

BEFORE THE MONTGOMERY COUNTY  
BOARD OF APPEALS

Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
Rockville, Maryland 20850  
(240) 777-6660

IN THE MATTER OF:

**HOLTON-ARMS SCHOOL, INC**

Petitioner

Diana Coulton Beebe

Susan Spingler

Patricia Margulies

Alfred Blumberg

C. Craig Hedberg

For the Petitioner

Elsie Reed, Esquire

Harry Lerch, Esquire

Attorneys for the Petitioner

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Martin Klauber, Esquire, People's Counsel

Neither In Support Of, Nor In

Opposition To, The Petitions,

But Recommending Conditions

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Linda Kauskay

Norman Knopf, Esquire,

For the Bradley Boulevard

Citizens Association

In Support Of The Petitions,

With Conditions

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George Springston

For the Burning Tree Civic Assoc.

Generally Opposed To The Petitions

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Board of Appeals No. CBA-1174-D  
(OZAH Referral No. 04-14)  
Board of Appeals No. S-2467-A  
(OZAH Referral No. 04-15)  
Board of Appeals No. S-2503-A  
(OZAH Referral No. 04-16)

Before: Martin L. Grossman, Hearing Examiner

promote transportation initiatives and also to ensure enrollment participation preferences as specified by the Neighborhood Reconciliation Agreement. Holton has also improved the emergency entrance to accommodate emergency vehicles and recorded a covenant restricting access to the school from Burning Tree and/or Beech Tree Roads at the request of the neighbors. The school similarly recorded a covenant regarding emergency access to Burdette Road at the request of the neighbors, and recorded conservation easements protecting forest, stream and watershed areas to create a buffer around the new athletic field near Boose Creek. Finally, Holton has asked the State Highway Administration for approval of a plan to extend the eastbound storage lane on River Road at the intersection of the Holton-Arms entrance. (*See, also, Exhibit 38.*)

Ms. Beebe then identified photographs that were taken during the construction of the circulation improvements on campus. (Exhibits 39(a) through 39(f).)

Ms. Beebe testified that Holton is seeking an increase in the enrollment cap from the existing cap of 650 students to a cap of 665 students to “allow us the flexibility which is really necessary to ensure what we believe is our optimal enrollment of 660 students.” (11/14/03 Tr. 64-65.) Although the cap has been set at 650, it has “been a great concern for the school” that it has not been able to maintain that enrollment number. Current enrollment for this academic year stands at 643 students. (11/14/03 Tr. 65.) Ms. Beebe testified that due to concern about exceeding the cap, Holton has not been able to offer enough acceptances to ensure full enrollment. In an effort to avoid exceeding the 650-student cap, Holton sends out only that number of acceptances and when some of the students decide not to come to Holton, the school is left with either unfilled vacancies or it must take in weaker students.

*Conclusion:* This subsection is not applicable.

(4) *a publicly owned building.*

*Conclusion:* This subsection is not applicable.

Based on the testimony and evidence of record, I conclude that, with the recommended conditions, the changes proposed by Petitioner meet the specific and general requirements for the proposed uses, and that the Modification Petitions should be granted, with the conditions recommended in the final section of this report.

## V. RECOMMENDATIONS

Accordingly, based on the foregoing findings and conclusions and a thorough review of the entire record, I recommend that Petitions numbered CBA-1174-D, S-2467-A and S-2503-A, which seek to modify three existing special exceptions for a private educational institution and a child day care facility operated by the Holton-Arms School on property located at 7303 River Road (MD Route 108), Bethesda, Maryland, be *granted* with the following conditions:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified in this report.
2. All terms and conditions of the approved special exceptions shall remain in full force and effect, except as modified by the Board as a result of these Modification Petitions.