

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

<http://www.montgomerycountymd.gov/boa/>

Case Nos. S-856-B [S-452-D]

PETITIONS OF FRIENDS HOUSE, INC.

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted June 18, 2025)

(Effective Date of Resolution: July 9, 2025)

The Board of Appeals granted Case No. S-856 on March 2, 1983, to Friends House Inc. to permit modification of special exception Case Nos. S-261 [1973] and S-452 [1978] for a nursing and care home. Other case numbers associated with the special exception are Case No. CBA-1855 [1965] and Case No. CBA-2673 [1969 and 1972]. By Resolution dated June 10, 1997, in Case Nos. S-452-C [pursuant to Section 59-G-2.35, Housing and Related Facilities for the Elderly] and S-856-A [pursuant to Section 59-G-2.37, Nursing and Care Home], the Board approved construction of a two-story, 90-unit apartment facility for the elderly and an adult day care facility. Effective September 16, 1997, the Board approved a two-story pharmacy addition. Effective November 13, 2003, the Board granted an administrative modification to approve revisions in the design of the proposed addition.

Effective May 8, 2017, a major modification of this special exception was granted in Case No. S-856-B [S-452-D] pursuant to Section 59-G-2.35 [Housing, Elderly & Handicapped] and Section 59-G-2.37 [Nursing Home or Domiciliary Care Home] of the Zoning Ordinance to permit a total of 361 new living units for seniors with various care needs as well as a wide range of income levels, to be comprised of 126 new independent apartment living units, 163 lodge apartment units, 24 cottage dwelling units, and 48 assisted living units. Petitioner indicated that this would be a multi-stage process, and that upon completion of all phases of the development, the total units on site will be 451 living units (126 independent living apartments; as many as 163 lodge apartments; 32 cottage duplex units; 48 assisted living units; and 82 beds in the skilled nursing hall). Staffing increases were also approved in connection with this modification. Finally, effective October 21, 2022, the most recent iteration of this special exception was modified to permit consolidation of the existing units in the facility's C/D wing from 25 living units to 13 living units, a reduction in density of 12 units. This modification noted that Friends House "reserve[d] the right to construct the new C/D wing building that was approved in 2017 at a future date."

The subject property is Parcels N225 and N214 Subdivision, located at 17340 Quaker Lane, Sandy Spring, Maryland, 20860, in the RE-2 Zone.

The Board of Appeals has received correspondence, dated June 10, 2025, from Elizabeth Rogers, Esquire, and Vincent Biase, Esquire, collectively referred to herein as "Counsel," on behalf of Friends House. Counsel request an administrative modification of special exception Case Nos. S-856-B [S-452-D] to "to adjust the phasing to allow for the construction of an independent living facility in Phase Two, along with associated modifications to the previously approved building and site design." Counsel indicate that "no changes are proposed to the approved unit count or number of staff members, and the Petitioner is not requesting any modifications to the existing conditions of approval."

Counsel's letter explains the portion of Phase One of the previously approved construction that involved the construction of an 80-unit, predominantly affordable senior housing building, has been completed. The letter states that because of changes in the healthcare field and market arising from the COVID pandemic, they are seeking changes to Phase Two, which was "initially planned to include 48 Assisted Living units." Counsel's letter states that the Petitioner is now "seeking to amend the phasing to allow for the construction of Independent Living units" in Phase Two.

Counsel's letter states that after the pandemic, "the Petitioner and its Board embarked on a strategic planning effort to re-evaluate current market needs and formulate a plan for the long-term sustainability and success of the Friends House." The letter states that the "Strategic Plan has identified a need for additional Independent Living services on the campus, in the very near term, to meet current market demands and provide the necessary framework for the long-term sustainability of Friends House," and that having the Independent Living units "will enable the Friends House to continue to expand the continuum of care offerings provided on-site." Counsel's letter states that study of the currently approved campus plan revealed that the only place these units could be located without displacing people was on the northern part of the property ("Campus North"), currently scheduled for development in Phase Four. The letter states that "Campus North was most recently proposed to be constructed with three separate, two- and three-story independent living buildings, collectively containing 40 dwelling units, with associated surface parking," but "at one point, was planned to contain a single-consolidated building." Counsel's letter states that the Petitioner is seeking to replace the three separate independent living buildings with a single building that presents as two buildings, and to undertake that construction as part of Phase Two, as follows:

To accommodate the current market demand, with the next phase, the Petitioner is proposing to replace the three approved buildings with a compatible and more efficient single structure. The proposed building has been designed to provide for two, four-story apartment components joined by a single-story connector, atop a below-grade resident parking structure. This design allows the building to read as two separate buildings, while still maintaining the design and operational efficiencies that come from having a single structure. The building will be comprised of up to 90 Independent Living units (as compared to the 40 units previously proposed for Campus North, but with no increase in the total approved units for the overall Property).

Counsel's letter states that the requested modification will not change the existing use or its intensity, noting that "there will be no increase in the approved density on-site," and that "the Petitioner is merely proposing to adjust the phasing and location of units within the campus." The letter includes tables setting forth the existing and proposed phasing of development that illustrate this. Notably, the tables show no increase in the total number of units (446). Counsel's letter states that the requested modification will not have a substantial impact on traffic because "there will be no change to the approved unit count or number of Staff members." Rather, the letter states that the requested modification would actually decrease traffic on Norwood Road because it includes construction of a (currently non-existent) "private roadway that will provide internal connectivity between the main campus and Campus North."

Counsel's letter states that the requested modification will not substantially change the effect of the special exception use on the surrounding neighborhood because the previously-approved setbacks and height restrictions in the Zone will be maintained, as follows:

The proposed modification will not substantially change the effect on the immediate neighborhood. The Petitioner has carefully designed the project with the surrounding community in mind. The proposed building will maintain the minimum setbacks previously approved and will have a maximum height of four stories, which remains within the base height allowed by the zone. Notably, the consolidation of the project into one building, as opposed to the three separate buildings (as previously approved), results in an improved relationship with the surrounding residential homes. The consolidation allows the building mass to be shifted farther south, which improves the viewsheds from the immediately adjacent property to the east (which was previously, directly aligned with the northern most building). Additionally, the proposed landscaping and the existing forest conservation area to remain (to the north and west) will provide both a visual and physical buffer to the surrounding residential communities.

Finally, Counsel's letter states that while the original plan for the Campus North units called for a "large surface parking lot, which was immediately adjacent to the property boundary," the modified plan would provide below-grade parking for residents, "with only a limited amount of surface parking for visitors, which will be largely screened from view by landscaping and the carports that are proposed to serve as a visual buffer to the surrounding neighborhood." With their letter, Counsel include (1) a redlined version of the Campus Master Plan showing the proposed changes, (2) a clean/rendered version of the Campus Master Plan that includes the requested changes, (3) an enlargement of the affected area showing the proposed changes, (4) a landscape plan for the Campus North area, (5) a lighting plan for the Campus North area, and (6) elevations for the proposed Independent Living units.

