along Bradley Boulevard (MD-191), approximately equidistant between Burdette Road and I-495. The Property has a net lot area of approximately 1.03 acres, and is more particularly known as Lot P1, Block 3 in the "Kefauver Tract - Bradley Hills" subdivision as recorded among the Land Records of Montgomery County, Maryland at Plat No. 201.

As discussed above, the use of the Property, as a full-service animal hospital, is a long-standing use within the community. Although the Surrounding Neighborhood (as defined and depicted on Attachment "B") is predominately characterized by single-family residential uses, there are several other neighborhood-serving commercial and institutional uses in the immediate vicinity, including the PEPCO Facility, Guidepost Montessori School, and Our Lady of Bethesda Retreat Center.

The Property is currently improved with a single-story building. The Property is currently improved with approximately 3,578 square feet of above-grade floor area, of which approximately 1,596 square feet is devoted to the Veterinary Hospital use and associated surface parking, to remain as a grandfathered site condition (as discussed below). According to the State Department of Assessments and Taxation ("SDAT") records, the existing building was built circa 1951.

b. Zoning and Permitted Uses

The Certified Zoning Map, submitted concurrently with this Report, confirms the Property is currently zoned R-200. Pursuant to Section 59.3.1.6 of the Zoning Ordinance a Veterinary Office/Hospital is permitted as a Conditional Use within the R-200 zone, subject to the requirements contained in Section 59.3.5.1.C of the Zoning Ordinance. The Petitioner is seeking to obtain approval of a Conditional Use to allow for the continued operation of the long-standing full-service animal hospital use of the Property, to better align the use of the Property with current regulatory standards.

III. REQUEST FOR CONDITIONAL USE APPROVAL

Petitioner respectfully seeks Conditional Use approval from the Hearing Examiner for a Veterinary Office/Hospital, to allow for the continuation of the long-standing use of the Property. No changes are proposed to the existing building (footprint or height) or existing site improvements. Additionally, no changes are proposed to the existing, approved operations on the Property. The Petitioner will continue to provide primary veterinary care services to the surrounding community, including regular yearly vaccines, preventative medications, illness treatments, injury treatments and surgical procedures etc. Patients will be seen by appointment only (with the exception of emergency patients or visits to pick-up prescriptions and pet-related items or drop-off samples for testing) during the hours of 7:30 AM to 6:00 PM Monday through Saturday. There will be an average of 25 appointments per date, with an average of 150 appointments per week. In addition to the Doctor, the Bradley Hills Animal Hospital will have a maximum of six (6) employees, on-site at any given time. As such, the continuation of this long-standing use will further support the needs of the surrounding community, as identified in the Master Plan and discussed in greater detail in Section V below.

The existing vehicular access and parking will remain unchanged as part of this application. Section 6.2.4 of the Zoning Ordinance requires one parking space per each employee plus 2.50 spaces for each doctor practicing simultaneously. There will be a maximum of six (6) employees and one (1) doctor on-site at any given time. Accordingly, a minimum of nine (9) parking spaces are required. The Property currently provides 11 parking spaces, and as such, will continue to provide sufficient parking on-site to accommodate the Veterinary Office/Hospital use.

The parking is located in the front of the building and is a grandfathered site condition under Section 7.7.1.A.1. (*See* Department of Permitting Services Confirmation Letter, Attachment “C”). Specifically, Section 7.7.1.A.1 provides that “[a] legal structure or site design existing on October 30, 2014 that does not meet the zoning standards on or after October 30, 2014 is conforming and may be continued, renovated, repaired, or reconstructed if the floor area, height and footprint of the structure are not increased...” The parking has existed on the Property for several decades in connection with the existing use (pursuant to the valid Home Occupation Certificate). The Applicant is seeking to retain the existing parking. As demonstrated on the plans submitted concurrently with this Report, no changes are proposed to the footprint of the parking

area. The parking will continue to be accessed off Bradley Boulevard via two one-way access points. The separated ingress and egress points, with one-way circulation, assure easy entry into and exit from the parking area. There are also two (2) separate residential parking spots located behind the residential home as well, which will remain.

