

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
FOR  
MONTGOMERY COUNTY, MARYLAND**

**Stella B. Werner Council Office Building  
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Rockville, Maryland 20850  
(240) 777-6660/fax (240) 777-6665  
<http://www.montgomerycountymd.gov/ozah>**

**LOCAL MAP AMENDMENT APPLICATION NO. H-136**

**ORDER GRANTING APPLICANT'S REQUEST TO WITHDRAW APPLICATION**

**OPINION**

On April 16, 2020, the Applicant, Nachel Enterprises, LLC, filed an application to rezone property located at 7212 Carroll Avenue, Takoma Park, Maryland, from the R-60 Zone to the NR 0.5 H-50 Zone. The property is further described as Parcel N923, Subdivision 0025 on Tax Map JN52. OZAH has reserved a public hearing date of August 10, 2020 but has not issued notice of the public hearing.<sup>1</sup> Neither the Planning Board nor Planning Staff have completed their review of the application. The application requests rezoning to a Euclidean Zone, which may only be granted if the applicant demonstrates that there has been “a substantial change in the character of the neighborhood since the original zoning or comprehensive rezoning, or that a mistake was made by the District Council when it applied the existing zoning...” *Zoning Ordinance*, §59.7.2.1.E.3.

On June 23, 2020, the Office of Zoning and Administrative Hearings (OZAH) received a request from Mr. David W. Brown, Esq., the Applicant's attorney, to withdraw the application. He stated, “[t]he reason for the request is that the Application is going to be promptly replaced with a floating zone application seeking similar relief, albeit one requiring a new application.” Exhibit 24 (a).

The Zoning Ordinance and OZAH's *Land Use Rules of Procedure* authorize the Hearing Examiner to permit withdrawal of an application at any time before the Hearing Examiner issues his or her report and recommendation. *Zoning Ordinance*, §59.7.2.1.D.4; *OZAH's Land Use Rules of Procedure*, Rule 13.0. Because the Hearing Examiner has not yet issued her report, nor even held a hearing, the Hearing Examiner grants the Applicant's request to withdraw LMA H-136.

**ACTION**

Therefore, it is, this 30th day of June 2020, ORDERED that:

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<sup>1</sup> The Montgomery County Zoning Ordinance requires notice to be sent 30 days before the scheduled hearing, or July 10, 2020.

1. The Applicant's Request to Withdraw Local Map Amendment Application H-136 is approved;
2. LMA Application H-136 is hereby dismissed; and
3. All signs advertising LMA Application H-136 must be removed from the property no later than 10 days after the date of this Order.



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Lynn Robeson Hannan  
Hearing Examiner

COPIES TO:

David W. Brown, Esquire  
Elza Hisel-McCoy, Planning Department  
Stephanie Dickel, Planning Department  
Abutting and confronting property owners (or a condominium's council of unit owners, if applicable)  
Any municipality within a half mile of the site  
Registered Civic, Homeowners and Renters Associations within a half mile of the site  
Montgomery County Public Schools (MCPS)  
Washington Area Transit Authority (Metro)  
Washington Suburban Sanitary Commission (WSSC)  
Montgomery County Department of Permitting Services  
Jeff Zyontz, Legislative Attorney, Montgomery County Council