

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
www.montgomerycountymd.gov/boa/

(240) 777-6600

Case No.S-2668

PETITION OF TAIWAN CULTURE CENTER, INC.

**RESOLUTION TO MODIFY SPECIAL EXCEPTION
AND DISMISS SHOW CAUSE**

(Resolution Adopted February 1, 2017)

(Effective Date of Resolution: February 8, 2017)

BACKGROUND

Case No. S-2668 is a special exception that the Board of Appeals granted to Taiwan Culture Center, Inc. (the "TCC" or "Center"), effective January 9, 2007, under Section 59-G-2.42 of the Montgomery County Zoning Ordinance (2004), to permit a service organization. Effective April 10, 2008, the Board adopted a Supplemental Report and Recommendation from the Hearing Examiner which included revisions to Conditions 12, 15, 20 and 21. Effective April 28, 2010, the Board adopted a second Supplemental Report and Recommendation from the Hearing Examiner, and added Conditions 22 and 23 to the special exception conditions of approval. Effective July 30, 2010, the Board granted an administrative modification of the special exception deleting Condition 22, based upon a finding that the evidence of record showed ample illumination at the rear of the parking lot. Effective April 12, 2013, the Board granted an administrative modification of the special exception to allow the addition of 15 parking spaces, increases in operating hours, and an increase in the per capita operating capacity, resulting in changes to Conditions 9, 10, 11 and 13. Effective February 12, 2016, the Board of Appeals granted an administrative modification of the special exception to allow the renovation and enlargement of the building currently located on the subject premises, and to allow other adjustments to the property prompted by the building footprint changes, including additional lighting in the parking lot and adjustments to walking paths. This modification was suspended after the Board received a request for a public hearing, but was reinstated following that hearing in a Resolution dated June 1, 2016. The grant of this modification is currently on appeal with the Montgomery County circuit court.

In response to a Memorandum dated October 5, 2016, from Jennyffer Vargas, Permitting and Code Enforcement Inspector, Department of Permitting Services (“DPS”), which found the Taiwan Culture Center to be in violation of three conditions of its special exception, the Board noticed and held a Show Cause hearing. In accordance with Section 59-G-1.3(e) of the Montgomery County Zoning Ordinance (2004), made applicable to this proceeding by Section 59-7.7.1.B.1 of the Montgomery County Zoning Ordinance (2014), the scope of the hearing was limited to the violations identified by DPS and set forth in the Board’s October 25, 2016, Notice of Show Cause Hearing for Revocation of Special Exception. The violations were recounted in that Notice as follows:

On September 13th I was notified that there was a complaint against Special Exception S-2668 located at 7509 Needwood Rd. Rockville, MD 20855. The complaint is concerning the open house held by the Taiwanese Culture Center (TCC) on September 10th, 2016. The complainants, Karol Kosary, Paul Posey, and C.C. English, make the following allegations:

* * * * *

2. Violation of Special Exception S-2668 Condition #9(c): The complainant alleges that the SE holder violated condition #9(c) which states, *“Open house events, limited to one Saturday in the spring between 10a-6p, and one Saturday in autumn between 10a-6p. Adjacent and confronting neighbors must be notified of the dates and times of each open house, in writing, at least one month in advance.”*

a. Result of Investigation:

DPS reached out to the SE holder, Dr. Huang, who confirmed that TCC did not notify their adjacent and confronting neighbors a month in advance of the open house that took place on September 10th, 2016.

b. Determination: In Violation of condition #9(c).

3. Violation of Special Exception S-2668 Condition #7: The complainants allege that the SE holder is in violation of condition #7 which states, *“The front parking area must be reserved for handicapped accessible parking.”* The complainants refer to IMG_4949 which show cars parked in the access aisle for the two (2) handicapped parking spaces.

a. Result of Investigation:

DPS Has reviewed the submitted picture where it’s noticeable that there is a car parked in the access aisle.

b. Determination: In Violation of condition #7.

4. Violation of Special Exception S-2668 Condition #3: The complainants cite that the SE holder violated condition #3 which states, *“Petitioner must post signs, stating ‘No Parking In Driveway’ in at least two*

(2) conspicuous locations along each side of the driveway including one in the immediate vicinity of the Taiwan Culture Center building.”

a. Result of Investigation:

DPS Has reviewed the submitted picture where it's noticeable that there is at least one car parked in the driveway area.

b. Determination: In Violation of condition #3.