The Board of Appeals considered the modification request at its June 18, 2025, Worksession. Ms. Rogers and Mr. Biase appeared at the Worksession in support of the requested modification, along with Friends House CEO Philip Burkholder. Patrick La Vay, P.E., President of Macris, Hendricks & Glascock, and Daniel Collins, R.A., President of Pandion, were also present in support of the modification. Mr. Biase stated that Friends

House is seeking an administrative modification of their special exception to adjust the phasing plan to provide for the earlier construction of independent living units. He stated that there would be no change to the number of approved units or to staffing, explaining that through this modification, Friends House was seeking to reallocate the units that had already been approved and to modernize their Site Plan in response to market conditions. Mr. Biase stated that the request can be granted administratively because it does not substantially change the nature, character, or intensity of the use, or its effect on traffic or the immediate neighborhood. He explained that the number of units and staff—and thus the intensity of the use—is unchanged, that the character of the use will be preserved, and that a proposed new internal (private) roadway will reduce the number of trips on Norwood Road and “contain” traffic on the Friends House campus.

Mr. Burkholder recounted the history of the special exception, stating that Friends House had operated its continuum of care community on this 62-acre property for 60 years. He stated that a new master plan for the special exception was approved in 2017. Mr. Burkholder stated that as a result of COVID, leadership transition, and market conditions, the community’s Board of Directors determined to revisit the 2017 master plan and, with a focus on sustainability, concluded that Friends House has the “runway” at this time to be able to make changes that will secure its future. He stated that the approved master plan calls for independent living units in the legacy cottage areas, but that those cottages are occupied, and that Friends House does not want to displace those residents. As a result, Mr. Burkholder explained that the Board focused on the northern area of the Friends House campus. He stated that Friends House is seeking approval to reverse the phasing of previously approved units, so that independent living units approved for Phase 4 could be constructed as part of Phase 2, and assisted living units that were to be constructed as Phase 2 could be built as part of Phase 4. Mr. Burkholder stated that this would be financially viable for Friends House and would meet customer needs.

Mr. Burkholder stated that Friends House had engaged with its staff and residents, and with some neighbors, to discuss the proposed changes. He stated that the neighbors of Friends House were most concerned about traffic safety on Norwood Road, and that Friends House has agreed to partner with them on safety improvements. Mr. Burkholder stated that the proposed modification would direct some of the traffic from the proposed independent living units in the Campus North area back onto the Friends House campus.

Mr. Biase explained the difference between what was approved in 2017 for construction in the Campus North area, and what was being proposed in connection with this modification. He stated that the 2017 approval allowed for three buildings with a total of 40 independent living units, and a large surface parking area. Mr. Biase explained that the proposed modification would allow for construction of a single building that presents as two buildings, containing up to 90 independent living units. He stated that the proposed new building would meet the setback and height restrictions of the underlying zone, and that its architecture would meet that of other buildings on campus. Mr. Biase stated that resident parking for the proposed building would be underground, and that a smaller surface lot would be constructed for visitor parking. Mr. Biase stated that the proposed reduction in the size of the surface parking lot was a major improvement to the previously approved design because the lot would be smaller and would be screened with landscaping, and because the previously approved parking was at the property’s edge.

He stated that the proposed new building and parking would actually improve views from homes to the east.

In response to a question from Board Member Sternstein, Mr. Burkholder stated that the 2017 approval included an intersection at the Norwood Road entrance to the Campus North area. Ms. Rogers explained that a traffic study was done in connection with that approval. Mr. Sternstein expressed concern that the proposed modification could increase traffic on Norwood Road because persons on the eastern and southeastern portions of the Friends House campus might use the new internal road to exit the campus at the new Campus North entrance. He stated that he did not believe the Board had enough information about traffic impact to make a decision on this modification. Ms. Rogers disagreed with this and stated that the two entrances would be so close together that there would be no meaningful difference in using one entrance versus the other. She asserted that there would be no increase in the number of trips on and off campus because Friends House was not seeking to add units. Ms. Rogers stated that persons occupying the proposed independent living units in the Campus North area who were seeking to access on-campus amenities such as meals and social events that are housed on the main part of the campus would use the new internal road. She stated that with the 2017 master plan, residents of Campus North would have to exit onto Norwood Road every time they went to the main campus area. As a result, Ms. Rogers stated that even though the 2017 master plan would have allowed for fewer units on Campus North, it would have generated more off-campus traffic. Ms. Rogers stated that her client believes the new internal road will result in a significant decrease in the number of trips on Norwood Road.

Ms. Rogers stated that despite the fact that the number of units on Campus North would be increasing, parking across the campus would be roughly the same because the total number of living units was not being increased. In response to a question from Mr. Sternstein asking how many additional spaces would be added to the property as a result of the proposed modification, Mr. La Vay stated that there would be about 30 additional spaces, and Mr. Collins stated that this was mostly visitor parking. In response to Mr. Sternstein's expressed concerns that a new traffic study had not been conducted in connection with the requested modification, Ms. Rogers stated that LATR does not require a traffic study because there would be no new trips; she further stated that even if Friends House had pursued this modification as a major modification, a traffic study would not have been required. In response to Mr. Sternstein's concern that the increase in the number of parking spaces may impact traffic, Ms. Rogers explained that a traffic study is based on the number of units and the types of units, not on the number of parking spaces. She stated that Friends House is trying to be proactive, and that the additional parking does not factor into a traffic analysis.

In response to Board Member Silverstein's observation that the 2017 plan had three two- and three-story buildings, and that the requested modification has two four-story buildings that were closer to the property line and thus the neighbors, and his subsequent question asking if there had been any outreach to the neighbors to the east, Ms. Rogers stated that the neighbors had all been invited to a meeting the previous Monday, and that some had attended. She stated that the proposed four-story buildings were only about 10 feet taller than a three-story building, and that having the buildings

closer to the neighbors was actually a benefit because buildings are quieter than parking lots. Ms. Rogers stated that with the proposed modification, the viewshed was actually being shifted and improved. She stated that the residents on Norwood Road would be fully buffered by the forest conservation easement.

In an attempt to allay the concerns expressed about traffic, Mr. La Vay stated that assuming all trips on and off of Campus North use the new Norwood Road intersection instead of the proposed internal road, there would be an increase of only 10 a.m. peak hour trips and 13 p.m. peak hour trips. Mr. La Vay stated that this was not enough to warrant a deceleration lane or a new traffic analysis. He stated that the site distance at the new intersection was assessed in the 2017 traffic study and is not changing, and he offered to provide the Board with a letter from a traffic engineer if that would be helpful. Mr. Sternstein expressed his position that such a letter would not be sufficient to address his concerns.

