

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
Stella B. Werner Council Office Building
Rockville, Maryland 20850
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**IN THE MATTER OF:
NETWORK TOWERS II, LLC**

Applicant
Samuel Avera

For the Application

Sean P. Hughes, Esquire
Miller, Miller & Canby
Attorney for the Applicant

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OZAH Case No. CU 26-02

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ERRATA TO HEARING EXAMINER'S REPORT AND DECISION

On November 14, 2025, the Hearing Examiner issued a Report and Decision approving, with conditions, a Conditional Use Application seeking to construct and operate a new 179-foot Telecommunications Tower at the existing Montgomery County Colesville Maintenance Depot pursuant to 59.3.5.2.C of the Zoning Ordinance. The subject property is identified as, 14335 Cape May Road, Silver Spring, Maryland 20904, Subdivision 0001, Tax Account number 02257822 ("property"). Exhibit 1.

The Hearing Examiner issues this Errata to correct errors and to clarify the Report and Decision. The changes to the Report and Decision are as follows:

1. On page 14 under the topic "Parking and Access" the word "to" is replaced with "per" as follows:

Mr. Bonsu testified that one or two technicians would service the generators and that takes about 30 minutes ~~to~~ per occurrence. T. 55.

2. On top of page 19, the second line of the Report and Decision has a space that appears as though text is missing:

“The Planning Board approved the Plans on May 23, 2012,
through MCPB Resolution No. 12-15 (Forest Conservation Plan No. MR2012011) and MCPB
Resolution No. 12-16 (Preliminary/Final Water Quality Plan No. MR2012011).
Exhibit 24, p.11.”

The Hearing Examiner has made an editing correction so that the space following “May 23,
2012” has been deleted as follows:

The Planning Board approved the Plans on May 23, 2012, through MCPB Resolution No.
12-15 (Forest Conservation Plan No. MR2012011) and MCPB Resolution No. 12-16
(Preliminary/Final Water Quality Plan No. MR2012011). Exhibit 24, p.11.

3. On page 19, line 6 the acronym for the Planning Department is corrected as follows:

“M-NCPPC”

4. On page 20, the zone reference is corrected as follows:

*“b. satisfies the requirements of the zone, use standards under
Article 59.3, and to the extent the Hearing Examiner finds
necessary to ensure compatibility, meets applicable general
requirements under Article 59.6;*

Conclusion: This subsection requires the proposed development to meet the standards of
the R-60 (~~Residential Detached~~) RE-2C (Residential Estates) Zone contained in Article 59-
4, the specific use standards for a Telecommunications Tower contained in Article 59-3,
and the applicable development standards contained in Article 59-6.”

5. On page 26 line 5 is edited as follows:

~~“1) excessive vehicular Network Towers II, Conditional Use No. CU202602-36-trips to and from the Site;”~~

6. Text from the bottom of page 28 through page 29 which was inadvertently included from an unrelated template is struck and clarified as follows:

~~“Exhibit 38, pp. 24. Staff note that the Applicant is not proposing any physical changes, all exterior improvements are compatible with the surrounding neighborhood, will still reside in the single-family detached house, and the conditional use will take place in the accessory structure to the rear of the property. *Id.* Further Staff determined the Applicant’s proposal to “limiting the operation to weekdays and Saturdays, limiting the hours of operation, and limiting the number of classes and students to ensure the Home Occupation (Major Impact) remains the accessory use for the Property.” *Id.* at 25.~~

~~The Applicant states that many students walk to the studio from nearby schools and that the amount of traffic generated will be *de minimums*, in comparison with existing traffic on Post oak Road. Exhibit 5. See also Exhibit 7, Transportation Study of Traffic. The Applicant further points to the location of the property abutting the PEPCO right-of-way on one side of the property and the sight-tight fencing on the other with the installation of 3 additional trees as further providing screening and compatibility with the neighborhood. *Id.*~~

~~Conclusion: Section 59.7.3.1.E.2.d examines whether the Plans goals are achieved in a manner compatible with the area. Section 59.7.3.1.E.2. requires an examination of the compatibility of the use with the character of the residential neighborhood in which it is located, regardless of the goals of the Plan.~~

~~The Hearing Examiner has adopted Staff's characterization of the existing neighborhood and has already found that the use fulfills the goals of the Plan. She further finds that it does so in a manner that is compatible with the surrounding area. Key to this finding are the following factors: 1) The use itself will be contained to inside the garage structure, 2) the Application proposes no physical or functional changes to the existing residential use, 3) the studio hours fall generally outside the morning and afternoon school arrival and departure times, and 4) the location of the use adjacent to the PEPCO right-of-way provides additional opportunity for street parking and screening the use from neighbors."~~

7. In the place of the text struck in item 6 above, the following clarifying language is added:
- "Exhibit 24, pp. 37-38. The Hearing agrees with Staff's conclusion and for the reasons more fully discussed in Part III. A. d above adopts the same conclusion."¹

This correction does not affect the Hearing Examiner's decision in this case.

Issued this 19th day of November, 2025.

Office of Zoning and Administrative Hearings



Khandikile Mvunga Sokoni
Hearing Examiner

¹ The extraneous language that was inadvertently included in the original Report and Decision does not alter the conclusion or the analysis earlier in the report that supports the same conclusion. See analysis under the criteria of "...d. *harmonious with and will not alter the character of the surrounding neighborhood*..."

COPIES TO:

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