* * * * *

In accordance to Section 59-7.3.1.L.4, of the Montgomery County Zoning Ordinance, DPS is referring S-2668 to the Board for a show cause hearing.

On February 1, 2017, the Board of Appeals held a Show Cause hearing on the special exception. Charles Frederick, Esquire, appeared on behalf of the Montgomery County Department of Permitting Services. He called Jennyffer Vargas, a Permitting and Code Enforcement Inspector with DPS, as a witness. David W. Brown, Esquire, appeared on behalf of the Taiwan Culture Center, and called Dr. Tai L. Huang, the Center's President, as a witness. William J. Chen, Jr., Esquire, appeared on behalf of the three individuals who had filed the complaint which instigated the DPS inspection and hence the Show Cause proceeding (Carol Kosary, Paul Posey, and Cecelia English).

FACTS

1. The subject property is Lot P1, Block B, Derwood Heights Subdivision, located at 7509 Needwood Road, Derwood, Maryland, 20855, in the R-200 Zone.

2. Ms. Jennyffer Vargas testified that she is a Code Enforcement Inspector with the County's Department of Permitting Services, a position which she testified involves investigating complaints about special exceptions. Ms. Vargas testified that she received a complaint regarding the Taiwan Culture Center's September 10, 2016, Open House from Cecelia English, Carol Kosary and Paul Posey. Ms. Vargas testified that she did not witness the Open House, but that a flash drive was submitted with the complaint which contained movies and photographs from the event.

Ms. Vargas then proceeded to testify about the violations she found. She testified that the Taiwan Culture Center is required by Condition 9(c) of the special exception to provide adjacent and confronting neighbors with written notice of the Center's Open House events, at least one month prior to the event. She testified that she had telephoned Dr. Huang to ask if he had provided the required notice, and that he said he had not. Thus Ms. Vargas testified that she found the TCC in violation of special exception Condition 9(c).

Ms. Vargas testified that on the basis of photographs submitted with the complaint, she found the TCC in violation of special exception Condition 7, which states that “[t]he front parking area must be reserved for handicapped accessible parking.” Ms. Vargas testified that Exhibit 159(a) shows a car parked in the access aisle for the two handicapped spaces. She testified that this is a violation. She testified that Exhibit 159(b) shows the same area, without cars. Ms. Vargas testified that the area has two handicapped parking signs, and that on September 10, 2016, based on the photographs, with three vehicles parked in that area, the handicapped area was not accessible.

In addition, Ms. Vargas testified that on the basis of the photograph in the record at Exhibit 159(a), which shows a truck parked in the driveway, she found the Center to be in violation of special exception Condition 3, which states that “Petitioner must post signs, stating ‘No Parking In Driveway’ in at least two (2) conspicuous locations along each side of the driveway including one in the immediate vicinity of the Taiwan Culture Center building.” When the Chair indicated that this Condition was a requirement to post signs and not a prohibition on parking, Ms. Vargas replied that the intent was that cars would not park in the driveway, and that the intent was not met. She later testified that while not visible from that photograph, the required signs are posted on the driveway.

3. Dr. Tai L. Huang testified that he posted two separate 8.5 x 11 paper notices regarding the Center’s Autumn Open House on the TCC’s outside bulletin board, one on August 10, 2016, and the other on September 2, 2016. He testified that the bulletin board is on the face of the TCC building, by its front door, about 40 feet from the road. Dr. Huang testified that he had spoken with those in attendance at the October 25, 2016, Community Liaison Council meeting about this, and that from now on, he would provide hard copy notice of the Open Houses to community members one month in advance. He acknowledged that posting notice on the Center’s outside bulletin board does not comply with special exception Condition 9(c), and stated that in the future he will not only provide the hard copy notice discussed above, but will also put a poster announcing the event on the outside bulletin board. Dr. Huang testified that he has no problem with the DPS proposal that going forward, he also provide advance notice of the Spring and Autumn Open Houses to DPS. He testified that he understood that DPS needs the ability to have staff present at these Open House events in order to monitor compliance with the special exception conditions, and stated that he would cooperate with DPS as they do this.

Dr. Huang testified that the Center intends to re-mark the faded striping in the handicapped access aisle on the far side of the front parking area, and that they also intend to stripe another access aisle. See Exhibit 159(b). He testified that sometimes people who cannot walk but do not have handicapped tags park in this area. He testified that there is enough room for three cars to park in the front parking area and still allow for a drive aisle.