Because Case No. S-856-B [S-452-D] was approved prior to October 30, 2014, under Section 59.7.7.1.B of the current Zoning Ordinance, this modification request must be reviewed under the standards and procedures in effect on October 29, 2014, unless the Petitioner elects otherwise. In the instant case, Counsel have indicated that they would like to proceed under Section 59-G-1.3 of the Zoning Ordinance (2004). Accordingly, Section 59-G-1.3(c)(1) of that Ordinance provides:

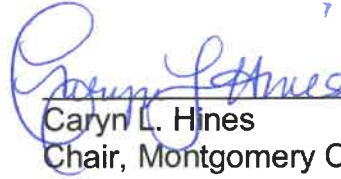
If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the board, without convening a public hearing to consider the proposed change, may modify the term or condition.

Based on the Petitioner's submission and for the reasons stated therein, notably that the requested administrative modification would not change the total unit count, staffing, or occupancy previously approved by the Board, Chair Caryn L. Hines found that the requested modification would not substantially change the nature, character or intensity of the use or its effect on traffic or the immediate neighborhood, and thus could be granted as an administrative modification. She made a motion to that effect, which was seconded by Member Donald Silverstein. The vote was called, and the motion failed on a 2–2 vote, with Vice Chair Richard Melnick necessarily absent, and with Members Alan Sternstein and Amit Sharma opposed due to the traffic concerns described herein. Accordingly:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-856-B [S-452-D] is re-opened to receive Counsel's letter of June 10, 2025, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception as described herein and in Counsel's letter, and as shown on the attachments to that letter, is denied; 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 modifications granted by the Board of Appeals, remain in effect.



Caryn L. Hines
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 9th day of July, 2025.



Barbara Jay
Executive Director

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 and conduct a public hearing to consider the action taken.

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. 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.

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Case Nos. S-856-B [S-452-D]

PETITIONS OF FRIENDS HOUSE, INC.

RESOLUTION TO MODIFY SPECIAL EXCEPTION
(Resolution Adopted October 12, 2022)
(Effective Date of Resolution: October 21, 2022)

The Board of Appeals granted Case No. S-856 on March 2, 1983, to Friends House Inc. to permit modification of special exception Case Nos. S-261 [1973] and S-452 [1978] for a nursing and care home. Other case numbers associated with the special exception are Case No. CBA-1855 [1965] and Case No. CBA-2673 [1969 and 1972]. By Resolution dated June 10, 1997, in Case Nos. S-452-C [pursuant to Section 59-G-2.35, Housing and Related Facilities for the Elderly] and S-856-A [pursuant to Section 59-G-2.37, Nursing and Care Home], the Board approved construction of a two-story, 90-unit apartment facility for the elderly and an adult day care facility. Effective September 16, 1997, the Board approved a two-story pharmacy addition. Effective November 13, 2003, the Board granted an administrative modification to approve revisions in the design of the proposed addition.

Effective May 8, 2017, a major modification of this special exception was granted in Case No. S-856-B [S-452-D] pursuant to Section 59-G-2.35 [Housing, Elderly & Handicapped] and Section 59-G-2.37 [Nursing Home or Domiciliary Care Home] of the Zoning Ordinance to permit a total of 361 new living units for seniors with various care needs as well as a wide range of income levels, to be comprised of 126 new independent apartment living units, 163 lodge apartment units, 24 cottage dwelling units, and 48 assisted living units. Petitioner indicated that this would be a multi-stage process, and that upon completion of all phases of the development, the total units on site will be 451 living units (126 independent living apartments; as many as 163 lodge apartments; 32 cottage duplex units; 48 assisted living units; and 82 beds in the skilled nursing hall). Staffing increases were also approved in connection with this modification.

The subject property is Parcels N225 and N214 Subdivision, located at 17340 Quaker Lane, Sandy Spring, Maryland, 20860, in the RE-2 Zone.

The Board of Appeals has received correspondence, dated September 16, 2022, from Derek Baumgartner, Esquire, on behalf of Friends House Retirement Community. Mr. Baumgartner requests an administrative modification of special exception Case Nos. S-856-B [S-452-D] to consolidate the existing units in the facility's C/D wing from 25 living units to 13 living units, a reduction in density of 12 units. His letter explains the request as follows:

As part of the 2017 approval, Phase III of the proposed development plan proposed an entirely new 24-unit apartment building (the "C/D Wing") that was to be constructed in the center of the property and would connect to the "commons" area which connects many of the existing and proposed buildings. Due to economic considerations in the current market, portions of Phase III were put on hold including the proposed new 24-unit C/D wing that was planned to replace the existing C/D wing. Instead, Friends House would like to renovate and consolidate the existing units in C/D wing as proposed in this application, resulting in the reduction of the number of units in C/D wing from 25 units to 13 units, until such time as Phase III can be fully implemented per this Board's 2017 approval with a new 24-unit building. Specifically, renovations of the existing building would occur in the following manner:

Existing	Proposed
20 living units (10 one-bedroom and 10 studio)	10 one-bedroom/den apartments
5 living units (2 one-bedroom and 3 studio)	2 two-bedroom apartments 1 studio apartment

Mr. Baumgartner states in his letter that his client reserves the right to construct the new C/D wing building that was approved in 2017 at a future date.

Mr. Baumgartner's letter states that the renovations proposed in this modification are to the interior of the building only, and that the building's footprint would not change. Mr. Baumgartner emphasizes that the number of units is being decreased, and that no new parking is required or requested. Accordingly, his letter concludes that with the requested modification, the use will have less of an impact on the surrounding community than the current use, and that the requested modification can therefore be granted because it will not substantially change the nature, character or intensity of the use, or substantially change its effect on traffic or the immediate neighborhood.

The Board of Appeals considered the modification request at remote Worksession held on October 12, 2022, using Microsoft Teams. Mr. Baumgartner appeared at the Worksession in support of the requested modification, along with Friends House CEO Philip Burkholder and CFO Bill Gibson, Jr. Mr. Baumgartner explained the history of the special exception. He stated that a major modification of the special exception was granted in 2017, which was to be implemented in phases. Mr. Baumgartner stated that in connection with one of these phases, Friends House had received approval in 2017 to

raze the existing C/D Wing and build apartments. He stated that while his client absolutely intends to pursue this change at some point in the future, at present, due to current circumstances, his client is seeking permission to retain and reconfigure the existing C/D Wing so that it contains fewer, but larger, units. In response to a Board question, Mr. Gibson explained that this was being done pursuant to a market study, and that it would provide units with a lower entry price point. Mr. Gibson stated that the C/D building already exists, and that the proposed modification entails no changes to parking or stormwater management. He referred to the requested administrative modification as a "long term temporary" reduction in units that is intended to boost occupancy until such time as Friends House undertakes the construction of apartments in place of the C/D Wing, as allowed by the 2017 modification. In response to a Board question, Mr. Baumgartner stated that Friends House had already implemented other aspects of the 2017 modification.

