

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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(240) 777-6600

Case No. S-2871

PETITION OF PAWS AND CLAWS ANIMAL HOSPITAL

OPINION OF THE BOARD

(Opinion Adopted September 25, 2013)
(Effective Date of Opinion: October 4, 2013)

Case No. S-2871 is an application for a special exception, under Section 59-G-2.32 of the Zoning Ordinance, to permit a veterinary hospital in the Damascus Shopping Center. The subject property is Parcel N575, Damascus Shopping Center, located at 9811 Main Street, Damascus, Maryland, 20872 in the MXTC Zone.

The Hearing Examiner for Montgomery County held a hearing on the application on July 26, 2013, closed the record in the case on August 9, 2013, reopened and closed it again on September 5, 2013, and on September 9, 2013, issued a Report and Recommendation for approval of the special exception.

Decision of the Board: Special Exception **Granted** Subject to
the Conditions Enumerated Below.

The Board of Appeals considered the Report and Recommendation at its Worksession on September 25, 2013. After careful consideration and review the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. The Petitioner shall be bound by all of her testimony and exhibits of record, and by the testimony of her witnesses and her representations to the extent that such testimony and evidence are identified in the Hearing Examiner's report and in this opinion;

2. Hours of operation are limited to 7:00 a.m. to 8:00 p.m., Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturday;

3. The special exception is limited to a maximum of ten (10) employees, consisting of three (3) veterinarians, five (5) veterinary technicians, and two (2) receptionists, on site at any one time;

4. Pursuant to 59-G-2.32(a)(1), there must be no dog runs, exercise yards, or other facilities for the keeping of animals in any exterior space;

5. Petitioner must comply with all requirements of her Statement of Operations
(Exhibit 3);

6. Petitioner will adhere to the signage requirements as provided in the Lease Agreement (Exhibit 3(b));

7. Petitioner additionally must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directions and other governmental requirements.

On a motion by Stanley B. Boyd, seconded by John H. Pentecost, with Carolyn J. Shawaker, David K. Perdue, Vice-Chair, and Catherine G. Titus, Chair, in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.


Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 4th day of October, 2013.


Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

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 Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.

