

PLEASE NOTE: This hearing schedule is subject to frequent revision, so please check our web site to confirm hearing dates. Assignment of hearing examiner is also subject to change. When Montgomery County Public Schools are closed due to the weather, please call 240-777-6660 to confirm that scheduled hearings will be held.

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
MONTGOMERY COUNTY, MARYLAND
HEARING SCHEDULE**

January 25, 2012

Robeson	<u>Friday, January 27, 2012</u> S-2815 Alfred House Nursing	9:30	BOA Case	2 nd FL HR, COB
Grossman	<u>Thursday, February 2, 2012</u> S-2824 Kadow Accessory Apt	10:30	BOA Case	2 nd FL HR, COB
Robeson	<u>Thursday, February 9, 2012</u> S-2825 Nalle Accessory Apt	10:30	BOA Case	2 nd FL HR, COB
Robeson	<u>Friday, February 10, 2012</u> LMA G-862/G-863 RT-12.5, R-30, and O-M to TS-R Glenmont Layhill Associates, LLC Remand Hearing	9:30	Silver Spring	2 nd FL HR, COB
Grossman	<u>Friday, February 17, 2012</u> S-2791 Aks & Aks Medical/Dental Clinic	9:30	BOA Case	2 nd FL HR, COB

Monday, February 20, 2012 PRESIDENT'S DAY COUNTY CLOSED

Grossman	<u>Friday, February 24, 2012</u> S-2816 T-Mobile /Gibson <i>Resumed from 1/20/12</i>	9:30	BOA Case	2 nd FL HR, COB
Grossman	<u>Friday, February 24, 2012</u> <u>Monday, February 27, 2012</u> <u>Friday, March 2, 2012</u> S-2794 Costco <i>Rescheduled to 6/4/12, 6/8/12 6/11/12 and 6/15/12</i>	9:30 9:30 9:30	BOA Case BOA Case BOA Case	2 nd FL HR, COB 2 nd FL HR, COB 2 nd FL HR, COB
Grossman	<u>Thursday, March 8, 2012</u> S-2826 Raymond Accessory Apt	10:30	BOA Case	2 nd FL HR, COB
Grossman	<u>Monday, March 12, 2012</u> LMA G-908 R-60 to TS-R 4825 Montgomery Lane, LLC	9:30	Bethesda	2 nd FL HR, COB
Grossman	<u>Thursday, March 15, 2012</u> S-2813 Ogden/Prensky Accessory Apt	10:30	BOA Case	2 nd FL HR, COB
Robeson	<u>Monday, March 19, 2012</u> S-2814 Dunn Farm Machinery-Storage	9:30	BOA Case	2 nd FL HR, COB
Grossman	<u>Thursday, March 22, 2012</u> S-2828 Nesvaderani Accessory Apt	10:30	BOA Case	2 nd FL HR, COB

Robeson	<u>Friday, March 23, 2012</u> Local Map Amendment G-892 Chelsea School – Remand Hearing	9:30	Silver Spring	2 nd FL HR, COB
Grossman	<u>Monday, April 2, 2012</u> S-2829 Lin’s House Group Home	9:30	BOA Case	2 nd FL HR, COB
Robeson	<u>Monday, April 9, 2012</u> S-2812 T-Mobile & Good Hope Gardens	9:30	BOA Case	2 nd FL HR, COB
Grossman	<u>Thursday, April 12, 2012</u> S-2827 Redding Accessory Apt	10:30	BOA Case	2 nd FL HR, COB
Robeson	<u>Friday, April 13, 2012</u> Local Map Amendment G-909 R-10/TDR Zone to the PD-100 Glenwood Glen Aldon, LLC	9:30	Bethesda	2 nd FL HR, COB
Robeson	<u>Thursday, April 19, 2012</u> SE 12-1 Solano Day Care	9:30	OZAH Case	2 nd FL HR, COB
Grossman	<u>Friday, May 4, 2012</u> Local Map Amendment G-910 R-30 and RT 12.5 Zones to PD-60 Towne Crest Apartments, LLC	9:30	Gaithersburg	2 nd FL HR, COB

COMING SOON–FOR INFORMATION PLEASE CONTACT THE BOARD OF APPEALS 240-777-6600

<u>Thursday, April 26, 2012</u> S-2831 Mogin Accessory Apt	10:30	BOA Case	2 nd FL HR, COB
<u>Thursday, May 10, 2012</u> S-2832 Tellez Accessory Apt	10:30	BOA Case	2 nd FL HR, COB
<u>Thursday, May 17, 2012</u> S-2833 Tesfamariam Accessory Apt	10:30	BOA Case	2 nd FL HR, COB
<u>Friday, June 1, 2012</u> CBA 1261-D Barrie School	9:30	BOA Case	2 nd FL HR, COB

Guide to locations:

- 2nd Fl HR, COB = Davidson Memorial Hearing Room adjacent to OZAH office, Room 200, Council Office Building, 100 Maryland Ave., Rockville
- 3rd Fl CHR, COB = 3rd floor Council Hearing Room, Council Office Building, 100 Maryland Ave., Rockville
- 3rd Fl CCR, COB = 3rd floor Council Conference Room adjacent to 3rd floor Council Hearing Room, Council Office Building, 100 Maryland Ave, Rockville
- 7th Fl CHR, COB = 7th floor Council Hearing Room, Council Office Building, 100 Maryland Ave., Rockville

Case Number	Description
G-829 (Filed: 9/13/04) RE-2 to Country Inn	David Freishtat, Attorney for Jae Koh, Applicant. Property known as Lots 12 and 13 Block B, Bealemont Partnership Subdivision, located at 12201-12219 River Road, Potomac, consisting of 5.61 acres in the 6th Election District POSTPONED INDEFINITELY
G-862 & G-863 (Filed 1/15/08) RT-12.5, R-30, O-M Zones TS-R Zone	Local Map Amendment No. G-862: Stage 1: Steven A. Robins and Patrick L. O’Neil, Attorneys for Glenmont Layhill Associates, LLC, Contract Purchaser, request rezoning from the RT-12.5, R-30 and O-M Zones to the TS-R Zone of the property known as Parcel A Glenmont Park, Plat Book 76, Plat 7512; Parcel B Glenmont Park, Plat Book 79, Plat 7940; Parcel C Glenmont Park, Plat Book 80, Plat 8133; Parcels D & F Glenmont Park, Plat Book 81, Plat 8386; Re-subdivision Plat Parcel G Glenmont Park, Plat Book 177, Plat 19865; Parcel E Glenmont Park, Plat Book 102, Plat 11589; and Lots 1-49 & Parcels A thru F, Block 1 Glenmont Mews, Plat Book 136, Plat 15756, located at the intersection of Georgia Avenue and Glenallan Avenue, Silver Spring, consisting of 23.8810 acres in the 13th Election District. Local Map Amendment No. G-863: Stage 2: Steven A. Robins and Patrick L. O’Neil, Attorneys for Glenmont Layhill Associates, LLC, Contract Purchaser, request rezoning from the R-30 Zone to the TS-R Zone, property known as Parcel A Glenmont Park, Plat Book 76, Plat 7512; Parcel B Glenmont Park, Plat Book 79, Plat 7940; and Re-subdivision Plat G Glenmont Park, Plat Book 177, Plat 19865, located at the intersection of Georgia Avenue and Glenallan Avenue, Silver Spring, consisting of 7.0514 acres in the 13th Election District. REMANDED on 1/15/2008
G-881 (Filed: 4/29/09) RE-2 to PRC	Jody S. Kline, Attorney for Theodore Butz, et al, Applicant requests rezoning from the RE-2 Zone to the PRC Zone (Planned Retirement Community), property known as Parcel P429, the “Butz Property” or the “Water Tank Farm Property” located at 21901 Ridge Road, Germantown, consisting of 54.34909 acres in the 2nd Election District. Tax Account Number 02-00030041 POSTPONED INDEFINITELY
G-892 (Filed: 1/4/11) R-60 to RT-15 Zone	Robert Harris and Cindy Bar, Attorneys for Chelsea Residential Associates, LLC (an affiliate of EYA) requests rezoning from the R-60 Zone to the RT-15 (townhouse) Zone of property known as Lot 58, Evanswood, Section 1 (Plat Nos. 22270, 439) located at 630 Ellsworth Drive, Silver Spring, consisting of 5.24524 acres in the 13th Election District. Tax Account Number 13-03381404 REMANDED on 10/18/2011
G-908 (Filed: 10/14/11) R-60 to TS-R	Steven Robins and April Mackoff, Attorneys for 4825 Montgomery Lane LLC, Applicant, requests rezoning from the R-60 Zone to the TS-R (Transit Station Residential) Zone of property known as Lot 20 in Block 13A of the Edgemoor Subdivision, Plat Book 4 and Plat 384 located on the north side of Montgomery Lane between Arlington Road and Woodmont Avenue in Bethesda at 4825 Montgomery Lane, consisting of 6,525 square feet in the 7th Election District. Tax Account Number 07-00488086
G-909 (Filed 10/25/11) RT-10/TDR to PD-100 Zone	Nancy P. Regelin, Attorney for Glenwood Glen Aldon, LLC; Glenmont Apartments, LLC; Glenbrook, LLC, Applicants, requests rezoning from the R-10/TDR Zone to the PD-100 (Planned Development) Zone of property known as 4857, 4858, 4890 and 4900 Battery Lane in Bethesda consisting of 5.29 acres in the 7th Election District. Tax Account Numbers 00524265, 00524653, 00524276 & 00524378

- G-910
(Filed: 11/9/11)
R-30 &
RT-12.5 to
PD-60
- Stephen Kaufman and Erin Girard, Attorneys for Towne Crest Apartments, LLC Applicant, requests rezoning from the R-30 and RT 12.5 Zones to PD-60 (Planned Development) Zone of property known as the Towne Crest Parcel located at 17500 Towne Crest Drive in Gaithersburg in the 9th Election District. Tax Account Number 09-0772621
- DPA 11-3
(Filed: 6/30/11)
O-M Zone
- Schematic Development Plan Amendment No. 11-3: Stephen J. Orens and Casey L. Moore, Attorneys for YBM Construction, Inc, Applicant, request amendment to the schematic development plan in Zoning Application No. G-619, approved by the District Council on January 23, 1990, in Resolution No. 11-1825, and to amend the approved Declaration of Covenants. The site is in the O-M Zone, located at 19815 Blunt Road in Germantown, Maryland, consisting of 2.06 acres of land, known of record as Lot 18, Block 3 of the Plumgar Subdivision, in the 9th Election District. Tax Account Number 09-00774722
- SE 12-1
(Filed 11/21/11)
- Petition of Nelly G. and Moses R. Solano requests a special exception for a child day care facility for up to 30 children on property known as Lot 17, Block A, located at 13905 Darnestown Road, Darnestown, Tax Account Number 01991113, in the 3rd Election District.
- OHR E-03072
OZAH 05-10
- Office of Human Rights Referral: Elena Torbenko v Bethesda Dance Studio, Inc. Appeal of No Reasonable Grounds-Reduction in the allocation of students, teaching hours, and salary. **POSTPONED INDEFINITELY**
- OHR E-03173
OZAH 09-22
- Office of Human Rights Referral: Richard Gadol v Westat Research Corporation Employment Discrimination based on physical disabilities.
- BOA S-786-B
OZAH 11-43
- Board of Appeals: Christopher M. Ruhlen, Attorney for the Petitioner, BWR Region – McDonald’s USA LLC request a special exception pursuant to Section 59-G-2.16 (*Drive-in Restaurant*) of the Zoning Ordinance to permit:
1. The demolition of the existing restaurant building.
 2. The construction of a new 3,911 square foot building to replace the existing 3,562 square foot restaurant building.
 3. Upgrading of the Drive-thru with additional order station:
 - (a) A designated drive-thru entrance will be established on the eastern side of the building with gateway signage advising drivers of maximum clearance heights;
 - (b) From the point of entrance, the drive-thru lane will be realigned to run approximately parallel with the northern and eastern sides of the restaurant structure;
 - (c) Two new menu boards and drive-thru order stations with LCD displays and canopy elements;
 - (d) The truck loading area will be relocated to the eastern side of the building.
 4. Construction of a new drive aisle with landscaping between the southern façade of the building and Bel Pre Road. The Petitioner will remove an underutilized outdoor seating and concrete play area.
 5. Removal of existing trash corral and replace with a new enclosed trash corral on the northern façade of the building.
 6. The replacement of the existing retaining wall adjacent to the drive-thru lane on the western side of the building with the new retaining wall at the same place and also the same height.
 7. Parking: total of 13 on-site and 35 off-site spaces. Sufficient parking will continue to be provided both on-site and off-site in accordance with the shared parking provisions of Section 59-E-3.1 of the Zoning Ordinance.