Because Case No. S-856-B [S-452-D] was approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this modification request must be reviewed under the standards and procedures in effect on October 29, 2014, unless the Petitioner elects otherwise. In the instant case, Mr. Baumgartner has indicated that he would like to proceed under Section 59-G-1.3 of the Zoning Ordinance (2004). Accordingly, Section 59-G-1.3(c)(1) of that Ordinance provides:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the board, without convening a public hearing to consider the proposed change, may modify the term or condition.

Based on the record before it, the Board finds that the requested modification to reduce the current number of units on this special exception property, as described and depicted in Mr. Baumgartner's letter and on the attachments thereto, with no changes to the exterior of the building or to parking, will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood, and can be granted.

Therefore, on a motion by Richard Melnick, Vice Chair, seconded by Roberto Pinero, with John H. Pentecost, Chair, and Caryn Hines in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-856-B [S-452-D] is re-opened to receive Mr. Baumgartner's September 16, 2022, letter with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception as described herein and in Mr. Baumgartner's letter with attachments 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 modifications granted by the Board of Appeals, remain in effect.



John H. Pentecost, Chair
Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 21st day of October, 2022.



Barbara Jay
Executive Director

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 and conduct a public hearing to consider the action taken.

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. 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.

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Case Nos. S-856-B [S-452-D]

PETITIONS OF FRIENDS HOUSE, INC.

RESOLUTION TO RE-OPEN THE RECORD
(Resolution Adopted October 4, 2017)
(Effective Date of Resolution: October 19, 2017)

The Board of Appeals has received a letter dated September 26, 2017, from Jody S. Kline, Esquire, on behalf of Friends House, Inc., submitting a Declaration of Covenants as required by Condition No. 11 of the Board's May 8, 2017, Opinion.

The subject property is located at 17340 Quaker Lane, Sandy Spring, Maryland, 20860, in the RE-2 Zone.

The Board of Appeals considered Mr. Kline's letter at its Worksession on October 4, 2017. On a motion by Stanley B. Boyd, seconded by Edwin S. Rosado, Vice Chair, with Bruce Goldensohn and John H. Pentecost, Chair, in agreement, and with Katherine Freeman necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-856-B [S-452-D], Petition of Friends House, Inc., is re-opened to receive Mr. Kline's letter dated September 26, 2017, with attachments.



John H. Pentecost

Chair, Montgomery County Board of Appeals

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Case Nos. S-856-B [S-452-D]

PETITIONS OF FRIENDS HOUSE, INC.

OPINION OF THE BOARD
(Opinion Adopted April 12, 2017)
(Effective Date of Opinion: May 8, 2017)

Case No. S-856-B [S-452-D] is an application for a modification of the Friends House, Inc., special exception to permit application for a special exception pursuant to Section 59-G-2.35 (*Housing, Elderly & Handicapped*) and Section 59-G-2.37 (*Nursing Home or Domiciliary Care Home*) of the Zoning Ordinance to permit a total of 361 new living units for seniors with various care needs as well as a wide range of income levels, to be comprised of 126 new independent apartment living units, 163 lodge apartment units, 24 cottage dwelling units, and 48 assisted living units. Petitioner indicates that this will be a multi-stage process. Upon completion of all phases of the development, the total units on site will be 451 living units (126 independent living apartments; as many as 163 lodge apartments; 32 cottage duplex units; 48 assisted living units; and 82 beds in the skilled nursing hall). The proposed changes include:

- 1) the permanent removal of two cottages;
- 2) construction of a new 80-unit low income tax credit financed apartment building;
- 3) addition of a new 48 unit assisted living facility to the existing nursing home, as well as a modest expansion of the nursing home to allow the conversion of semi-private rooms to private rooms;
- 4) preservation of 8 duplex cottage units;
- 5) preservation of a 25-unit wing of HUD program apartments on a temporary basis;
- 6) construction in Phase 1 of 13 new single and duplex cottage units and 33 lodge units;
- 7) eventual replacement of certain of the existing cottage buildings with lodges; and
- 8) renovation of the Commons Building to provide better common facilities, including dining, for the residents of the multi-family residential buildings.

The Petitioner is proposing to add three new full time staff, mostly in dining services capacities, and two other full equivalents (comprised of 5 to 6 part-time employees) during Phase 1. The Petitioner notes that Phase 2 will require an increase in staff from 17 up to 32 employees with full occupancy, and that Phase 3 will require an additional 4.6 full time equivalent positions (two full time and 2.6 FTEs working in the kitchen or in administrative capacities).

The Hearing Examiner for Montgomery County held hearings on the application on December 19, 2016, and January 23, 2017, closed the record on February 21, 2017, reopened the record again on March 21, 2017, for the sole purpose of receiving an Order and comments from Staff of the Planning Department on a revised landscape plan, and on March 21, 2017, issued a Report and Recommendation for approval of the application.

The subject property is Parcels N225 and N214 Subdivision, located at 17340 Quaker Lane, Sandy Spring, Maryland, 20860, in the RE-2 Zone.

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

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on April 12, 2017. Because Case Nos. S-856-B [S-452-D] were approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this modification request must be reviewed under the standards and procedures in effect on October 29, 2014, unless the applicant elects otherwise. After careful consideration and review of the record in the case, the Board adopts the Hearing Examiner's Report and Recommendation with minor technical revisions to Conditions 14 and 15, and **grants** the requested modification, subject to the following conditions:

1. The Petitioner is bound by the testimony of its witnesses, exhibits of record, and attorney's representations that are identified in this Report.
2. The Special Exception uses must be limited to a total of 316 independent living units, and a total of 130 assisted-living units/nursing beds, and the existing adult day care program.
3. The Special Exception Site Plan (Exhibit 79) must show the rights-of-way from the centerlines of Norwood Road along the property southern and northwestern frontages of the subject property.
4. All physical improvements to the property are limited to those shown on the Special Exception Site Plan (Exhibit 79), Landscape Plan (Exhibit 87) and Lighting Plan (Exhibit 55(e)).

