

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
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Rockville, Maryland 20850
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(www.co.mo.md.us.council.board.html)

Case No. S-661

PETITION OF COUNTRYSIDE GARDENS

RESOLUTION TO TRANSFER SPECIAL EXCEPTION

(Resolution adopted January 9, 2002)
(Effective Date of Resolution, July 16, 2002)

The Board received a letter dated December 21, 2001, from Morteza Gholami, Dale E. Moyers and Peggy A. Moyers, which states in part:

"I would like to formally request transfer or assignment of the Special Exception, Case No. S-661 . . .

I will become the new owner of the property referenced in this case within 10 days after approval [of] the transfer of the Special Exception. We fully intend to operate a business, now known as "Countryside Gardens", and previously known as "Solar Gardens", in the manner and form in which it has operated for the past 22 years. We also intend to fully comply with the special conditions enumerated in the original Minutes as officially entered on January 24, 1979.

We would like to request this transfer become effective upon written notification that settlement between the Buyer and Seller has taken place."

The subject property is Parcel P615, containing 2.41 acres, Snowden Manor Enlarged Subdivision, located at 14400 New Hampshire Avenue, Silver Spring, Maryland, in the R-200 Zone.

The Board considered the request to transfer at its Worksession on January 9, 2002. The Board reviewed the record and the correspondence in Case No. S-661 and, based on the commitment to operate the special exception under the approved terms and conditions, the Board finds that it can grant the requested transfer. THEREFORE,

BE IT RESOLVED by the Board of Appeals of Montgomery County, Maryland, that Case No. S-661, Petition of Countryside Gardens, shall be re-opened to received Morteza Gholami, Dale E. Moyers, and Peggy A. Moyers' letter with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the request to transfer the special exception in Case No. S-661 to Morteza Gholami is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that all terms and conditions of the original special exception together with any modification granted by the Board of Appeals to permit a horticultural nursery and commercial greenhouse shall remain in full force and effect.

On a motion by Angelo M. Caputo, seconded by Donna L. Barron, with Louise L. Mayer and Donald H. Spence, Jr., Chairman, in agreement, the Board adopted the following Resolution. Board member Allison Ishihara Fultz was necessarily absent and did not participate in the foregoing Resolution.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 16th day of July, 2002.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedures.