

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for
MONTGOMERY COUNTY**

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100 Maryland Avenue, Room 200
Rockville, Maryland 20850
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Phone: (240) 777-6660; Fax (240) 777-6665**

BOA CASE NO. CBA-2643-A

APPLICATION OF AUDUBON NATURALIST SOCIETY

ORDER POSTPONING PUBLIC HEARING INDEFINITELY

A public hearing on the above-captioned application is currently scheduled for March 5, 2021. The applicant seeks a major modification to a special exception for a charitable and philanthropic institution. The subject property is identified as P744, Map HP 561 and located at 8940 Jones Mill Road, Chevy Chase, Maryland 20815, in the R-90 Zone (Tax Account Number 5-30233716).

The Office of Zoning and Administrative Hearings (OZAH) issued notice of a public hearing in this case on December 30, 2020. Exhibit 29. On February 4, 2021, the Applicant requested that the hearing be postponed indefinitely stating:

What prompted the Petitioner's memo to Ms. Johnson regarding a possible postponement of the scheduled hearing was the magnitude of a request that came unexpectedly. That is, M-NCPPC indicated to the Petitioner that Audubon might need to go through the preliminary plan process of subdivision, not as a requirement to obtain building permits to construct proposed improvements on this property but, rather, to provide master plan ROW on both sides of Jones Mill Road along Audubon's frontage and to construct sidewalks on both sides of the roadway as well as bikeable shoulders along the property's frontage. In response to this request from Staff, the applicant requested a meeting with Staff in order to see if a mutually satisfactory solution for both parties would be possible. Due to heavy workloads at both M-NCPPC and my office, a meeting between Petitioner's representative and M-NCPPC could not occur until 1:30 pm today. Based on our conversation with staff this afternoon, the Applicant requests the Hearing Examiner to postpone the OZAH hearing date for an indefinite period.

Given that the Applicant did not have notice of the additional requirement requested by Staff, the Hearing Examiner hereby grants the Applicant's request to postpone the public hearing indefinitely. Additional notice will be sent of any new hearing date.

Due to the COVID-19 pandemic, OZAH is currently operating remotely to the extent possible. Any person wishing to review the file may make an appoint by contacting Ms. Sara Behanna of OZAH staff at (240) 777-6661.

SO ORDERED, this 17th day of February 2021.



Lynn Robeson Hannan
Hearing Examiner

COPIES TO:

Jody Kline, Esquire, Applicant's Attorney
Charles Frederick, Esquire, Associate County Attorney
Mitra Pedoeem, Director, Department of Permitting Services Greg
Nichols, Manager, DPS
Elza Hisel-McCoy, Planning Department
Washington Suburban Sanitary Commission
Abutting and Confronting Property Owners
(or a condominium's council of unit owners, if applicable)
Civic, Renters' and Homeowners' Associations within a half mile of the site
Any Municipality within a half mile of the site