5. Prior to the issuance of the initial building permits, the Petitioner must coordinate with the Montgomery County Department of Transportation (MCDOT) to provide the necessary additional traffic control markings and signs to assure safe crossing of Norwood Road to access the Metrobus stops (for the Z2 route) on the opposite side of the road along Norwood Road.
6. The Petitioner must provide internal sidewalk connections and crossings of driveways/curb cuts that are ADA compliant.
7. All parking and loading facilities must comply with the requirements of the Maryland Accessibility Code.
8. The Petitioner must ensure that shuttle bus service continues while the special exception for housing for senior adults is in operation.
9. The Petitioner must at all times qualify for at least one type of exemption from familial status requirements of the Federal Fair Housing Act.
10. A minimum of 20 percent of the dwelling units must be permanently reserved for households of low income (at or below 60 percent of area median income)
11. Within 10 days after approval of the special exception, the Petitioner must record covenants on the property that permanently reserve a minimum of 20 percent of the dwelling units for households of low income (at or below 60 percent of area median income).
12. The Petitioner shall at all times comply with the approved Final Forest Conservation Plan.
13. No future applications for modification of the Approved Special Exception shall be filed separately for S-452-D or S-856-B. Any proposed modification on the property must amend both cases as approved in the subject Major Modification of the Approved Special Exception Site Plan.
14. Any temporary construction signs must comply with all applicable requirements of Article 59-F of the 2004 Zoning Ordinance. All signs placed on the property must meet the requirements of Section 59-F-4.2(a) in terms of number, location and area, and Section 59-F-4.1(e) regarding illumination. The Applicant must obtain any sign permits that may be required by the Department of Permitting Services or the Sign Review Board, as appropriate, and must file a copy of any such sign permit with the Board of Appeals. The final design of the proposed sign must be in compliance with the Zoning Ordinance, or the Applicant must first obtain a sign variance from the Sign Review Board.
15. The Applicant 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. The Applicant shall at all times ensure that the special exception 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, including the annual payment of special exception use administrative fees assessed by the Department of Permitting Services.

On a motion by John H. Pentecost, Vice Chair, seconded by Edwin S. Rosado, with Carolyn J. Shawaker, Chair, Stanley B. Boyd and Bruce Goldensohn 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.


Carolyn J. Shawaker
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 8th day of May, 2017.


Barbara Jay
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. 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.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland Avenue
(240) 777-6600

<http://www.montgomerycountymd.gov/boa/>

CASE NOS. S-856-B and S-452-D

PETITION OF FRIENDS HOUSE, INC.

RESOLUTION TO CONSOLIDATE CASES

(Resolution Adopted January 6, 2016)

(Effective Date of Resolution: February 12, 2016)

The Board of Appeals has received a letter, dated December 24, 2015, from Jody S. Kline, Esquire, on behalf of Friends House, Inc. Mr. Kline requests that the Board accept a single filing fee of \$4,537.50 for major modifications in Case Nos. S-856-B [Nursing and Care Home] and S-452-D [Housing and Related Facilities for Elderly or Handicapped Persons]. He also requests that the public hearings on these applications be consolidated. Mr. Kline's letter indicates that both petitions cover the same land area of the entire Friends House retirement community campuses; that if the request for consolidation is granted, the two special exceptions will be joined for analysis and for public hearing; that the petitions will be reviewed together and will be the subject of a single staff report; that the traffic study to be submitted with the joint petitions will cover both uses and will be reviewed simultaneously for both applicants; and that other property-wide subjects such as stormwater management and forest conservation will be evaluated simultaneously.

The subject property is JT 31, Parcels N225 and 214, Friends House Subdivision, located at 17230, Quaker Lane, Sandy Spring.

The Board of Appeals considered Mr. Kline's request at its Worksession on January 6, 2016. Because Case Nos. S-856, S-856-A, S-452, S-452-A, S-452-B, and S-452-C were approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this request must be reviewed under the standards and procedures in effect on October 29, 2014. Rule 1.7 of the Board of Appeals Rules of Procedure [Resolution Numbers 12-865 (Adopted October 27, 1992), 14-742 (Adopted January 30, 2001) and 15-554 (Adopted March 23, 2004)], regarding consolidation of cases, provides:

If an applicant files more than one special exception, variance or administrative appeal involving the same property, the Board may, on written request, grant:


- a. consolidation of cases; and
- b. payment of only the highest applicable fee.

The Board finds that these requests relate to the same property and grants consolidation of the cases and payment of only the highest applicable fee.

Therefore, on a motion by Edwin P. Rosado, seconded by John H. Pentecost, Vice Chair, with Carolyn J. Shawaker, Chair, and Bruce Goldensohn in agreement, and Stanley B. Boyd necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the record in Case Nos. S-856-B and S-452-D is opened to receive Mr. Kline's letter dated December 24, 2015; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the request to consolidate these cases and pay the highest applicable fee is granted.


Carolyn J. Shawaker
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 12th day of February, 2016.


Barbara Jay
Executive Director

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 and conduct a public hearing to consider the action taken.

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. 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.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland Avenue
(301) 217-6600

(www.montgomerycountymd.gov/mc/council/board.html)

CASE NO. S-856-A

PETITION OF FRIENDS HOUSE, INC.

RESOLUTION TO GRANT ADMINISTRATIVE MODIFICATION

(Resolution Adopted May 14, 2003)

(Effective Date of Resolution: November 13, 2003)

The Board of Appeals has received correspondence, dated April 24, 2003, from Susan W. Carter, Esquire on behalf of Friends House. Ms. Carter requests administrative modification of the above-captioned special exception to approve revisions in the design of a proposed addition. She encloses a revised site plan, elevations and landscape-lighting plan. The Board of Appeals granted Case No. S-856 on March 2, 1983 to Friends House Inc. to permit modification of special exception Case No. S-261 [1973] and S-452 [1978] to permit modification of the special exceptions for a nursing and care home. Other case numbers associated with the special exception are CBA-1855, [1965] and CBA-2673 [1969 and 1972]. By Resolution dated June 10, 1997, in Case No. S-452-C [pursuant to Section 59-G-2.35, Housing and Related Facilities for the Elderly] and S-856-A [pursuant to Section 59-G-2.37, Nursing and Care Home], the Board approved construction of a two-story, ninety unit apartment facility for the elderly and an adult day care facility. By Resolution effective September 16, 1997, the Board approved a two story pharmacy addition at the rear of Stabler Hall.

The subject property is JT 31, Parcels N225 and 214, Friends House Subdivision, located at 17230, Quaker Lane, Sandy Spring.

The Board of Appeals considered Ms. Carter's letter at its Worksession on May 14, 2003. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the board,

without convening a public hearing to consider the proposed change, may modify the term or condition.

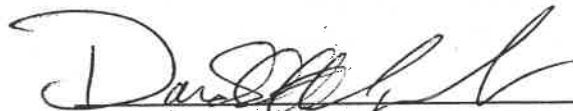
The Board finds that the requested modifications, design changes intended to make the space more suitable for Alzheimer's patients, which include no increase in the number of patient beds, will not intensify the use or change its impact on traffic or on the immediate neighborhood. Therefore,

On a motion by Allison Ishihara Fultz, seconded by Donna L. Barron, with Louise L. Mayer, Angelo M. Caputo and Donald H. Spence, Jr., Chairman in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-856-A is re-opened to receive Susan W. Carter's letter dated April 24, 2003, with attachments, as Exhibit Nos. 18-21; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception as described therein is **granted**; and

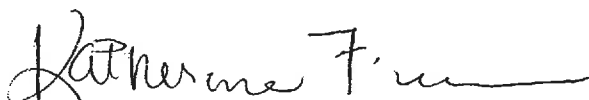
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modification granted by the Board of Appeals, remain in effect.