The traffic statement submitted concurrently with this Report confirms that this use is a low traffic generator. Based on the characteristics of this use, which operates by appointment only, arrival and departure times are spread over the course of the day. As such, the Property will continue to provide more than adequate parking, and safe and efficient internal circulation, on-site.

IV. STATEMENT OF OPERATIONS

Bradley Hills Animal Hospital will continue to provide community residents with access to needed primary care veterinary services, including, for example, regular yearly vaccines, preventative medications, illness treatments, injury treatments and surgical procedures.

Access to good veterinary medicine is critical to pet owners. Bradley Hills Animal Hospital is pleased to be able to provide these necessary services in a residential setting that is in a convenient location, which is easily accessible to many surrounding communities. Bradley Hills Animal Hospital has operated successfully, with extensive support from the community it serves, for over 45 years. Based on this longevity and the overwhelmingly positive support received from the community, Bradley Hills Animal Hospital has become an integral part of the neighborhood. Bradley Hills Animal Hospital has over 200 community member reviews and maintains a 4.9 out of 5 star rating, and has been awarded “Best Veterinarian” by Bethesda Magazine numerous times and have a stellar reputation throughout the industry.

1. Employees. In addition to the veterinarian, there are a maximum total of six (6) employees on-site at any given time, including: one (1) receptionist, three (3) technicians and two (2) veterinary assistants. Employee schedules follow regular business hours (*e.g.* 7:30 AM to 6:00 PM).
2. Deliveries. Deliveries for the Veterinary Office/Hospital, from vendor suppliers, are typically arranged for delivery in the morning, before appointments begin, when staff is available to receive and distribute products as they arrive. Deliveries of medical supplies and retail sale items average twice per week, and pet food supplies are

delivered once per week, when needed. All other deliveries are made by USPS, FedEx, and UPS on their standard routes.

3. Waste Collection & Recycling. Bradley Hills Animal Hospital adheres to Montgomery County's waste management collection schedule. Trash and recycling bins are stored behind the clinic and are rolled to the curb the night before pick-up and brought back onto the property promptly after being collected. All medical waste is contained in medical grade disposal containers within the clinic and disposed of according to health code standards.
4. Grounds Maintenance. Bradley Hills Animal Hospital has used the same vendor for grounds keeping and maintenance since 2001. The vendor does 4-season maintenance on the property. Everything from spring planting to summer lawn maintenance, and fall leave clean-up, to snow removal in the winter months.
5. Limited Sale of Pet Food and Supplies. The Petitioner provides a limited offering of prescription pet food and supplies to its customers. The sale of these supplies is accessory to the veterinary services and currently accounts for only approximately 1% of total revenue. Sales of pet food and supplies will remain below 20% of revenue at all times.
6. Overnight Care. Animals do not stay on the Property overnight with the exception of occasional overnight stays when surgery requires. Because the Doctor lives in the residence next door, he is able to oversee the animal's care when an overnight stay is required.

V. MASTER PLAN RECOMMENDATIONS

The Property falls within the boundaries of the *1990 Approved and Adopted Bethesda – Chevy Chase Master Plan* (the "Master Plan"). The Master Plan reconfirms the Property's R-200 zoning. There are no site-specific recommendations contained in the Master Plan, although the full service animal hospital use of the Property was existing at the time of the Master Plan's adoption. A primary goal of the Master Plan is "to protect the high quality of life, the existing residential character, and the natural environment throughout the area." The Project accomplishes this while allowing for the continuation of this long-standing community-serving use on the Property. As discussed herein, the existing use, building, and site improvements have existed on the Property

for decades and as such, are a well-established fixture in the Surrounding Neighborhood and a part of the community fabric. Notably, the existing building, which will be retained, has a residential appearance that blends in seamlessly with the surrounding neighborhood. No new development is proposed by this Conditional Use.