8. Hours of operation to continue with the existing restaurant hours. 24 hours a day and seven days a week. No changes to the deliveries which currently occur three times a week, one truck per delivery.
9. Employees: 14 employees during the morning peak period; 16 employees during lunch time peak period; 14 employees during the evening peak period; and three employees during the overnight shift. There will be a manager on-site at all times.
10. Updated signage for the building's exterior will be installed in accordance with the approvals and permits of the Department of Permitting Services.

The subject property is Lot 3, located at 2207 Bel Pre Road, Silver Spring, Maryland, 20906 in the C-1 Zone. Tax Account Number 16-13-00985218

BOA
CBA-698-B
OZAH 07/30

Board of Appeals: Stuart Barr, Attorney for Fairland Adventist Nursing & Rehabilitation Center, Inc., request a special exception pursuant to Section 59-G2.37 (*Nursing Home*) of the Zoning Ordinance to permit:

1. Increase in the number of permitted beds from 103 to 145.
2. Increase in the number of staff members from 76 to 81 on site at any one time.
3. Conduct outpatient services, estimated to be approximately 20-25 patients per month, with hours of operation Monday through Friday 7:30 a.m. to 5 p.m.
4. Modernize and expand the physical plant: a portion of the wing closest to Fairland Road, to be demolished and a new building to be constructed, a T-shaped building to be constructed to connect the south side of the existing facility.
5. Reconfigure the parking area to increase the number of parking spaces from 68 to 80: ten of these spaces to be allotted for handicap parking; change the configuration of the driveway entrance from two access points on Fairland Road to one full-movement entrance; remove the western and the eastern drive aisles and replace them with one full-movement drive aisle on the eastern side of the building.
6. Change landscaping, fencing and exterior lighting
 - a. install landscape screening to screen the existing and proposed building and parking areas, and associated site improvement from adjacent properties
 - b. install a six foot board-on-board wooden fence and large trees to create a vegetative barrier along the property lines
 - c. install lighting to provide safety of pedestrian and vehicular traffic on the property, all lighting to be directed away from adjacent homes, and no light will spill onto the residential properties.
7. Installation of stormwater management measures.
8. A waiver from the requirements of Sections 59-E-2.83(b) and 59-C-1.323(b) to reduce the required applicable 24-foot setback for the eastern drive aisle to 8 feet, which is its current location.

The subject property is Lot 26, Block H, Snowdens Mill Subdivision, located at 2101 Fairland Road, Silver Spring, Maryland, 20904, in the R-200 Zone. Tax Account Number 05-067-02899058 **POSTPONED INDEFINITELY**

BOA S-2715 &
S-2716
OZAH
08-14 & 08-15

Board of Appeals: James Parsons, Jr., Attorney for the Petitioner, George J. Roche, requests a special exception pursuant to Section 59-G-2.30 (*Landscape Contractor*) of the Zoning Ordinance to permit: The subject applications seek (1) a special exception pursuant to Section 59-G-2.30.00 (*Landscape Contractor*); and (2) a special exception pursuant to Section 59-G-2.30.0 (*Wholesale Nursery*) of the Zoning Ordinance.

The landscape contractor proposes to operate as follows:

1. Hours of operation: 6:00 a.m. to 7:00 p.m., Monday through Friday; Saturday 6:00 a.m. to 4:00 p.m.
2. The existing barn will be used as an (1) office, (2) to store equipment, vehicles and materials and (3) for employee parking.
3. Forty employees to work in three shifts. Shifts will be 6:30 a.m. to 3:30 p.m. (20 laborers/truck drivers for landscape nursery); 9:00 a.m. to 6:30 p.m. (11 employees for the landscape contractor operation). The hours of operation and number of employees in each shift will vary by season. During snowstorms, the operations for snow plowing and removal would be up to 24 hours on a need basis.
4. Forty parking spaces to be used for employee parking and for the parking of vehicles associated with the business.
5. Equipment and vehicles: two large loaders, four skid steers, twenty trucks (twelve large and eight under one ton), two mini-excavators, eight trailers (three dump, five straight), one tractor. There will also be smaller items of equipment such as lawn mowers, weed cutters, snow blowers, lawn aerators, chainsaws, a sod cutter, compressors, spreaders and small tools. Several containers will also be on site for storage of equipment. Most of the equipment and vehicles will be stored in the barn.