Donald H. Spence, Jr.

Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 13th day of November, 2003.

A handwritten signature in cursive script, appearing to read "Katherine Freeman", written over a horizontal line.

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 and conduct a public hearing to consider the action taken.

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.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(301) 317-6600

Case No. S-856-A

PETITION OF FRIENDS HOUSE, INC.

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution adopted August 20, 1997)

(Effective date of Resolution, September 16, 1997)

On July 9, 1997, the Board received correspondence from Susan W. Carter, petitioner's attorney, which states, in part:

"I am writing to you on behalf of my client, Friends House, Inc., to request an administrative modification ... to permit my client to modify the existing nursing home.

"... Friends House appeared before the Board ... to modify its special exception approvals to permit additional units of housing for the elderly, an assisted living facility, an adult day care facility, an addition to the nursing home to provide beds for patients with dementia, and a small pharmacy addition to the nursing home. ... the Board approved the requested modifications.

"The pharmacy addition to the existing nursing home which was approved is a one-story addition with a peak height of 20 feet, covering approximately 2000 square feet. This addition is to be located at the rear (south) of the Stabler Hall Skilled Nursing Facility, facing the center of the Friends House campus, approximately 430 feet from the nearest adjoining property line.

"In the course of preparing final design plans for the pharmacy addition, Friends House concluded that it would make better sense to modify its plan to add a second story to this small addition. This would enable Friends House to open up the existing second floor dining room which services the nursing home, expanding it into this space and making it possible for all of the residents of the nursing home to be accommodated in the dining room. ...

"Attached ... are the proposed elevations and floor plans ... the second story addition will be located above the pharmacy addition ... The height of the addition will be approximately 28 feet with a roof peak of 34 feet (lower than the roof height of the existing nursing home). The materials will consist of brick with a metal roof to match those of the existing nursing home.

"Section 59-G-1.3(c) of the Zoning Ordinance provides that the Board need not convene a public hearing if 'the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character, or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood'. The proposed modification is

minor insofar as the footprint of the building will not be altered and the addition will not extend as high as the existing structure. Given the location of this proposed addition vis-à-vis the surrounding area and its orientation toward the center of the campus, there should be no adverse impact upon surrounding properties. ... the additional space will generate no additional traffic; it will simply provide additional space for the current residents of the nursing home. ..."

On August 18, 1997, the Board received a Memorandum from William Landfair, Department of Park and Planning, Maryland-National Capital Park and Planning Commission, which states, in part:

"... Staff finds the proposed two-story addition acceptable. The height of the second floor would be approximately 28 feet with a peak roof height of 34 feet. This is lower than the roof height of the surrounding nursing home. The building materials would consist of brick with a metal roof to match the materials of the nursing home. Given its location on the rear side of the nursing home, oriented toward the interior of the campus, there would be little or no view of the addition from the nearest adjoining property (historic Norwood House) or Norwood Road. Construction of the second floor would not alter the footprint of the pharmacy addition so there would be no need for additional clearing or grading. Finally, the additional space is designed to accommodate existing residents of the nursing home so no additional traffic would be generated.

"In conclusion, staff finds that the proposed modification would not substantially change the nature, character or intensity of the existing use, nor would it have an adverse effect on traffic or on the immediate neighborhood. Therefore, staff recommends approval of the modification."

Attached to Mr. Landfair's memorandum were a partial site plan, floor plans and elevations.

The Board, after careful consideration of the correspondence and a review of the record in the above-referenced case, finds that the request to modify the special exception can be granted without the necessity of a public hearing. The Board further finds that the request will have no effect on traffic and on the immediate neighborhood.

THEREFORE, in accordance with the provisions of Section 59-G-3.1(c)(1) of the Zoning Ordinance, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case No. S-856-A, shall be and hereby is reopened to receive the following exhibits: Ms. Carter's July 9, 1997, letter; floor plans; elevations; site plan and an updated list of adjoining/confronting property owners; and Mr. Landfair's memorandum dated August 15, 1997, with attachments; and

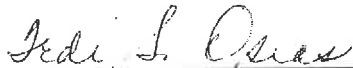
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may add a second story above the pharmacy previously approved by the Board on April 23, 1997, as described in Ms. Carter's July 9, 1997, correspondence; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that, except as modified herein, all terms and conditions of the original special exception and any modifications thereto, shall remain in full force and effect.

The subject property is JT 31, Parcels N225 and 214, Friends House Subdivision, located at 17230 Quaker Lane, Sandy Spring, Maryland, in the RE-2 Zone.

On a motion by Allison Bryant, seconded by William S. Green, with Wendell Holloway, Donna L. Barron and Susan W. Turnbull, Chair, in agreement, the Board adopted the foregoing Resolution.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 16th day of September, 1997.



Tedi S. Osias
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.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Case Nos. S-452-C and S-856-A

PETITION OF FRIENDS HOUSE
(By: Darryl Clemmer, Executive Director)
(Hearing held April 23, 1997)

OPINION OF THE BOARD
(Effective date of Opinion: June 10, 1997)

Case No. S-452-C is the application filed for a modification to an existing special exception pursuant to Section 59-G-2.35 (Housing and Related Facilities for Elderly or Handicapped Persons) to permit the construction of a two-story, ninety (90) unit apartment facility for the elderly and, as an ancillary use, an adult day care facility to be located in the assisted living facility.

Case No. S-856-A is the application filed for a modification to an existing special exception pursuant to Section 59-G-2.37 (Nursing and Care Home) to permit (1) the construction of a new 30-room assisted living facility and (2) to permit the construction of two additions to the existing nursing home: (a) a unit for up to 28 patients with dementia, and (b) a pharmacy.

The subject property is JT 31, Parcels N225 and 214, Friends House Subdivision, located at 17230 Quaker Lane, Sandy Spring, Maryland, in the RE-2 Zone.

Decision of the Board: Special Exception GRANTED, subject to conditions enumerated below.

Susan Carter, Esquire, represented the petitioner, Friends House. She called as witnesses Darryl Clemmer, Executive Director of Friends House; John Sekerek, a land planning expert; and David Delmar, an architect.

There was no opposition present or noted in the file to the proposed modification to an existing special exception.

PETITIONER'S CASE

The property which is the subject of this petitioner is Parcel "C" of the Friends House Subdivision and is located at 17340 Quaker Lane, Sandy Spring, Maryland. The property consists of 62.178 acres, has been in operation since 1962, and is currently zoned RE-2.