The Master Plan provided guidelines for locating Special Exceptions (now, Conditional Uses), which were intended to “discourage concentrations of office-related special exceptions but support those related to child, elder and health services and other community-serving needs.” (See page 31). Specifically, these guidelines include:

1. *Avoid excessive concentration of special exception and other nonresidential land uses along major highway corridors. Of particular concern are office uses. It is also important to minimize uses that might degrade the safety and capacity of the highway by creating too many access points and conflicting turn movements.*

The Petitioner is seeking Conditional Use approval to allow for the continuation of the long-standing Veterinary Office/Hospital use of the Property. The Veterinary Office/Hospital has been serving the needs of the community for at least the past 45 years and was existing at the time the Master Plan was adopted. As such, recommendations aimed at avoiding “excessive concentration” of commercial special exceptions were prospectively targeting potential future uses and are not applicable to the Property. Despite the fact that the use was existing at the time, the Master Plan contains no site-specific recommendations. Furthermore, the Petitioner’s position is that the use of the Property is better classified as a “community-serving need” (as opposed to commercial), which is a type of special exception use that the Master Plan specifically seeks to encourage within the area.

The access to the Property will remain unchanged as a result of this application. The existing vehicular access and circulation will facilitate safe and efficient vehicular circulation internal to the site. The two, one-way access points separate vehicular turning movements along Bradley Boulevard, to help minimize any potentially conflicting turn movements.

2. *Avoid over-concentration of commercial service or office special exception uses in residential communities. These include funeral parlors, horticultural nurseries, veterinary clinics, medical or dental clinics, medical or professional offices, and philanthropic organization. The plan does not discourage home*

occupations that meet the Zoning Ordinance criteria. Areas which may be most vulnerable are near employment centers and along major highways.

The Veterinary Office/Hospital use has existed on the Property for the past 45 years (well before the Master Plan was adopted). The Master Plan specifically notes that home-occupations are not discouraged. (See page 31). The proposed Conditional Use application merely seeks to formalize the long-standing use of the Property (which previously operated under Home Occupation Certificate(s)). The characteristics of the use, which is encouraged by the Master Plan, will not change. Rather, this application simply puts a new label on the use.

3. *Protect major highway corridors and residential communities from incompatible design of special exception uses. In the design and review of special exceptions, the following guidelines should be followed, in addition to those stated for special exception uses in the Zoning Ordinance.*
 - a. *Any modification or addition to an existing building to accommodate a special exception should be compatible with the architecture of the adjoining neighborhood and should not be significantly larger than nearby structures.*

The Petitioner is not proposing any changes to the existing building footprint or height. As such, the existing building, which was initially constructed in 1951 and to our knowledge has changed very little since that time, will continue to be compatible with the surrounding neighborhood.

- b. *Front yard parking should be avoided because of its commercial appearance; however, in situations where side or rear yard parking is not available, front yard parking should only be allowed if it can be landscaped and screened adequately.*

No changes are proposed to the existing parking in connection with this application. The on-site parking will continue to be provided at the front of the Property, and remains grandfathered under Section 7.7.1.A of the Zoning Ordinance. The existing building and site improvements existed long before the Special Exception design criteria of the Master Plan were established for this area.

4. *Support special exception uses that contribute to the service and health objectives of the Master Plan. In general, the Plan endorses provision of child day care, group homes, elder day care and nursing homes.*

The proposed Conditional Use will continue to provide veterinary healthcare services to meet the needs of the surrounding residential community.

For the reasons discussed herein, the proposed Conditional Use is in substantial conformance with the goals and recommendations of the Master Plan.

VI. ZONING ORDINANCE REQUIREMENTS

The Project will satisfy the applicable standards of the Zoning Ordinance for a Veterinary Office/Hospital use in the R-200 Zone, including the Conditional Use standards set forth in Article 59-3, the development standards set forth in Article 59-4, and the general development requirements set forth in Article 59-6.

a. Compliance with Standards in Article 59-3

The Project complies with the Conditional Use standards for a Veterinary Office/Hospital, as applicable, contained in Section 3.5.1.C.2.b of the Zoning Ordinance:

1. *Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 75 feet from any lot line and screened under Division 6.5. Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 75 feet from any lot line and screened under Division 6.5.*

Animals are not exercised, walked or kept outdoors. There is a fenced in area that separates the clinic yard from the rest of the Property, where animals are taken by technicians to relieve themselves, when necessary. Although, based on the short-term nature of most appointments, this is not commonly required.