The wholesale nursery proposes to operate as follows:

1. Hours of operation: 9:00 a.m. to 4:00 p.m., Monday through Friday and on Saturday from 8:00 a.m. to 12:30 p.m.
2. One dumpster trailer and one regular trailer.
3. Two employees.
4. Equipment and vehicles: two large loaders, two fork lifts, two skid steers, three trucks (two large, 1 one-ton and under), two trailers (one dump, one straight)
5. Sale of mulch, stone, and plants to landscape contractors in the area and also for its own landscape contractor business.
6. Storage of up to 300 cubic yards of mulch on the northeast side of the existing barn.
7. Eight sea containers measuring 8' X40' each.

The special exception will occupy approximately 4.4 acres of the subject property, which is Parcel 285, located at 26500 Howard Chapel Drive, Damascus, Maryland, 20872, in the RC Zone. Tax Account Number 00929931 **POSTPONED INDEFINITELY**

BOA S-2719
OZAH 08-17

Board of Appeals: David D. Freishtat and Anne Marie Vassallo, Attorneys for the Petitioner, 11250 Veirs Mill Road, LLC, (Lindsay Automotive Group) requests a special exception pursuant to Section 59-G-2.39 (*Parking of automobiles, off-street, in connection with commercial uses*) of the Zoning Ordinance to permit:

1. Construction of vehicle storage lot for new cars.
2. Waiver of rear and side yard setback, adjoining Lot 11.
3. An eight-foot solid vinyl wood-like fence surrounding the vehicle storage lot. The frontage to this lot will be along East Avenue. Vehicles will not be loaded or unloaded on this storage lot. Vehicles will be unloaded on another property and driven to this lot.
4. Waiver of the Streetscape Standards and requests to reduce the sidewalk width to five feet (from Streetscape Standard eight 8'X8' module sidewalk specification) to minimize the perception of East Avenue as a pedestrian-oriented thoroughfare.
5. Installation of lights that will not cast a glare on the nearby single family residences.

The subject property is Lots 12, 13, Block F, Kensington Boulevard Subdivision, located at 11225 and 11227 East Avenue, Kensington, Maryland, 20895, in the R-60 Zone. Tax Account Numbers 13-01027378 and 13-01027106 **POSTPONED INDEFINITELY**

BOA S-2734
OZAH 09-01

Board of Appeals: Daniel S. Willard, Attorney for Cora Alisuag and Ronald Grow, requests a special exception pursuant to Section 59-G-2.29 (Major Home Occupation) of the Zoning Ordinance to permit:

1. Hours of operation: 9 am to 6 pm, Monday through Friday;
2. Employees will include family members living in the dwelling and a maximum of two nonresident employees;
3. Six visitors per day. This is estimated to involve no more than an average maximum of two visits per day by sets of 2-3 representatives of a single client per visit.

The subject property is Lot 11, Block C, located at 5231 Massachusetts Avenue, Bethesda, in the R-60 Zone. Tax Account Number 07-00542082 **POSTPONED INDEFINITELY**

BOA S-2745
OZAH 09-15

Board of Appeals: James R. Michal, Attorney for International Monetary Fund and AT&T S-2745 Mobility, requests a special exception pursuant to Section 59-G-2.58 *Telecommunications OZAH 09-15 facility*) of the Zoning Ordinance to permit:

1. Up to twelve wireless telecommunications panel antennas on a 155-foot high-unmanned wireless telecommunications tower designed as a tree. The panel antennas each measure approximately 60 inches long, 18 inches wide and 8 inches deep, and will be painted green.
2. All structures to be located within a 50' X 50' foot compound surrounded by an 8-foot board on board fence.
3. The related equipment cabinets to be placed on an 11' X 11' concrete pad within the 8-foot high board on board fence.
4. A 12-foot wide stabilized construction entrance access to the site via the existing 12-foot wide gravel access drive off.
5. Periodic visits of one to two times per month to check or repair the equipment. The only utilities required will be electricity and land telephone lines.
6. Hours of operation: 24 hours a day, seven days a week.

The subject property contains approximately 282 acres, bounded by River Road, Violet's Lock Road and the C&O National Historical Park, located at 15700 River Road, Germantown, Maryland in the RC Zone. Tax Account Number 06-03246106 To be heard with CBA-2114-B request for modification of special exception.

POSTPONED INDEFINITELY

BOA CBA
2114-B
OZAH 09-16

Board of Appeals: James R. Michal, Attorney for International Monetary Fund and AT&T request a modification to an existing special exception pursuant to Section 59-G-2.24 (Golf Courses and Country Clubs) of the Zoning Ordinance to permit:

1. Construction of a wireless telecommunication facility.
2. The facility to be erected adjacent to the swim club parking lot, approximately 412 feet from the intersection of River Road and 565 feet to Violet's Lock Road.