The Board of Appeals originally granted Special Exception Case No. CBA-1855, which was amended by Case Nos. CBA-1915, CBA-2673, S-261, S-452, S-452-A, S-452-B, S-515 and variance Case No. A-346, and S-856. Currently, the Friends House Retirement Community consists of Friends Nursing Home (an 80 bed Medicaid/Medicare nursing home), the Friends House Apartments (a 100 unit HUD 202 project for low income elderly), and the Friends House Cottages (29 rental units in 18 detached dwellings and one 5 unit apartment wing) for elderly tenants who want larger living areas and/or are over the income limit to qualify for the HUD 202 apartments.

The petitioner came before the Board of Appeals on April 23, 1997 following its efforts to respond to concerns raised by the M-NCPPC and community representatives about the proposed design and location of the Independent Living Facility. These initial concerns had triggered a 5-0 Planning Board vote of denial for S-452-C based on its planned location within the subdivision and the size of the two/three story building being proposed. The concerns were mainly driven by the dictates of the 1980 Sandy Spring-Ashton Master Plan that provides guiding policies and attempts to protect the rural entry to Sandy Spring.

The proposed building was seen as too imposing a structure for the its adjoining property, the historic Norwood House, and it did not conform to "community scale." The M-NCPPC also suggested that the structure be moved toward the interior of the subdivision and be given architectural characteristics that were more in keeping with the rural character envisioned by the master plan.

The M-NCPPC was positively disposed toward Case No. S-856-A providing for an addition to an existing nursing home to accommodate dementia patients and construction of an assisted living facility. The Planning Board recommended approval with conditions applying to storm water management approval, as well as getting approval of an access permit for the proposed new driveway entrance (Exhibit No. 10(a)-(b)).

Friends House responded to the aforementioned concerns with revised site plans and modifications that resulted in a greatly altered and more acceptable design and overall proposal. On April 17, 1997, the Planning Board reviewed the project changes in Case No. S-452-C and expressed its pleasure at the responsiveness of the petitioner and the actions taken. The Planning Board then recommended approval subject to conditions affecting storm water management, landscape, lighting and signage (Exhibit No. 27(a)-(c)).

The revised plan relocated the proposed independent living facility to a more centralized location within the retirement community campus. The configuration of the building was modified to ensure compatibility with the topography and visual character of the area. More direct access to the facility from Quaker Lane was provided and 16 of the proposed 22 parking spaces were distributed to other proposed parking areas. This change provides a larger setback and more buffering capability between the existing duplex and the proposed new independent living facility.

Architectural elevations were also modified to incorporate architectural features that are similar to those seen on adjacent properties such as the historic Norwood House. The new architectural features provide for the addition of dormers, brick elements and a sloped roof (roof line will change from hip style to gable).

Mr. Clemmer, Executive Director of Friends House, testified as to the current very high occupancy rate and the existence of a waiting list for entry. He also provided a general description of the facility, its advanced age, its non-conformity to current standards and regulations for the care of dementia patients and the nature of the population served. He then indicated that Friends House was the low cost, low rate provider for Montgomery County and that was a mission of the operators. Mr. Clemmer also provided a basis for contrast between the future needs of the County's population and the firms entering the assisted living business to help meet the projected needs. The for profit providers were depicted as not serving the same population and tending to avoid large numbers of Medicaid cases.

On the matter of housing, Mr. Clemmer made the case for again providing services in this arena that are not being met or covered by other programs that attempt to meet the needs of an older, income-restricted population.

John Sekerek, a recognized land planning expert, testified as to the compliance of the revised proposed modification with the specific requirements of the special exceptions. He also affirmed that the proposed modification satisfied criteria designed to ensure compatibility with the 1980 Sandy Spring-Ashton Master Plan and that it actually advances the goals and objectives of the plan. He viewed the modification as having no adverse impact and as being in harmony with the surrounding area.

Mr. Sekerek displayed a map of community facilities (Exhibit 35) to show the general layout and distribution of services along with the accessibility to transportation. He pointed out the substantial setbacks, the appropriate use of natural buffers and the positive impact the existing facility has on its surrounding community.

David Delmar, an architect qualified as expert in his field, was the last witness presented by Ms. Carter. Mr. Delmar testified as to the revised design and the attempts to meet the concerns of the Planning Board with the modification's structural appearance. He presented several exhibits (Nos. 36 through 38) showing the changes to ensure compatibility with the historic Norwood House and to better locate the independent living facility to reduce its impact on the area near Norwood House.

No opposition was presented in this case.

FINDINGS OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The Planning Board and its Technical Staff recommended approval of the proposed special exception with conditions following changes made to the proposed project and their review by the Board on April 17, 1997. The Planning Board indicated that they were very pleased about the revisions and the petitioner's responsiveness to their original concerns regarding the location, design and size of the independent living facility.

FINDINGS OF THE BOARD

The Board finds that the proposed special exception modifications meet the general requirements for all special exception in Section 59-G-1.21. It also meets the requirement in Section 59-G-1.24 as to County need for the proposed use. The requirements of Section 59-G-2.35 are also met with the revisions in design and location as discussed below. They are permissible special exceptions in the RE-2 Zone, and they will be consistent with the 1980 Sandy Spring-Ashton Master Plan zone. Accordingly, the Board grants the special exception for with the following conditions:

1. As required by Section 59-A-1.27, the holder of the special exception is bound by all of its testimony and exhibits of record, the testimony of its witnesses and representations of its attorneys, to the extent that such evidence and representations are identified in the this Opinion and except as altered by compliance with the following conditions.
2. The holder of the special exception will submit a landscape and lighting plan to Technical Staff for review and approval. One copy of the approved plan must be submitted to the Zoning Supervisor at the Department of Permitting Services. One copy must be submitted to the Board for its records. All plant material must be installed according to plan and maintained and replaced as necessary.
3. The holder must have the approval of a storm water management concept plan or waiver request by the Montgomery County Department of Permitting Services prior to issuance of building permits.

The Board adopted the following Resolution:

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

On a motion by William S. Green, seconded by Wendell M. Holloway, with Susan Turnbull, Chair, Allison Bryant and Donna Barron in agreement, the Board adopted the foregoing Resolution.

I do hereby certify that the foregoing Opinion was officially entered in the Opinion book of the County Board of Appeals this 10th day of June 1997.


Tedi S. Osias

Executive Secretary to the Board

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

See Section 59-A-3.2 of the Zoning Ordinance regarding Use and Occupancy Permit for a Special Exception.

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.

See the Board's Rules of Procedure for information about the process for requesting reconsideration.