2. *All exterior exercise areas and runs must be fenced.*

As discussed above, animals are not exercised, walked or kept outdoors.

3. *Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.*

Animals do not stay on the Property overnight, except for when an animal must stay overnight to recover from surgery. Even in these occasions, no animals are outside between 9:00 p.m. and 7:00 a.m.

4. *Animals must only be walked or exercised in on-site outdoor areas.*

Animal stays are typically limited in duration, given the nature of the services provided. However, to the extent that animals need to relieve themselves during their stay, there is a fenced in yard behind the clinic (separate from the remainder of the Property) to accommodate this.

5. *The sound level at the nearest property line must satisfy Chapter 31B.*

The sound levels at the nearest property line satisfy the requirements of Chapter 31B of the County Code.

6. *All buildings and accessory structures must be set back a minimum of 50 feet from any residential lot line.*

According to SDAT records, the existing building was constructed circa 1951. The Property has been used as a full-service veterinary hospital use for over 45 years. The existing building and its location, which is set back a minimum of 24.5 feet from the nearest residential lot line, is grandfathered under Section 7.7.1.A of the Zoning Ordinance. No changes are proposed to the location of the existing building. Rather, the Applicant is merely seeking to formalize the existing use through this Conditional Use application. DPS has confirmed that the existing building is grandfathered under Section 7.7.1.A of the Zoning Ordinance. (See Attachment "C").

7. *All litter and animal waste must be contained and controlled on the site.*

All litter and animal waste will be properly contained and controlled on-site.

8. *Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.*

The Petitioner currently provides limited sales offerings of pet food and supplies for the convenience of its customers. The sales of the pet food and supplies will continue to be limited to no more than 20% of the total annual sales/revenue of the business.

9. *The Hearing Examiner may regulate hours of operation. The Hearing Examiner may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.*

Animals are seen between the hours of 7:30 am and 6:00 pm Monday through Saturday. No changes are proposed to the existing, long-standing operations in connection with this application. No animals are boarded on-site overnight, with the exception of the occasional animal that stays overnight for surgery recovery. Given the limited duration typically associated with an animals visit, no outdoor exercise is typically required.

10. *The Hearing Examiner may regulate the number of appointments. Animals may be seen by appointment only. Emergency patients and visits to pick up prescriptions and pet-related items may also occur, within office hours only and without a scheduled appointment; abuse of this exemption may lead to revocation of the*

conditional use. A written log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by DPS.

Clients have scheduled appointments between the hours of 7:30am and 6:00pm Monday through Saturday. On average, there are 25 patients seen per day or 150 patients seen per week.

11. *If the proposed use is located in an area that uses well water and septic facilities, the Petitioner must prove that the use will not adversely effect groundwater or septic systems.*

The Property is located with the Water and Sewer Categories of W-1 and S-1. The Property is served by the existing public water and sewer services.

12. *The Petitioner must submit the following:*

- i. *Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.*

The Petitioner is submitting an acoustical engineering study concurrently with this Report.

- ii. *Detailed floor plans that show all the interior areas, including runs and kennels.*

As discussed here, no changes are proposed to the existing building in connection with this application. The existing floor plans are being submitted concurrent with this Report.

- iii. *Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.*

A Site Plan has been prepared and is being submitted concurrent with this Report, which shows the existing site improvements. There are no proposed changes to the existing site layout.

b. Compliance with Standards in Article 59-4

As demonstrated below, the Project complies with the development standards for the R-200 Zone, as provided in Section 59-4.4.7 of the Zoning Ordinance:

TABLE 1 – ZONING ORDINANCE COMPLIANCE			
Article 59-4. Development Standards for Euclidean Zones		Permitted/ Required	Proposed
Division 4.7. Residential Zones	Section 4.4.7. Residential - 200 Zone (R-200)		
	B. R-200 Zone, Standard Method Development Standards¹		
	1. Lot and Density		
	• Lot (min.)		
	Lot area	20,000 SF	45,000 SF
	Lot width at front building line	100'	150'
	Lot width at front lot line	25'	150'
	Frontage on Street or Open Space	Required, except as exempt under Chapter 50	Frontage on Bradley Blvd. provided.
	• Density (max)		
	Density (units/acre)	2.18 units per acre.	1 unit
	• Coverage (max)		
	Lot	25%	8%
	2. Placement		
	Principal Building Setbacks (min)		
	• Front setback	40'	99' (House) 121' (Vet Clinic)
	• Side setback	12'	20' (House)

¹ Applicable R-200 Development Standards for "Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone" building type.