The subject property contains approximately 282 acres, bounded by River Road, Violet's Lock Road and the C&O National Historical Park, located at 15700 River Road, Germantown, Maryland in the RC Zone. Tax Account Number 06-03246106 To be heard with S-2745, new application for a special exception. **POSTPONED INDEFINITELY**

BOA CBA-2114-B OZAH 09-16 Board of Appeals: James R. Michal, Attorney for International Monetary Fund and AT&T request a modification to an existing special exception pursuant to Section 59-G-2.24 (*Golf Courses and Country Clubs*) of the Zoning Ordinance to permit: **1)** Construction of a wireless telecommunication facility; **2)** The facility to be erected adjacent to the swim club parking lot, approximately 412 feet from the intersection of River Road and 565 feet to Violet’s Lock Road. The subject property contains approximately 282 acres, bounded by River Road, Violet’s Lock Road and the C&O National Historical Park, located at 15700 River Road, Germantown, Maryland in the RC Zone. Tax Account Number 06-03246106 **To be heard with S-2745, new application for a special exception. POSTPONED INDEFINITELY**

BOA S-2753 OZAH 09-26 Board of Appeals: William J. Chen, Jr., Attorney for Kourosch Mehrabian, request a special exception pursuant to Section 59-G-2.36 (*Medical practitioner’s office for use of other than a resident of the building*) of the Zoning Ordinance to permit: **1)** Hours of operation: Monday through Friday 9 a.m. to 6 p.m. and Saturday 8 a.m. to 4 p.m.; **2)** Two full-time and two part-time dentists; no more than one dentist on any one day. Two office staff during regular hours; **3)** Parking: four spaces and one handicap space. The two decks located to the rear of the existing building to be removed and a total of five parking spaces to be created. Parking waiver requests: (a) Driveway setback: a waiver of the requirement of Section 59-E-8.3(b) to relocate the driveway so as to permit continued use of the existing driveway; (c) A waiver of the requirement of Section 59-E-3.7 to provide six parking spaces is requested. Petitioner proposed five total spaces. The subject property is Lot 3, Block 54, Flower Avenue Park Subdivision, located at 8012 Flower Avenue, Takoma Park, in the R-40 Zone. Tax Account Number 01059421 **POSTPONED INDEFINITELY**

BOA S-2761 OZAH 10-11 Board of Appeals: David C. Gardner, Attorney for Robert Pacano, d/b/a Woodstone Group, LLC, requests a special exception pursuant to Section 59-G-2.30 (*Landscape Contractor*) to permit: **1)** Existing 30’ X 40’ barn located in the center of the property, containing approximately twelve hundred square feet to be used for the storage of equipment; **2)** Existing house located in the front of the property to be used as an office; **3)** Existing 18’ X 12’ detached shed to be utilized for storage of equipment; **4)** Hours of operation: 7 am to 7 pm, Monday through Friday; **5)** Vehicles and equipment: (a) one F-150 (one ton) truck; (b) one F-250 (two ton) truck; (c) two F-550 (five ton) trucks; (d) three trailers, one enclosed and two open trailers; (e) six mowers – three tractors and three walk-behind lawn mowers, plus an assortment of trimmers and blowers; (f) snow plow for the one-ton truck; **6)** Parking: six spaces to be located along the north side of the barn for five off-site employees’ vehicles. The trucks to be parked on the gravel area on the south side of the barn; **7)** A small amount of plant material within the storage area for planting on customers’ properties. Some mulch and topsoil will be stored on the site. All materials are to be stored on the gravel area next to the barn at the rear of the site. The subject property is Parcel 233, located at 28621 Ridge Road, Mt. Airy, in the RDT Zone. Tax Account number 00922850 **POSTPONED INDEFINITELY**

BOA S-2781 OZAH 11-05 Board of Appeals: Ann Mead, Attorney for Gilmoure-Brunett, LLC request a special exception pursuant to Section 59-G-2.13.1 (*Child Day Care*) of the Zoning Ordinance to permit:

- 1. Maximum number of children at any one time to be 120.
- 2. Maximum number of staff at any one time to be 25.
- 3. Hours of operation: Monday through Friday, year-round: 7 am to 7 pm.
- 4. Parking: 25 surface spaces and 20 under-ground garage spaces. Including two

accessible spaces for persons with disabilities.

5. Trash pick-up after 9 am five times per week - recycling pick-up after 9 am once a week.
6. Outdoor lighting – hours of operation, with limited security lighting for after hours

The subject property is Lot 13, Block P, located at 220 West University Boulevard, Silver Spring, Maryland, 20901 in the R-60 Zone. Tax Account Number 13-02290484

BOA S-2791
OZAH 11-14

Board of Appeals: Stephen J. Orens, Attorney for Nina V. Aks, D.M.D., LLC and Val Aks request a special exception pursuant to Section 59-G-2.14 (*Clinic: Medical and Dental*) of the Zoning Ordinance to permit:

1. Construction of a two floor clinic with a walk out cellar. The first floor will be occupied by the dentists and the second floor by the medical practitioners and the cellar will be used as a laboratory.
2. Two dentists, two medical practitioners and 15 staff members.
3. Hours of operation: Monday through Friday 8 a.m. to 6 p.m. and Saturday from 9 a.m. to 6 p.m. Six emergency patient visits per year, after hours or on Sunday.
4. Four times a year the dentist will host a mini conference on a Thursday, Friday and Saturday with an attendance of 10 dental practitioners, at which time the office will not take patients.
5. Four times a year the dentist will invite patients and the subdivision residents to attend educational classes. These classes will be limited to 20 attendees. The classes will be held for half a day.
6. Two times a year the dentist will host the University of Pennsylvania graduates club. The activity will occur after hours and generate 20 attendees.
7. Parking: 20 spaces and one handicap space in the rear yard.
 - a. The petitioner requests a parking wavier to reduce the parking facility setback along the south property line, the side yard abutting the Manor Medical Building, to twelve (12) feet. The reduction in the setback will provide five (5) of the proposed parking spaces.
 - b. The petitioner also requests a parking waiver to allow the inclusion of stacked parking spaces for use of employees.

