

Case No. 416

PETITION OF BANNOCKBURN COOPERATORS, INC. AND BETHESDA CHEVY CHASE YMCA

(Hearing held April 5, 1956; case decided April 11, 1956)

OPINION OF THE BOARD

This is a petition for a special exception under Section 176-28h-1(1)(e) of the Zoning Ordinance (Chap. 176, Mont. Co. Code 1950, as amended) permitting use as a childrens' day camp for more than 40 children of about 3 acres of land known as the Valley Strip, Bannockburn Subdivision, Bethesda, Maryland, fronting on MacArthur Boulevard between Braeburn Place on the west and Owen Place and West Halbert Street on the east, in an R-60 zone.

The evidence submitted at the hearing shows that the day camp will be used for children under 16. (See Section 176-2(33A) of the Ordinance). The old Bannockburn Club house will be used in connection with the camp activities. The camp will be operated five days a week, Monday through Friday. Approximately 50 children will be the maximum number present at the camp at any one time, and the children will carry on activities in groups of 8 under careful supervision. No new construction of buildings will be made at the camp site. Both petitioners requested the exception for the period June 25, 1956 through and including August 17, 1956. There was no opposition to the petition.

We find that each of the relevant requirements of Sections 176-26 and 176-28h-1 of the Ordinance is satisfied.

The special exception for the proposed use, in the manner proposed in the exhibits and testimony, is granted for a period to expire on August 18, 1956.

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 adopted by affirmative vote of Mr. Henry J. Bison, Jr., Chairman, and Mr. John P. Moore, Vice Chairman, constituting a majority of the Board. Mr. William A. Quinlan did not participate in this case.

Edward B. Baber
Clerk to the Board

I do hereby certify that the foregoing Minutes were officially entered upon the Minute Book of the County Board of Appeals this 11th day of April, 1956.

Edward B. Baber

Case No. 537

PETITION OF BETHESDA-CHEVY CHASE YMCA
AND BANNOCKBURN COOPERATORS, INC.

(Hearing originally scheduled June 17, 1957; continued hearing
held August 2, 1957; case decided August 8, 1957)

OPINION OF THE BOARD

This proceeding is on a petition for a special exception under Section 176-28h-1(1)(e) of the Zoning Ordinance (Chap. 107, Mont. Co. Code 1955, as amended) permitting the continued use as a children's day camp for more than 40 children of about 3 acres of land known as the Valley Strip, Bannockburn Subdivision, Bethesda, Maryland, fronting on MacArthur Boulevard between Braeburn Place and Owen Place and West Halbert Street, in an R-60 zone. (This is the same property involved in County Board of Appeals Case No. 416, granted on April 11, 1956, for a period to expire August 18, 1956).

In the prior proceeding the owner of the property was also a co-petitioner, but as the record therein discloses (Exhibit 3), the permission granted by the owner of the property to the YMCA for the use of the property as a day camp, was limited to a period from July 1 to August 15, 1956. In the instant proceeding, it was represented by witnesses on behalf of the YMCA that permission to use the property in the manner proposed has been granted by the owner for an indefinite period.

This case presents no question requiring detailed discussion and the evidence provides ample basis for the findings required by the Ordinance.

The Board finds that each of the relevant requirements of Sections 176-26 and 176-28h-1(1) of the Ordinance is satisfied.

The special exception for the proposed use, in the manner proposed in the exhibits and testimony, is granted.

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 Mr. John P. Moore, Chairman, and concurred in by Mr. William A. Quinlan, Vice Chairman, and Mr. Henry J. Bison, Jr., constituting all the members of the Board.

Edwina B. Baker

Clerk to the Board

I do hereby certify that the foregoing Minutes were officially entered upon the Minute Book of the County Board of Appeals this 9th day of August, 1957.

Case No. 783

PETITION OF YMCA OF THE CITY OF WASHINGTON, INC., BANNOCKBURN COMMUNITY CLUB, INC., AND BANNOCKBURN COOPERATORS, INC.

(Hearing held June 12, 1959; time for decision extended to July 30, 1959; case decided July 30, 1959)

OPINION OF THE BOARD

This proceeding is on a petition for a special exception under Section 107-28i of the Zoning Ordinance (Chap. 107, Mont. Co. Code 1955, as amended) to permit the use for a summer day camp, for a maximum of 100 children, of several tracts of land totaling 6.975 acres, which are parts of Bannockburn Cooperators, Inc., Property, Bethesda, Maryland, in an R-60 zone.

Similar special exceptions, but for a maximum of approximately 50 children and for only some portion or portions of the land to which the present petition applies, were granted by the Board in Cases Nos. 416 and 537. Without objection, the records in those cases were incorporated by reference in the record of the present case.

The record includes no formal plat of the subject land, although there is a rough informal sketch (Exhibit 7), and does not adequately show its exact location and boundaries. Exhibit 7 in the present case, for example, appears to conflict with the partial plat in the original case (Exhibit 6, Case 416). The deficiencies and confusion as to description of the property are such that for this reason alone we are unable to grant the petition.

Moreover, one of the several disconnected tracts of land to which the present petition seems to be intended to apply (Exhibit 7; see tract labeled "2.39 acres") appears to lack the frontage of 200 feet required by Section 107-28i(1)(e) of the Ordinance.

Also, the record indicates such disturbances on the land next to the residence of Mr. and Mrs. Max Malin that we are unable, insofar at least as concerns their property, to make the required finding under Section 107-26 that the proposed use will not be detrimental to the use or development of adjacent properties.

The burden of proof is on petitioners, and the whole record here is vague, confusing and inadequate. Because of its deficiencies already mentioned, the petition must be denied and there is no occasion to consider other questions.

Our decision here does not change the prior decision granting a special exception in Case No. 537.

The petition is denied.

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 Mr. William A. Quinlan and concurred in by Mr. Everett R. Jones, Chairman, Mr. Edwin L. Bright, Vice-Chairman, Mr. Joe M. Kyle and Mrs. Mary A. Hepburn, constituting all the members of the Board.

Ruby J. Wood
Acting Clerk to the Board

I do hereby certify that the foregoing
Minutes were officially entered on the
Minute Book of the County Board of Appeals
this 31st day of July, 1959.

Ruby J. Wood
Acting Clerk