		24' (Vet Clinic)
• Sum of side setbacks	25'	44'
• Rear setback	30'	156' (House) 140' (Vet Clinic)
Accessory Structure Setbacks (min)		
• Front setback	60'	175'
• Side setback	12'	66'
• Rear setback	7'	112'
3. Height		
Height (max)		
<ul style="list-style-type: none"> Principal building Measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof <u>and</u> if lot is $\geq 40,000$ SF 	50'	Up to 35' (no change from existing condition, as such existing building height is grandfathered under Section 7.7.1.A)
<ul style="list-style-type: none"> Accessory Structure 	35'	Up to 15' (no change from existing condition, as such existing building height is grandfathered under Section 7.7.1.A)
4. Form		
Allowed Building Elements		
• Porch/Stoop	Yes	Yes
• Balcony	Yes	N/A

c. Compliance with Standards in Article 59-6

As demonstrated below, and on the attached Conditional Use Plan, the Project complies with the general development standards contained in Section 59-6 of the Zoning Ordinance:

Article 59-6 General Development Requirements			Permitted/ Required	Proposed
Division 6.1 Site Access	Not applicable to Residential Detached zone.			
Division 6.2 Parking, Queuing and Loading	Section 6.2.4 Parking Requirements			
	Veterinary Office/Hospital – Vehicle Parking Spaces	Base parking requirement of 1 space per employee. 6 spaces total	11 spaces	
		2.50 spaces for Each Doctor Practicing Simultaneously 2.5 spaces total		
	Bicycle Parking Spaces	Not required	N/A	
	Section 6.2.5 Vehicle Parking Design Standards			
	E. Size of Spaces			
	See Section 6.2.5.E for detailed requirements.	Perpendicular 8.5 x 18 FT	9.5 x 18 feet	
45 to 59		9.5 x 18 feet (grandfathered)		

		Degrees 12 x 26.5 FT	existing site condition)
G. Drive Aisles			
See Section 6.2.5.G for detailed requirements.	Perpendicular 20' 45 to 59 Degrees 16 FT		20'
K. Facilities for Conditional Uses in Residential Detached Zones.			
1. Location			
Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.			See discussion above. Existing parking is grandfathered under Section 7.7.1.A.1.
2. Setbacks			
a. The minimum rear parking setback equals the minimum rear setback required for the detached house.		30'	Complies (173 feet)
b. The minimum side parking setback equals 2 times the minimum side setback required for the detached house.		24' (from western property line) 24' (from eastern property line)	See discussion above. Existing parking is grandfathered under Section 7.7.1.A.1.
Section 6.2.8 Loading Design Standards			

	<p>2. Office and Professional, Group Living, Hospital, Educational Institution (Private), and Hotel and Motel Uses</p>	<p>None required up to 25,000 SF of GFA</p>	<p>0</p>
<p>Section 6.2.9.L Parking Lot Requirements for 10 or More Spaces</p>			
<p>1. Landscaped Area</p>			
<p>a. A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5% of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.</p> <p>b. A maximum of 20 parking spaces may be located between islands.</p> <p>c. A landscaped area may be used from stormwater management ESD facility.</p>		<p><i>See discussion above. Existing parking is grandfathered under Section 7.7.1.A.</i></p>	
<p>2. Tree Canopy</p> <p>Each parking lot must maintain a minimum tree canopy of 25% coverage at 20 years of growth, as defined by the Planning Board’s Trees Technical Manual, as amended.</p>		<p><i>See discussion above. Existing parking is grandfathered under Section 7.7.1.A. See landscaping plan.</i></p>	
<p>3. Perimeter Planting (not abutting an Agricultural, Rural Residential or Residential Detached zoned property that is vacant or improved with an agricultural or residential use)</p> <p>Must be a minimum of 6 feet wide, contain a hedge or low wall a minimum of 3 feet high; and have a canopy tree planted for 30 feet on center (unless the property abuts another parking lot, in which case a perimeter planting area is not required)</p>		<p><i>See discussion above. Existing parking is grandfathered under Section 7.7.1.A.</i></p>	