COUNTY BOARD OF APPEALS
FOR
MONTGOMERY COUNTY

COUNTY OFFICE BUILDING
ROCKVILLE, MARYLAND 20850

Case No. S-856

Telephone
Area Code 301
279-1226

PETITION OF FRIENDS HOUSE, INC. FOR
MODIFICATION OF SPECIAL EXCEPTION
(Hearing held February 17, 1983)

OPINION OF THE BOARD

This proceeding arises on the petition filed for special exception pursuant to Section 59-G-2.37 of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1977, as amended) to permit modifications of existing special exception Nos. S-261 [1973] and S-452 [1978] to permit: (1) an addition to enlarge the rehabilitation and personal service area of the nursing and care home and (2) the construction of six houses for the elderly. (Previous petitions and appeals involving this property are: No. 1855 [1965], No. 2673 [1969 and 1972], No. S-261 [1973], and No. S-452 [1978].)

The subject property contains 63.14 acres at 17340 Quaker Lane, Sandy Spring, Maryland, in an RE-2 Zone.

Decision of the Board: Amendments granted, subject to conditions enumerated herein.

Petitioner's Proposal

Representatives of the petitioner, Frank R. Bailey, Executive Director of Friends House, accompanied by Marc P. Hanson, Attorney, appeared and agreed to be bound by testimony, exhibits and evidence in the record as follows:

The property is operated as two [501(c)(3)] non-profit corporations, Friends House, Inc., and Friends Nursing Home, Inc., providing housing and care for the elderly. People 62 to 75 years of age are eligible for cottages. Both corporations are governed by a 19-member Board of Trustees.

The facilities now accommodate 114 people in 100 apartments, 22 people in 10 detached cottages and an 80-bed nursing home containing 30 semi-private and 20 private rooms. All accommodations have long waiting lists, as much as 15 years for apartments and 5 years for cottages.

This HUD-sponsored project houses middle and lower-income tenants. The two proposed projects will provide for 12 additional people to reside in the 6 detached cottages to be constructed and will provide a necessary additional 400 square feet for the rehabilitation and services area. These services include physical and muscular therapy, podiatry, dental hygiene, pharmacy and a beauty shop. This addition would also provide needed activity space for nursing home residents.

No additional staffing is required. There will be no change in the present parking or traffic pattern. Bus service is available on Route 108. The facility provides a wheel chair van as well as a regular van for adequate access to shopping and medical treatment. There will be no advertising of the rehabilitative services, nor any sign denoting their presence. Present water and sewage facilities are adequate; any additional requirement would be minimal.

The Nursing Home and Friends House are operated as separate organizations. Friends House owns the facility and leases quarters for nursing. The spokesman for petitioner knew of no community opposition to the proposed construction.

Sandy Springs Friends School, a contiguous property owner, waived the right to receive notices of the hearing [Exhibit No. 19], expressed support for the proposed project, and indicated an intent to grant an easement to Petitioner to provide access to certain of the proposed cottages.

Franklin J. Duane, Architect for both projects, testified that they are near Norwood Road and Doctor Bird Road on a 63-acre parcel. Existing buildings are apartments, a nursing home, service facilities and cottages. The proposed six new cottages will be accessible by a road extending off Quaker Lane. The new construction meets the land use requirements of the Olney Master Plan [Exhibit No. 13] and the zoning vicinity map [Exhibit No. 12]. Consent to the easements necessary for the construction has been obtained. The proposed uses are in harmony with existing uses. Site lighting associated with six new cottages will be just enough for visibility at night. The exterior will be compatible with existing buildings. The one-story cottages will be set back, landscaped and screened to meet all requirements of the RE-2 Zone. Two parking spaces will be provided for each cottage. Building coverage will amount to just 10% of the allowed density.

The addition to expand the rehabilitative area is an architecturally compatible one-story pitched roof structure, which meets the requirements for the RE-2 Zone and will require no additional parking. It is set back 456 feet from the nearest property line. The site plan shows a plan for a future meeting room addition.

Gordon L. Berlinsky, an expert civil engineer, testified that the public facilities in the area are adequate to serve the additional uses proposed and that the necessary water and sewer service category change to W1 and S1 has been applied for.

Report and Recommendation of the
Technical Staff of the Maryland-
National Capital Park and Planning
Commission

The staff report [Exhibit No. 16(a)] concludes that the proposed projects will have no adverse impact upon the existing traffic pattern, conform to the zoning ordinance density building setback and parking requirements, that it will not adversely affect the Olney Master Plan nor the use and enjoyment of the adjoining properties or the general neighborhood. However, the Development Review Division concludes that the property must be enlarged to a single lot by way of a subdivision plan so that the proposed buildings can maintain the proper setbacks. Therefore, the staff recommends approval of the special exception modification subject to the following two conditions:

- "1. The applicant shall submit a subdivision plan for 63½ acres to the technical staff for review and approval by the Planning Board.
- "2. The applicant shall obtain from the adjoining property owners an easement permitting access from Quaker Lane to the proposed six cottages."

Opposition

No evidence in opposition was adduced.

Findings of the Board

After reviewing all testimony, evidence and exhibits which are binding upon petitioner, the Board finds that the additions to enlarge the rehabilitation and service area of the nursing and

care home and the construction of six cottages for the elderly conform to the requirements of Sections 59-G-2.37 and 59-G-2.35 of the Zoning Ordinance. The additional rehabilitation and services facility and the six additional cottages (1) will not affect adversely the present character or future development of the surrounding residential community as to bulk, traffic, noise, or number of persons being cared for. They will be in harmony with the surrounding neighborhood since the community is low-density with single-family detached dwelling units predominating in the Sandy Spring/Ashton area except for the Friends House Retirement Community, which has a density of just 10% of that allowed; (2) the structures will be architecturally compatible with other buildings in the surrounding neighborhood; (3) will be adequately protected from noise, air pollution and other potential dangers to the persons being cared for; (4) satisfy the ordinance requirements for lot size, street frontage, setback green area, lot coverage and height limitation; and (5) the nursing home and care facility will have a lot area in excess of the 2,000 square-feet per bed requirement.

Accordingly, the special exception is granted subject to the following conditions:

1. The applicant shall submit a subdivision plan for 63± acres to the technical staff for review and approval by the Planning Board.
2. The applicant shall obtain from the adjoining property owners an easement permitting access from Quaker Lane to the proposed six cottages.
3. Construction of the rehabilitation and services facility and the six cottages shall be according to plans entered into the record as Exhibit Nos. 5(a-c) and 6.

The Board adopted the following Resolution:

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

The foregoing Resolution was proposed by Wallace I. Babcock and concurred in by Joseph E. O'Brien, Jr., Chairman, Rita A. Morgan and Harry M. Leet. Doris Lipschitz was necessarily absent and did not participate in the foregoing Resolution.

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 2nd day of March 1983.

Dollie H. Kyte
Clerk to the Board

Please see Section 59-A-3.2 of the Zoning Ordinance regarding use and occupancy permit.

See Section 59-A-4.53 of the Zoning Ordinance regarding the 12-months' period within which the right granted by the Board must be exercised.

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.