Dr. Huang testified that the small silver car shown parked on Exhibit 159(a) on the walk-up area to the Center’s building was a delivery car. He testified that

that area is not intended for parking, but that it is sometimes used for temporary parking for deliveries. He testified that this will not continue if the proposed modification of the Center's building is allowed to proceed because deliveries to the new building will be to its rear.

With respect to the pickup truck shown parked on the driveway in Exhibit 159(a), Dr. Huang testified that the truck was not there all day, explaining that the only vehicles that would be there are either bringing things to the Open House or are delivery people. He testified that in the future, the TCC will instruct its traffic controllers to keep that area clear except for vehicles picking up or dropping off.

Dr. Huang testified that the Center submitted its original Transportation Management Plan in May of 2008, and has updated it. See Exhibit 160. He testified that he is prepared to discuss the revised Transportation Management Plan with DPS, and that he will follow the advice he receives from that Department. He testified that if the Plan is revised again, he will include with the Open House notices.

On cross examination, Dr. Huang acknowledged that a person would have to walk up to the Center's bulletin board to read the notices about the fall Open House that had been posted there.

In response to Board questioning, Dr. Huang agreed that special exception Condition 7 requires that all of the parking spaces in the front area be reserved as handicapped spaces. In response to a further Board inquiry, Dr. Huang stated that he would update the notice prohibiting parking on the Center's driveway and on local streets, and would provide a copy to the Board. He testified that he would also provide this notice to the members who come to the TCC events. He testified that the Center had upcoming off-site events planned for the Spring. When asked about the Spring Open House, which would be on-site, he testified that the date for that event is not yet set, but that he would provide timely notice about it.

4. Mr. Frederick proposed that to resolve this show cause, special exception Condition 9(c) be modified to require that the County's Department of Permitting Services receive advance notice about the Center's Open Houses so that DPS inspectors could observe these events live, as they are happening. See Exhibit 158. DPS also requested that a copy of the Center's Transportation Management Plan be included with the notice.

5. Mr. Chen argued that his clients are parties to this matter under County law, and noted that he objected to not being able to participate in these proceedings directly or through cross-examination.

CONCLUSIONS

1. Because Case No. S-2668 was approved prior to October 30, 2014, pursuant to 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. Section 59-G-1.3(e)(6) of the Zoning Ordinance (2004) provides that in the context of a Show Cause Hearing, the Board of Appeals “by the affirmative vote of at least 4 members, may reaffirm or revoke the special exception, or amend, add to, delete or modify the existing terms or conditions of the special exception.”

2. The Board notes that the violations identified by DPS and considered in the context of this Show Cause hearing occurred in the past, in connection with the Center’s fall Open House, and thus cannot be abated per se, but can be addressed going forward. Dr. Huang has testified that these violations will not occur in the future, and has identified several steps that he will take to ensure this, as follows:

A. As required by special exception Condition 9(c), Dr. Huang has stated that he will send written notice of the dates and times of the Center’s Open Houses to community members, at least one month in advance. In addition, he has stated that he will put posters with this information on the Center’s outside bulletin board. Finally, Dr. Huang has stated that he will provide DPS with advance notice of the Center’s Open Houses, and will cooperate with DPS inspectors who attend these events to monitor compliance.

B. Consistent with special exception Condition 7, Dr. Huang has stated that the front parking area will be used for handicapped accessible parking only. In association with this, Dr. Huang testified that the access aisles needed in connection with this handicapped parking will be striped/re-striped.

C. With respect to special exception Condition 3, Dr. Huang testified that the required no parking signs have been posted on the driveway, and that in the future, traffic controllers will be instructed to prohibit parking on the driveway except for vehicles dropping off or picking up. He testified that the Center has revised its Transportation Management Plan, and will work with DPS to ensure that DPS is satisfied with the new Plan.

D. As a general matter, with respect to other complaints made but not verified by DPS, Dr. Huang testified that the Center has considered the issues raised in the complaints, and has discussed ways to move forward which would ensure compliance with the special exception conditions.