	4. Lighting	
	Parking lot lighting must satisfy Section 6.4.4, General Outdoor Lighting Requirements.	No existing outdoor parking lot lighting provided.
Division 6.3 Open Space and Recreation	No applicable requirements for development in Residential Detached Zone that does not provide MPDU or Cluster development methodology.	
Division 6.4 General Landscaping and Outdoor Lighting	Section 6.4.4. General Outdoor Lighting Requirements	
	E. Conditional Uses.	
	Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.	Complies
Division 6.5 Screening Requirements	Section 6.5.3. Screening Requirements	
	A. Location – Applicable along lot line shared with an abutting property that is vacant or improved with agricultural or residential use.	Not applicable. Existing site improvements grandfathered under Section 7.7.1.A.1.

As illustrated above, the Project will satisfy applicable Zoning Ordinance requirements for a Veterinary Hospital/Office in the R-200 Zone, as applicable.

Although not addressed above, a minimal amount of signage – including a single freestanding monument sign at the vehicular entrance along Bradley Boulevard is to remain. However, the Petitioner understands that any new signage to be provided on the Property will be subject to review by DPS, and must be provided in accordance with the applicable Zoning Ordinance requirements and procedures for Division 6.7.

I. REQUIRED FINDINGS (SECTION 7.3.1.E)

This Land Use Report confirms that the proposed Veterinary Office/Hospital will satisfy the required findings for Conditional Use approval specified in Zoning Ordinance Section 7.3.1.E.

- a. *Section 7.3.1.E.1.a. [The conditional use] satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

The proposed Conditional Use will replace the existing Home Occupation Certificate (No. 203414, issued on March 1, 2000) and will allow for the continuation of the long-standing use of the Property. The proposed Conditional Use does not propose any changes to the existing, previously approved operations on the Property. There are no other previous approvals for the Property.

- b. *Section 7.3.1.E.1.b. [The conditional use] satisfies the requirements of the zone, use standards under Article 59-3, and applicable general requirements under Article 59-6;*

As discussed fully in Section VI of this Report, the proposed use complies with the applicable requirements of the R-200 Zone, including the conditional use standards for Veterinary Hospital/Office set forth in Section 59.3.5.1.C of the Zoning Ordinance and the general requirements of Article 59-6.

- c. *Section 7.3.1.E.1.c. [The conditional use] substantially conforms with the recommendations of the applicable master plan;*

The proposed use substantially complies with the Master Plan, as discussed in Section V of this Report.

- d. *Section 7.3.1.E.1.d. [The conditional use] is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;*

The Conditional Use will allow for the continued operation of this long-standing, community-serving use. The Conditional Use does not propose any changes to the existing, approved operations or site improvements. As such, the Veterinary Office/Hospital will continue to be compatible with the Surrounding Neighborhood.

- e. *Section 7.3.1.E.1.e. [The conditional use] will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that*

substantially conforms with the recommendations of a master plan does not alter the nature of an area;

The Property has been operated as a full-service animal hospital for over 45 years. This Application merely seeks to formalize the existing, approved, long-standing use, through a Conditional Use approval. As such, the proposed Conditional Use will not have any adverse affects on the character of the surrounding area, which has largely grown up around this use. Furthermore, as described herein, the Conditional Use substantially conforms with the recommendations of the Master Plan.

f. Section 7.3.1.E.1.f. [The conditional use] will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and: (i) if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, or (ii) if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.

A preliminary plan of subdivision is not required. However, the Petitioner's civil engineers have confirmed that the Project will continue to be served by adequate public facilities.

