

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

(240) 777-6600

Case No. S-2385

PETITION OF OLNEY BOYS AND GIRLS CLUB

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted May 25, 2011)

(Effective Date of Resolution: July 14, 2011)

The Board of Appeals has received a letter, dated April 22, 2011, from Dan Dioniso, Chairman of the Board of Olney Boys and Girls Club (OBGC). Mr. Dioniso requests administrative modification of the special exception to allow installation of two small replacement structures. One structure will be a concession pavilion and one structure is a shed type structure. Mr. Dioniso explains that the structures will be used for OBGC's seasonal fundraising program. He encloses a copy of the Site Development Plan showing the location of the proposed structures and elevation drawings.

The Board of Appeals granted Case No. S-2385 to Olney Boys and Girls Club on July 26, 1999, under Sections 59-G-2.24 and 59-G-2.42 of the Zoning Ordinance, to permit the establishment and operation of a service organization.

The subject property is Lot 5, Brooke Farm Subdivision, located at 4501 Olney-Laytonsville Road, Olney, Maryland, 20832, in the RDT Zone.

The Board of Appeals considered the modification request at its Worksession on May 25, 2011. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides; pertaining to modification of special exceptions:

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 proposed structures are intended to support existing functions on the site, and thus will not generate new activity or traffic. The Board further finds that the proposed structures, are 15 and a half feet and 14 feet tall, that they will be located 150 feet from the nearest property line at a lower elevation than the property line. The Board therefore also finds that they will have a minimal outward visual impact.

On a motion by Stanley B. Boyd, seconded by Carolyn J. Shawaker, with Walter S. Booth and David K. Perdue, Vice-Chair, in agreement and Catherine G. Titus, Chair, necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-2385, Petition of Olney Boys and Girls Club, is re-opened to receive Dan Dionisio's letter of April 22, 2011; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception 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.



David K. Perdue
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 14th day of July, 2011.



Katherine Freeman
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 (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.