3. Based on the foregoing, the Board finds that Dr. Huang has addressed the violations identified by DPS in substantial part. The Board further finds that the modifications to Condition 9(c) that are proposed by DPS, in conjunction with those proposed by the Board, will facilitate the monitoring of this special exception, and ultimately will serve to improve compliance. The Board finds that these modifications, which entail improved notice and planning, can be granted administratively, as they will not substantially change the nature, character or intensity of this special exception use, and will not substantially change its effect on traffic or the immediate neighborhood. Thus the Board dismisses the show cause hearing, and modifies the terms and conditions of the special exception as follows:

On a motion by John H. Pentecost, Vice Chair, seconded by Bruce Goldensohn, with Carolyn J. Shawaker, Chair, Stanley B. Boyd, and Edwin S. Rosado in agreement, the Board voted to modify special exception Condition 9(c), to read as follows:

9(c). Open House events are limited to one Saturday in the Spring and one Saturday in the Autumn, between 10:00 a.m. and 6:00 p.m. The Department of Permitting Services' Division of Zoning & Site Plan Enforcement (or any successor thereto), the Board of Appeals, and all adjacent and confronting neighbors must be notified of the date and times of each Open House in writing, one month in advance. The notification must include a copy of the Transportation Management Plan required under Condition 21 and identify the Transportation Management Coordinator by name and contact telephone number.

On a motion by Carolyn J. Shawaker, Chair, seconded by John H. Pentecost, Vice Chair, with Stanley B. Boyd, Edwin S. Rosado, and Bruce Goldensohn in agreement, the Board voted to add a new special exception Condition 9(d), to read as follows:


9(d). No later than January 15th of each year, the Taiwan Culture Center must provide a Calendar of Events for the year to the Board of Appeals, the Department of Permitting Services' Division of Zoning & Site Plan Enforcement (or any successor thereto), and to all members and attendees of the Community Liaison Council. In addition, the Calendar must be sent by the United States Postal Service to all adjacent and confronting neighbors. The Calendar must include, at a minimum, the dates of the Spring Open House, the Autumn Open House, and all Community Liaison Council meetings. Notice of any changes to the dates set forth on this Calendar must be communicated to all persons or entities entitled to receive the Calendar a minimum of thirty days in advance. For this reason, the Board strongly urges the Taiwan Culture Center to include rain dates for its Open House events on the original calendar. Finally, because this Condition was not in place by January 15, 2017, the Calendar of Events for 2017 shall be submitted no later than February 15, 2017.

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 voted to dismiss the Show Cause proceedings. In light of the foregoing, the Board hereby adopts the following Resolutions:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that revised Condition 9(c) and new Condition 9(d), as set forth in the preceding paragraphs, are hereby incorporated and made a part of this special exception;

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the Show Cause proceeding is dismissed; and

BE IT FURTHER 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 February, 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.

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(240) 777-6600

Case No. S-2668

**PETITION OF TAIWAN CULTURE CENTER, INC
BY TAI L. HUANG**

**RESOLUTION TO ADOPT SUPPLEMENTAL
REPORT AND RECOMMENDATION**

(Resolution Adopted February 20, 2008)
(Effective Date of Resolution: April 10, 2008)

The Board of Appeals has received a Supplemental Report and Recommendation from the Hearing Examiner in the above captioned case. The Hearing Examiner conducted a follow-up hearing in the case in December, 2007, to evaluate the special exception's compliance with the conditions of approval in the Board's January 9, 2007 opinion. The Hearing Examiner found that the "special exception has failed to comply with the conditions of the special exception in important respects," and therefore "recommends a period of close monitoring for six months to provide a better foundation for a decision as to whether the special exception should be revoked."

The subject property is Lot P1, Block B, Derwood Heights Subdivision, located at 7509 Needwood Road, Derwood, Maryland, 20855, in the R-200 Zone.

The Board of Appeals considered the Supplemental Report and Recommendation at its Worksession on February 20, 2008. The Board also had before it a letter and photographs from Ruth M. Tapscott and Rosemary Tapscott Smith of Carnegie Avenue, who write to express concern about parking from the special exception along Carnegie Avenue. Based upon the Supplemental Report and the letter from Ms. Tapscott and Ms. Smith, the Board shares the Hearing Examiner's concern about the special exception holder's compliance with the terms and conditions by which the special exception was granted. After careful consideration and a thorough review of the record, on a motion by Catherine G. Titus, Vice-Chair, seconded by Wendell M. Holloway, with Caryn L. Hines, David K. Perdue, and Allison Ishihara Fultz, Chair, in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the Board adopts the Supplemental Report and Recommendation including modifications to the conditions of approval as follows:

(1) Condition 12 shall read as follows:

12. Petitioner must maintain an accurate, up-to-date log of all persons visiting the Center, written in the English language, and make this log available to county officials upon request.