The subject property is Lot P1, Block B, Luxmanor Subdivision, located at 11406 Old Georgetown Road, Rockville, Maryland, 20852, in the R-200 Zone. Tax Account Number 04-00084577

BOA S-2794
OZAH 11-19

Board of Appeals: Patricia Harris, Attorney for Costco Wholesale Corporation, request a special exception, pursuant to Zoning Ordinance Section 59-G-2.06 (*Automobile Filling Station*) to permit the following:

1. An automobile filling station to be located on a 36,590 square foot parcel in the southwest corner of the Mall Parcel.
2. The sole operation to dispense gasoline to Costco members only.
3. Four islands with a total of eight multi-purpose fuel dispensers.
4. A canopy and a 128 square foot sales kiosk
5. The hours of operation: 6 a.m. to 9 p.m.
6. Four 28.50 square foot signs with each sign located on one of the four sides of the canopy and a portable board sign providing daily gas prices.
7. Parking: two spaces one for employee and the other handicap van accessible space; other parking to be provided adjacent to the filling station within the mall.
8. Employees: 2

The subject property is Lot N631, Wheaton Plaza-Parcel 10, located at 11160 Veirs Mill Road, Silver Spring, Maryland, 20902, in the C-2 Zone. Tax Account Number 13-03550740

BOA S-2797
OZAH 11-21

Board of Appeals: Sean Hughes, Attorney for T-Mobile Northeast, LLC, and Surmont, LLC request a special exception pursuant to Section 59-G-2.58 (*Telecommunications Facility*) of the Zoning Ordinance to permit:

1. A telecommunication monopole with a height of 120 feet, with three antennas mounted inside the monopole.
2. A screened 40-foot by 40-foot equipment compound.
3. Three equipment cabinets placed on a concrete pad within the proposed compound. The equipment cabinets measure approximately 63 inches high, 51 inches wide, and 37 inches deep and will sit atop the equipment pad measuring approximately 20 feet in length and 10 feet in width. Coaxial cables to be connected to the cabinets and to the antennas.
4. The equipment cabinets will be secured by an 8-foot chain link fence.
5. Hours of operation: 24 hours a day, seven days a week.
6. Facility to be unmanned with visits to the site only for emergency repairs or regular, scheduled maintenance visit once per month.
7. A warning sign not to exceed two square feet will be mounted to the installation.

The subject property is located at 21600 West Offutt Road, Poolesville, Maryland, 20837, in the RDT Zone. Tax Account Number 0034595 **POSTPONED INDEFINITELY**

BOA S-2804
OZAH 11-28

Board of Appeals: Sean Hughes, Attorney for T-Mobile Northeast, LLC, and Milton & Patsy Andrews request a special exception pursuant to Section 59-G-2.58 (*Telecommunications Facility*) of the Zoning Ordinance to permit:

1. A telecommunication monopole with a height of 120 feet, with six antennas mounted inside the monopole.
2. A screened 35-foot by 25-foot equipment compound.
3. Two equipment cabinets placed on a concrete pad within the proposed compound. The equipment cabinets measure approximately 63 inches high, 51 inches wide, and 37 inches deep and will sit atop the equipment pad measuring approximately 20 feet in length and 10 feet in width. Coaxial cables to be connected to the cabinets and to the antennas.
4. The equipment cabinets will be secured by an 8-foot chain link fence.
5. Hours of operation: 24 hours a day, seven days a week.
6. Facility to be unmanned with visits to the site only for emergency repairs or regular, scheduled maintenance visit once per month.

The subject property is Parcel P910, Friendship subdivision, located at 18420 Whites Ferry Road, Poolesville, Maryland, 20837, in the RDT Zone. Tax Account Number 01926647 **POSTPONED INDEFINITELY**

BOA S-2812
OZAH 11-36

Board of Appeals: Edward Donohue, Attorney for T-Mobile Northeast, LLC, and Good Hope Gardens, Inc. request a special exception pursuant to Section 59-G-2.58 (*Telecommunications Facility*) of the Zoning Ordinance to permit:

1. A telecommunication monopole with a height of 123 feet, inclusive of a three foot lightning conductor. The monopole will be designed as an evergreen tree with antennas centered at 117 feet.
2. A screened 40-foot by 50-foot equipment compound.
3. Two equipment cabinets placed on a concrete pad within the proposed compound. The

equipment cabinets measure approximately 63 inches high, 51 inches wide and 37 inches deep and will sit atop the equipment pad measuring approximately 20 feet in length and 10 feet in width. Coaxial cables to be connected to the cabinets and to the antennas.

4. The equipment cabinets will be secured by an 8-foot tall board on board fence.
5. Hours of operation: 24 hours a day, seven days a week
6. Facility to be unmanned with visits to the site only for emergency repairs or regular, scheduled maintenance visit once per month.
7. Administrative modification of the existing special exception in Case No. CBA-1201 to permit the location of the telecommunications facility on its property.

The subject property is Lot P880, Bealls Manor Subdivision, located at 14911 Good Hope Road, Silver Spring, Maryland, 20905, in the RE-2C Zone. Tax Account Number 05-00280520

BOA S-2813
OZAH 11-37

Board of Appeals: Susan Ogden and Hank Prenskey request a special exception pursuant to Section 59-G-2.00 (*Accessory Apartment*) of the Zoning Ordinance to permit an accessory apartment.