The Traffic Statement, submitted concurrently with this Report, demonstrates that the Conditional Use will not generate any additional trips, as compared to the existing use. As such, because the Conditional Use will result in fewer than 50 net new peak hour person trips, the Project is exempt from Local Area Transportation Review ("LATR").

The Property is already served by existing water and sewer. The Property is located within water and sewer categories W-1 and S-1. Electric, gas and telecommunications services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Growth and Infrastructure Policy and will continue to be sufficient.

g. Section 7.3.1.E.1.g. [The conditional use] will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories: (i) the use, peaceful enjoyment, economic value or

development potential of abutting and confronting properties or the general neighborhood; (ii) traffic, noise, odors, dust, illumination, or a lack of parking; or (iii) the health, safety, or welfare of neighboring residents, visitors, or employees.

The Zoning Ordinance defines inherent adverse effects, as “[a]dverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or the scale of operations.” (See Zoning Ordinance Section 1.4.2). The Zoning Ordinance is clear that inherent adverse effects alone do not constitute a sufficient basis for denial of a Conditional Use, and must be evaluated in combination with non-inherent adverse effects. Non-inherent adverse effects are defined as “[a]dverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” (See Zoning Ordinance Section 1.4.2).

The Petitioner is not proposing a change in use – rather, the Conditional Use will allow for the continuation of the existing, long-standing use of the Property. This Report finds each of these inherent effects of the Conditional Use will continue to be acceptable and appropriate for the proposed location:

- Physical Building and Structures: No changes are proposed to the existing building and site conditions which have existed on the Property for quite some time.
- Parking: No changes are proposed to the existing parking facilities, which are grandfathered under Section 7.7.1.A. As demonstrated above, more than adequate parking is provided to accommodate the Veterinary Office/Hospital use.
- Traffic to and From the Site by Staff and Clients: The Petitioner’s Traffic Statement confirmed that the Project will not result in any additional trips, as compared to the existing use. Additionally, access to the site will remain unchanged and will continue to provide safe, adequate and efficient vehicular access.

This Land Use Report has not identified any additional inherent effects associated with the Veterinary Office/Hospital. As such, as illustrated above, the proposed Conditional Use will not result in adverse effects over and above the above-described inherent impacts.

Additionally, this Land Use Report has not identified any non-inherent adverse effects associated with the Conditional Use at the proposed location. This Land Use Report therefore finds that the Conditional Use will not cause undue harm to the surrounding neighborhood. The Conditional Use will not interfere with the use or enjoyment of the surrounding properties, result in undue traffic, noise, odors, illumination, or a lack of parking, and will not interfere in any way with the health, safety, or welfare of the visitors or employees.

VII. ENVIRONMENTAL

In connection with the proposed Conditional Use application, an Existing Conditions Plan and Forest Conservation Exemption was approved by M-NCPPC on April 10, 2023. The Existing Conditions Plan demonstrates that there are no forested areas on-site. There are no known rare, threatened, or endangered species on site.

The Conditional Use application proposes no land disturbance. As such, the Project does not trigger the requirement for any sediment/erosion control and stormwater management. The Property is not in a Special Protection Area, so no separate water quality monitoring plan is required.

VIII. CONCLUSION

The Project meets or exceeds all of the criteria and standards for a Veterinary Hospital/Office in the R-200 Zone, as set forth in Divisions 59-3, 59-4, 59-6, and 59-7 of the Zoning Ordinance. For these reasons and for other reasons discussed herein, this Land Use Report supports approval of the Conditional Use as proposed.

Attachment "A"



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

HOME OCCUPATION
CERTIFICATE

Issue Date: 3/1/2000

Expires: NONE

Certificate No.: 203414

This certifies that : CHARLES A. WEISS
7210 BRADLEY BLV
BETHESDA MD 20817-2128

Use: FULL SERVICE ANIMAL HOSPITAL

Lot: Subdivision:
Block: Owner's Name:

This certificate applies only to the above described residence or building and is valid until the permitted use changes. Changes in use require recertification or new registration, pursuant to the Zoning Ordinance.