(2) Condition 15 shall be modified to change "three to four representatives of the local community" in the first sentence to "three to six representatives of the local community." Condition 15 shall be further modified to delete the fourth sentence, reading "If more than four community members desire to sit on the Community Liaison Council, the Petitioner may, at its discretion, allow additional community representatives" and replace it with the following:

"Invitations to sit on the Community Liaison Council must be extended to three other residents of the immediate area, in addition to the owners of the adjacent home to the east and the two homes directly confronting the subject site. These invitations should include anyone who has expressed an interest in the operation of the Center by participating in the special exception proceedings. If any of those individuals declines to participate, the Center must send an invitation to another area resident instead."

(3) Condition 20 shall be added as follows:

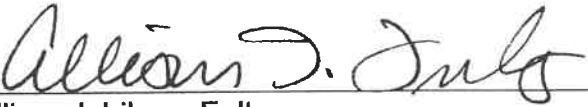
20. The Center must submit to the BOA, within three days of filing or receipt, and in any event no later than April 15, 2008, a copy of all permit applications filed in compliance with Condition 19¹ and all correspondence or permits received in connection with such applications.

(4) Condition 21 shall be added as follows:


¹ 19. *Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits or a use-and-occupancy permit, necessary to implement the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and facility comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.*

21. The Center must submit a proposed transportation management plan within 60 days of the BOA's action in response to the Hearing Examiner's Supplemental Report and Recommendation dated January 31, 2008. The transportation management plan must describe in detail how the Center plans to enforce the limitation of 16 cars on site at one time, including what enforcement measures the Center will take to punish violations of that limit, e.g. prohibiting a member who parks outside one of the marked spaces from attending any events for a certain period of time. The transportation management plan must also appoint a Transportation Management Coordinator to oversee parking enforcement at all events, and must propose a workable plan for overflow parking at the twice-yearly open houses that will not impose objectionable adverse effects on the neighborhood. It may also address any other transportation issues the Center considers relevant; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that by copy of this Resolution, the Board requests that the Department of Permitting Services (1) obtain the Center's schedule of events from Mr. Huang and conduct unannounced inspections at a minimum of three events by June 15, 2008; and (2) to prepare a memorandum to the BOA no later than June 20, 2008, detailing the Center's level of compliance with the conditions of the special exception, including the permitting requirements, and recommending a show cause hearing if unresolved violations so warrant.


Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 10th day of April, 2008.


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.

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Case No. S-2668

**PETITION OF TAIWAN CULTURE CENTER, INC.
BY TAI L. HUANG**

OPINION OF THE BOARD

(Opinion adopted: December 13, 2006)
(Effective Date of Opinion: January 9, 2007)

Case No. S-2668, Petition of Taiwan Culture Center, Inc., is an application for a special exception under Section 59-G-2.42 of the Montgomery County Zoning Ordinance to permit a service organization. The petition also requests a waiver from the side yard setback requirement for the parking facility in Section 59-E-2.83(b). The Hearing Examiner for Montgomery County held a public hearing on the application on September 30, 2006, closed the record in the Case on October 18, 2006, and on November 21, 2006 issued a Report and Recommendation for approval of the special exception and parking waiver, subject to conditions.

The subject property is Lot P1, Block B, Derwood Heights Subdivision, located at 7509 Needwood Road, Derwood, Maryland, 20855, in the R-200 Zone.

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

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on December 13, 2006. After careful consideration and review of the record in the case the Board adopts the Report and Recommendation and grants the special exception and parking waiver, subject to the following conditions:

1. Petitioner shall be bound by all of its testimony and exhibits of record, including the final Site Plan, Exhibit 30(a), and by any representations

made by Petitioner's counsel that are identified in this report or in the Board's Opinion in this matter.

2. Petitioner must stripe the parking lot at the rear of the site for 16 parking spaces, as shown on the Site Plan. The two spaces shown at the west of the end of the parking lot must be striped diagonally to indicate that no parking is permitted, and each one must be posted with a sign stating "No Parking – Turnaround Area."
3. Petitioner must post signs stating "No Parking in Driveway" in at least two conspicuous locations along each side of the driveway, including one in the immediate vicinity of the Taiwan Culture Center building.
4. Petitioner must inform all members, in writing, that parking in the driveway or on local streets is prohibited at all times. A copy of such notice shall be provided to the Board.
5. Petitioner must screen the view of the parking lot and driveway from the east by planting a row of emerald green arborvitae as shown on the Site Plan, approximately five feet apart, with a minimum height of six feet at planting. Planting must be accomplished during the first appropriate planting season for arborvitae after approval of the special exception.
6. Petitioner must replace any perimeter plantings (Leland cypress and arborvitae) that die, during the next appropriate planting season, with a plant of the same species and reasonable size.
7. The front parking area, located between the site entrance and the building, must be reserved for handicapped-accessible parking. If applicable regulations under the Americans with Disabilities Act ("ADA") do not require traditional paving and striping, Petitioner may maintain the present brick condition of the parking area, provided that a least one sign is posted indicating that parking in this area is restricted to vehicles permitted to park in handicapped-accessible parking spaces. It will be Petitioner's responsibility to determine what is required under the ADA.
8. Regular activities are limited to the hours between 10:00 a.m. and 3:00 p.m. Monday through Friday.
9. Special activities shall be limited as follows:

- a. Weekday movies limited to one day per week. During the months of June, July and August, movie showings must end before 8:00 p.m. so that all persons leave the premises before dark. During the other months of the year, movie showings must end by 3:30 p.m. to avoid adding to peak period traffic congestion.
 - b. Saturday and Sunday seminar functions, limited to one per month, between the hours of 1:00 p.m. and 5:00 p.m.
 - c. Open house events, limited to one Saturday in January, between 10:00 a.m. and 2:00 p.m., and one Saturday in August, between 2:00 p.m. and 6:00 p.m. Adjacent and confronting neighbors must be notified of the dates and times of each open house, in writing, at least one month in advance.
10. Meetings of the Board of Directors may take place on site during regular weekday hours or on Saturday mornings. No such meetings may take place on site on Sundays.
11. Attendance at all events must be strictly limited as follows (or by any lower occupancy limit that may apply to the building pursuant to the Fire Code):
 - a. No more than 20 people on site at one time during any weekday activity.
 - b. No more than 30 people on site at any one time during weekend seminar functions.
 - c. No more than 60 people on site at any one time during the two open houses.
12. Petitioner must maintain an accurate, up-to-date log of all persons visiting the Center, and make this log available to county officials upon request.
13. No more than 16 vehicles may be permitted on site at any one time, plus two handicapped-accessible vehicles in the front parking area. Vehicles parked on site must be limited to automobiles, light trucks or vans.
14. Petitioner may maintain the existing sign on the building, and may install an additional sign on the mailbox only if such sign complies with the provisions of the county sign ordinance, Article 59-F. A representation of any sign used must be submitted to the Board for its records.

15. Petitioner must establish a Community Liaison Council, to be comprised of no more than four representatives of the Taiwan Culture Center, three to four representatives of the local community, and the People's Counsel of Montgomery County as *ex officio* member. No member of the Taiwan Culture Center may serve as a local community representative on the Community Liaison Council. Membership on the Community Liaison Council must be offered first to the owner of the adjacent home to the east and the two homes directly confronting the subject site across Needwood Road, then to other residents of the immediate area. If more than four community members desire to sit on the Community Liaison Council, the Petitioner may, at its discretion, allow additional community representatives. The Community Liaison Council shall meet at least three times per year, spaced out roughly evenly during the year. The People's Counsel and community representatives shall be consulted regarding their availability before meeting dates are established.
16. The Petitioner must submit an annual report to the Board of Appeals, in October of each year, describing the Petitioner's compliance with the terms and conditions of the special exception, the meetings of the Community Liaison Council, and how the Petitioner responded to any concerns or complaints raised by members of the Community Liaison Council or other area residents during the year.
17. The Board retains jurisdiction to impose a condition requiring the installation of a chain across the driveway after dark, if future evidence so warrants.
18. The Hearing Examiner shall convene follow-up hearings during the Fall of 2007 and the Fall of 2008 to assess the Petitioner's level of compliance with the terms and conditions of the special exception. In conjunction with such hearings, the Hearing Examiner may request one or more surprise site inspections by the Department of Permitting Services. The Hearing Examiner shall make a recommendation to the Board, following each such hearing, as to whether the evidence (a) suggests that the special exception should be continued without modification, or (b) indicates a lack of compliance with the terms and conditions of the special exception, resulting in adverse impacts to immediate neighbors or the general neighborhood that warrant either modification of the terms and conditions or revocation of the special exception.

19. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits or a use-and-occupancy permit, necessary to implement the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and facility 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 Wendell M. Holloway, seconded by Caryn L. Hines, with Catherine G. Titus, and Donna L. Barron, Vice-Chair in agreement and Allison Ishihara Fultz, Chair, 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.



Donna L. Barron
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 9th day of January, 2007.



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.