

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
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Rockville, Maryland 20850

www.montgomerycountymd.gov/content/council/boa/index.asp

(240) 777-6600

Case No. S-2874

PETITION OF FAMILY PET VETERINARY PRACTICE, LLC

OPINION OF THE BOARD

(Opinion Adopted January 7, 2015)

(Effective Date of Opinion: January 30, 2015)

Case No. S-2874 is an application for a special exception for a veterinary hospital under Section 59-G-2.32 of the Zoning Ordinance (Mont. Co. Code, 2004). The Hearing Examiner for Montgomery County held a hearing on the application on September 23, 2014, closed the record in the case on October 27, 2014, extended the time to issue the report on November 26, 2014, and on December 10, 2014, issued a Report and Recommendation for approval of the special exception.

The subject property is Parcel N642, Rock Creek Gardens Shopping Center, located at 8313 Grubb Road, Silver Spring, Maryland, 20910 in the C-1 Zone.

Decision of the Board: **Special Exception Granted.**

The Board of Appeals considered the Report and Recommendation at its Worksession on January 7, 2015. After careful consideration and review of the record, 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 testimony and exhibits of record, including its revised Statement of Operations (Exhibit 17(b)) and by the testimony of witnesses and representations identified in the Hearing Examiner's report and in the Board's Opinion.
2. Hours of operation are limited to Monday through Friday, 8:00 am to 7:00 pm, and Saturday, 8:00 am to 1:00 pm.
3. The special exception is limited to a maximum of seven employees on-site

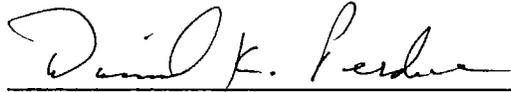
at any one time.

4. Patient appointments are limited to a maximum of eight patients during any one-hour period.
5. The applicant must keep a written log of all appointments, drop-ins, and emergency client activities and make it available for inspection by the County.
6. No animals may be walked or exercised in outdoor areas that are beyond the limits of the shopping center.
7. No animals may be boarded overnight.
8. The animal relief area must be sited in the designated parking space as shown on the approved site plan (Exhibit 24).
9. The applicant must install a hose spigot near the relief area and clean and maintain this area daily.
10. The applicant must install a pet waste bag dispenser with appropriate signage adjacent to the relief area.
11. The parking space between the animal relief area and the two rear loading spaces shall be designated for parking by veterinary staff only.
12. The relief area will be made of artificial turf, known as ProGreen K9, Deluxe 60, (or a similar artificial turf grass material). The existing asphalt within the relief area will be demolished and replaced with a raised curb-like edging (made of landscape timbers, blocks, etc.). The soil within the relief area will be mixed with additional topsoil as needed. Permeable aggregate fill will be imported and placed to create the final grade. The aggregate fill will interface with the underlying amended soil allowing infiltration from the surface. A permeable overlay of artificial turf grass will be installed to surface the relief area. The final details and approval of the relief area will be coordinated through the Department of Permitting Services (Division of Zoning and Site Plan Enforcement) prior to issuance of a use and occupancy permit for the veterinary clinic.
13. Petitioner must obtain a permit for the proposed sign, measuring approximately 16-feet long by 2 to 3 feet high. Should Petitioner require a variance, Petitioner shall either obtain approval of the variance or conform the size of the sign to the requirements of Section 59-F of the Zoning Ordinance. Petitioner shall file a copy of the sign permit with the Board of Appeals.
14. 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, directives and other governmental requirements.

On a motion by Stanley B. Boyd, seconded by Carolyn J. Shawaker, Vice-Chair, with John H. Pentecost and David K. Perdue, Chair, in agreement and Edwin S. Rosado necessarily absent, 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.



David K. Perdue
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
This day 30th of January, 2015.



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.