Director, Department of Permitting Services

Attachment “B”



Neighborhood
Boundary

7210 Bradley Blvd
Site

Site Location and
Surrounding
Neighborhood Map

Attachment “C”



Elizabeth Rogers
301-841-3845
ecrogers@lerchearly.com

August 25, 2023

VIA ELECTRONIC DELIVERY

Patricia Wolford, Zoning Manager
Division of Zoning & Site Plan Enforcement
Montgomery County Department of Permitting Services
2425 Reedie Drive, 7th Floor
Wheaton, Maryland 20902

Re: Zoning Confirmation – Grandfathering
7210 Bradley Boulevard, Bethesda, MD (the “Property”)

Dear Ms. Wolford:

The purpose of this letter is to confirm our conversation on August 24, 2023, about the interpretations and conclusions of the Montgomery County Department of Permitting Services (the “Department”) in its administration of the Montgomery County Zoning Ordinance (the “Zoning Ordinance”) with respect to the grandfathering of the existing building and site improvements on the Property.

The Property is currently zoned R-200 and has been used as an animal hospital, since the 1970’s. In 2000, the current owner sought to formalize the use under the then-current law. As a result, the Property currently operates as a full-service animal hospital under a Home Occupation Certificate (No. 203414), which was issued on March 1, 2000 (*See Attachment “A”*). Although the existing animal hospital use of the Property can continue to operate under the validly issued Home Occupation Certificate, based on conversations with the Department, the Property Owner has elected to formalize the existing use under the current Zoning Ordinance, by seeking approval as a Conditional Use.

A Veterinary Office/Hospital is permitted as a Conditional Use in the R-200 Zone, subject to the Conditional Use Standards contained in Section 3.5.1.C.2.b of the Zoning Ordinance. One such requirement, under Section 3.5.1.C.2.b.vi, is that “[a]ll buildings and accessory structures must be set back a minimum of 50 feet from any residential lot line.” The existing building is set back approximately 24 feet from the abutting residential property. Additionally, Division 6.2 contains a number of vehicular parking design standards, applicable to Conditional Use

applications, with which the current, approved, long-standing parking lot layout and design does not comply.

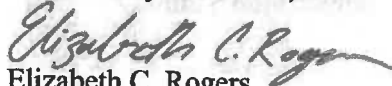
However, these standards, as they apply to the existing building and current site layout, which has not changed since 2000, are satisfied by virtue of the grandfathering allowances of the Zoning Ordinance. Specifically, Section 7.7.1.A.1 of the Zoning Ordinance provides that “[a] legal structure or site design existing on October 30, 2014 that does not meet the zoning standards on or after October 30, 2014 is conforming and may be continued, renovated, repaired, or reconstructed if the floor area, height, and footprint of the structure are not increased...” Additionally, Section 7.7.1.A.2.b states that “[a]ny use allowed... may be located in a building or structure deemed conforming under Section 7.7.1.A.1.” No change in the floor area, height, footprint, or site layout is proposed in connection with the Conditional Use. Therefore, under Section 7.7.1.A, the existing building and site design (including parking layout and location) on the Property are grandfathered, and may be continued, renovated and repaired. As a result, the current Conditional Use standards are considered satisfied by the existing grandfathered conditions of the Property.

Please confirm that we have accurately described the position of the Department with respect to the above-described issues and the related provisions of the Zoning Ordinance by countersigning on the line below and returning a copy of the letter to us.

Thank you for your assistance in clarifying this matter.

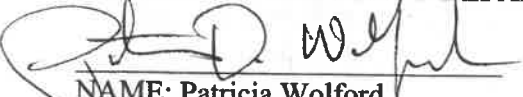
Very truly yours,

Lerch, Early & Brewer, Chtd.


Elizabeth C. Rogers

AGREED AND ACCEPTED:

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES


NAME: Patricia Wolford

TITLE: Zoning Manager

DATE: 8.29.23

Attachment "A"



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

HOME OCCUPATION CERTIFICATE

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Expires: NONE

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Director, Department of Permitting Services