The subject property is Lot 44, Block 53, Flower Avenue Park Subdivision, 7921 Sligo Creek Parkway, Takoma Park, Maryland 20912 in the R-60 Zone. Tax Account Number 03145558

BOA S-2814
OZAH 11-40

Board of Appeals: David Brown, Attorney for Patricia Dunn, requests a special exception pursuant to Section 59-G-21.2 (*Farm Machinery Service and Storage*) of the Zoning Ordinance to permit:

1. Hours of operations: Tuesday through Friday, 8 am to 5 pm and on Saturday from 9 am to 2 pm.
2. Employees, a maximum of five.
3. Repair of equipment: large farm tractors, circular (rotary) cutters, tillers, chainsaws, riding tractors, generators, trimmers, pole pruners and pressure washers.
4. Repair of push lawnmowers.
5. Parking: 9 spaces.
6. Entrance access from Sandy Spring Road.
7. One, existing one-story building, measuring 40 feet by 50 feet. The south face of the building confronts Sandy Spring Road, and is 40 feet wide, and contains an entrance. The approximately 40-foot by 40-foot portion of the building closest to Sandy Spring Road contains a customer waiting area, supply storage and an office. The rest of the building is used for equipment servicing and storage until picked up by customers.
8. A waiver of 23 feet from the required 75-foot setback from Parcel 835.
9. A waiver of 11 feet from the required 75-foot setback from Parcel 704.

The subject property is Parcel 728 and Parcel 704, New Birmingham Manor Subdivision, located 4160 and 4200 Sandy Spring Road, Burtonsville, Maryland 20866 in the RC Zone. Tax Account Numbers 05-03646756 and 05-00252828

BOA S-2815
OZAH 11-39

Board of Appeals: David D. Freishtat, Attorney for Dr. Veena J. Alfred, requests a special exception pursuant to Section 59-G-2.37 (*Domiciliary Care*) of the Zoning Ordinance to permit:

1. A domiciliary care home for the 34 elderly individuals.
2. Construction of a residential-character two-story building of approximately 21,576 square feet, with an unfinished basement area of 2,450 square feet, to

house the domiciliary care facility. The home will consist of bedrooms, bathrooms, a kitchen, dining room, common area and administrative areas for staff.

3. The existing small group home with 5 residents and two non-resident staff to continue to operate on the property, as a by-right small group home under Montgomery County Zoning Ordinance Section 59-C-1.31.
4. Staffing: 10 non-residential staff members.
5. Parking: 16 spaces which will include one van accessible parking space.
6. Access to the property to be provided by a single entrance located on Needwood Road, four hundred feet west of Muncaster Mill Road.
7. Periodic deliveries of food and supplies for the operation will also access the property from Needwood Road and will unload the deliveries at the loading/delivery area located in the rear of the building in the southeast corner of the property.
8. Signage: One sign to be located at northern corner of the property visible from the intersection of Muncaster Mill Road and Needwood Road. Applicant intends to submit a sign variance application following special exception determination.

The subject property is Parcel 927, Magruders Hazard Subdivision, located at 6020 Needwood Road, Derwood, Maryland, 20855 in the RE-1 Zone. Tax Account Number 04-00054536

BOA S-2816
OZAH 11-38

Board of Appeals: Edward Donohue, Attorney for T-Mobile Northeast, LLC, and Ralph and Margaret Gibson request a special exception pursuant to Section 59-G-2.58 (*Telecommunications Facility*) of the Zoning Ordinance to permit:

1. A telecommunication monopole with a height of 115 feet with four antennas mounted inside the unipole and centered at 112 feet.
2. A screened 40-foot by 45-foot equipment compound.
3. Three equipment cabinets placed on a 10' X 20' concrete pad within the proposed compound. The equipment cabinets measure approximately 63 inches high, 51 inches wide and 37 inches deep and will sit atop the equipment pad measuring approximately 20 feet in length and 10 feet in width. Coaxial cables to be connected to the cabinets and to the antennas.
4. The equipment cabinets will be secured by an 8-foot tall board on board fence.
5. Hours of operation: 24 hours a day, seven days a week

Facility to be unmanned with visits to the site only for emergency repairs or regular, scheduled maintenance visit once per month.

The subject property is Lot P161, located at 2815 Cabin Creek Drive, Burtonsville, Maryland, 20866, in the R-200 Zone. Tax Account Number 05-00260453

BOA S-2817
OZAH 11-48

Board of Appeals Case: Betty V. Feria request a special exception pursuant to Section 59-G-2.00 (*Accessory Apartment*) of the Zoning Ordinance to permit an accessory apartment.

The subject property is Part of Lot 41, Block 64, 610 Ritchie Avenue, Silver Spring, Maryland 20910 in the R-60 Zone. Tax Account Number 00989672

BOA S-2820
OZAH 11-47

Board of Appeals: Jody Kline, Attorney for Fairland Animal Hospital requests a special exception pursuant to Section 59-G-2.32 (*Veterinary Hospital*) of the Zoning Ordinance to permit:

1. The existing single family detached residence to remain on site and will be occupied by a person affiliated with the hospital. Approximately 25 – 30 percent of the floor space of the house will be dedicated to business office use and storage.
2. Construction of the Veterinary Hospital on the rear (eastern) portion of the property, behind the existing residence, and to be designed to look like a barn related to the current residence.
3. The single existing driveway to be widened and extended to the rear of the property.
4. Parking: 21 spaces for clients and employees.
5. Hours of operation: Monday through Friday, 7:30 am to 7 pm and Saturday 8 am to 1 pm.
6. Staffing: maximum of 10 staff members

This case will be heard in conjunction with Case No. A-6346 (variance request)

The subject property is Parcel P918, located at 13425 Old Columbia Pike, Silver Spring, MD 20904 in the R-90 Zone. Tax Account Number 05-000268015

BOA S-2821
OZAH 11-44

Board of Appeals Case: William A. Martinez request a special exception pursuant to Section 59-G-2.00 (*Accessory Apartment*) of the Zoning Ordinance to permit an accessory apartment.

