

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
(240) 777-6660/fax (240) 777-6665
www.montgomerycountymd.gov/council/hearing.html

**CU 24-06, Application of Virginia Jones,
629 Northwood Terrace**

ORDER GRANTING REFUND OF FILING FEE

BACKGROUND

On October 27, 2023, Ms. Virginia Jones filed an application for a conditional use for a group to allow to operate a Group Day Care for up to 12 children pursuant to Zoning Ordinance §59.3.4.4.D (Exhibit 1). The property is located at 629 Northwood Terrace, Silver Spring, MD in the R-60 Zone and is identified by Tax Account Number 13-01405123. The Office of Zoning and Administrative Hearings (OZAH) received payment of the application fee (\$367.50) by check dated August 4, 2023, in accordance with Zoning Ordinance §59.7.6.5.A.3. OZAH initially scheduled a public hearing for Friday, February 23, 2024, but had to be continued.

On February 13, 2024, the Montgomery County Council passed Zoning Text Amendment (ZTA) 23-11 allowing Group Day Care of up to 12 children as a matter of right in the R-60 Zone. This ZTA became effective March 4, 2024 and mooted the Applicant's need for a conditional use. The Applicant has requested a refund of her filing fee.

Refund of Filing Fee

Requests for refunds of conditional use application fees are governed by OZAH Zoning Rule 23.0. Rule 23.0 provides:

- 23.0 Refunds of Filing Fees. Upon written request, the Hearing Examiner may refund all or a portion of filing fees paid to OZAH for a conditional use application under the following schedule:
- c) All or a portion of the filing fee if an action of the County Executive, County Council or an administrative board or agency resolves or moots the issues pending in the case, whether or not a public hearing has been held.

Per Rule 23.0(c), the Applicant is eligible for a refund of all or a portion of the filing fee because the County Council has mooted the need for her application. Because the Hearing Examiner has taken no action on this case and the mooting was beyond the control of the applicant, the Hearing Examiner approves a full refund of the OZAH portion of application fee in CU 24-06.

ACTION

Therefore, it is, this 21st day of March, 2024, ORDERED that:

The Office of Zoning and Administrative Hearings shall refund Applicant, *Ms. Virginia Jones*, \$367.50, which is 100% of the application filing fee that was paid directly to OZAH.



Andrea LeWinter
Hearing Examiner and Director
Office of Zoning and Administrative Hearings

Copy of Notice and Order forwarded this 21st day of March, 2024, to:

Virginia Jones, Applicant

All parties of record

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

Mark Beall, Planning Department

Barbara Jay, Executive Director

Montgomery County Board of Appeals

Victor Salazar, Department of Permitting Services

Greg Nichols, Manager, SPES at DPS

Michael Coveyou, Director, Finance Department

Elana Robinson, Esquire, Associate County Attorney