The subject property is Lot 1, Block 1, English Manor Subdivision, located at 4000 Heathfield Road, Rockville, Maryland 20853 in the R-90 Zone. Tax Account Number 01373458

BOA S-2822
OZAH 11-49

Board Of Appeals: Jody Kline, Attorney for the Siena School/Boys & Girls Club of Greater Washington, Inc. request a special exception pursuant to Section 59-G-2.19 (*Private Educational Institution*) of the Zoning Ordinance to permit:

1. The renovation of the existing two-story building containing approximately 20,000 square feet of area. The upper level includes a full size gymnasium and an in-ground pool sits contiguous to the building on the south.
2. The proposed renovation to add a two-story academic wing over the current in-ground pool, within the existing footprint. This renovation will be done in three phases.
3. Enrollment: a maximum of 225 students.
4. Recreational Areas: the use of the existing play field for athletic activities. A portion of the adjacent recreation field is owned by M-NCPPC, with whom the Petitioner has an agreement to maintain the field in exchange for use.
5. Parking: the existing parking lot contiguous to the building is owned by M-NCPPC, which has agreed to lease the parking lot to the Petitioner for use.
6. Faculty and staff: 15 administrators and 40 full and/or part-time faculty members.
7. Hours of operation: regular academic year to begin after Labor Day and end in mid-June. Classes begin at 8 am and end at 3:30 pm. After school activities will end at 6 pm.
8. Occasional evening and weekend activities, meetings and guest lectures. On-site activities will generally be limited to the number of participants that can be accommodated by available on-site parking. For the 5 large events during the year, the Petitioner has reached an agreement with M-NCPPC to allow overflow parking at the Argyle Park/Schweinhaut Senior Center, which has approximately 150 parking spaces within walking distance of the school.
9. Summer Program: a full day program in academics and the arts, with on-site options in athletics. A maximum of 200 students will participate in this program.
10. Transportation: students will arrive between 7:45 am and 8:30 am and will depart between 3:30 pm and 6 pm.

11. The before and after school programs to be conducted by The Boys and Girls Club.

The subject property is in Parcel 706, located at 1300 Forest Glen Road, Silver Spring, MD 20901, in the R-60 Zone. Tax Account Numbers 13-00954877, 13-00968668

BOA S-2823
OZAH 11-46 Board of Appeals Case: Susan Vogelsang and Paul Treseder request for a special exception pursuant to Section 59-G-2.00 (*Accessory Apartment*) of the Zoning Ordinance to permit an accessory apartment.

The subject property is Lot 15, Block 10, Glen Echo Heights Subdivision, located at 6320 Wiscasset Road, Bethesda, Maryland 20816, in the R-90 Zone. Tax Account Number 00502304

BOA S-2824
OZAH 11-50 Board of Appeals Case: Brian and Ellen Kadow request for a special exception pursuant to Section 59-G-2.00 (*Accessory Apartment*) of the Zoning Ordinance to permit an accessory apartment.

The subject property is Lot 2, Block 4, located at 3603 Thornapple Street, Chevy Chase, Maryland 20815, in the R-60 Zone. Tax Account Number 07-01523995

BOA S-2825
OZAH 11-51 Board of Appeals Case: Donald and Nancy Nalle request a special exception pursuant to Section 59-G-2.00 (*Accessory Apartment*) of the Zoning Ordinance to permit an accessory apartment.

The subject property is Lot 104, Block J, located at 18448 Cape Jasmine Way, Gaithersburg, Maryland 20879 in the Planned Neighborhood Zone. Tax Account Number 02362861

BOA S-2826
OZAH 12-15 Board of Appeals Case: Marilyn Raymond request a special exception pursuant to Section 59-G-2.00 (*Accessory Apartment*) of the Zoning Ordinance to permit an accessory apartment.

The subject property is Lot 31, Block 3, Westhaven Subdivision, located at 5115 Westridge Road, Bethesda, Maryland 20816, in the R-60 Zone. Tax Account Number 00661117

BOA S-2827
OZAH 12-16 Board of Appeals Case: Ampai Redding request a special exception pursuant to Section 59-G-2.00 (*Accessory Apartment*) of the Zoning Ordinance to permit an accessory apartment.

The subject property is Lot 45, Block N, Forest Knolls Subdivision, located at 1109 Loxford Terrace, Silver Spring, Maryland 20901, in the R-60 Zone. Tax Account Number 01351350

BOA S-2828
OZAH 12-17 Board of Appeals Case: Fakhrozzaman Nesvaderani request a special exception pursuant to Section 59-G-2.00 (*Accessory Apartment*) of the Zoning Ordinance to permit an accessory apartment.

The subject property is Lot 80, Block R, Carderock Springs Subdivision, located at 8001 Thornley Court, Bethesda, Maryland 20817, in the R-200 Zone. Tax Account Number 0173372

BOA S-2829
OZAH 12-18 Board Of Appeals: Jason W. Henderson, Attorney for Lin's House, LLC request a special exception pursuant to Section 59-G-2.26 (*Group Home*) of the Zoning Ordinance to permit :

1. Increase in number of beds from 7 to 9.
2. Hours of operation:
 - (a) 24 hours, 7 days a week for the residents.
 - (b) Office hours: Monday to Friday 10 am to 5 pm.
 - (c) Visiting hours: Monday to Sunday 10 am to 8 pm.

3. Employees: total of 11 employees. 10 non-residential and 1 residential
 - (a) Overnight shift: 11 pm to 7 am with 2 employees.
 - (b) Morning/afternoon shift: 7 am to 3 pm with 3 employees.
 - (c) Afternoon/night shift: 3 pm to 11 pm with 3 employees.
4. Parking: 10 spaces
5. Access to the property by a single entrance located on Quince Orchard Road.
6. Periodic deliveries of supplies for the operation also from the Quince Orchard Road entrance. The loading and unloading will take place from the front of the building between 11 am and 3 pm.

The subject property is located at 1006 Quince Orchard Road, Gaithersburg, Maryland 20878, in the R-200 Zone. Tax Account Number 06-00394898