

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS**  
**Stella B. Werner Council Office Building**  
**Rockville, Maryland 20850**  
**(240) 777-6660**

**IN THE MATTER OF:**  
**BROOKSTONE SENIOR LIVING**

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OZAH Case No. CU23-12

**Applicant**

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**ORDER GRANTING REQUEST FOR AN EXTENSION OF TIME TO  
IMPLEMENT THE CONDITIONAL USE**

**I. BACKGROUND**

On March 28, 2024, a Hearing Examiner approved the conditional use application of Elderhome Land, LLC, d/b/a Brookstone Senior Living (Brookstone) with conditions to operate a Residential Care Facility (over 16 persons) under Section 59.3.3.2.E.2.c of the Zoning Ordinance at 15300 Dino Drive, Burtonsville, Maryland 20871. The property is zoned R-200.

On March 17, 2026, the Office of Zoning and Administrative Hearings (OZAH) received a request on behalf of Millennium Investment Group (Millennium), to extend the Conditional Use Permit approval validity for an additional two years, the conditional use established by Section 59.7.3.1.I.1 of the Zoning Ordinance. Millennium became the Conditional Use Holder after acquiring the property at a foreclosure sale necessitated by the prior owner’s bankruptcy.

In its request, the applicant represented that progress on the Conditional Use could not occur because the prior owner encountered significant financial difficulties that culminated in bankruptcy and foreclosure proceedings. Those proceedings generated multiple liens, adverse claims, and other title encumbrances that clouded the property’s title and created “material title insurance exceptions,” preventing any purchaser from obtaining insurable, marketable title. As a result, the property could not be conveyed to a qualified developer, and the project was unable to advance despite the applicant’s ongoing efforts to resolve the title issues and market the site.

**II. OPINION AND ORDER**

Zoning Ordinance §59.7.3.1.I. provides:

**Duration of Approval**

*1. A conditional use that is not established or has not obtained a building permit within 24 months from the date of the issuance of the decision or resolution expires, unless a longer period is established by the decision or resolution.*

*2. After the decision, the Board of Appeals or the Hearing Examiner may extend the time limit for a conditional use to be established or obtain a building permit if the evidence of record establishes that drawing of architectural plans, preparation of the land, or other factors involved in the particular use will delay the start of construction or the establishment of the use beyond the period of validity. An individual extension must not exceed 12 months. If the Board of Appeals or the Hearing Examiner grants an extension, it must set a date by which the erection or alteration of the building must begin or the use must be established.*

\* \* \*

The record indicates that Millennium acquired the property through foreclosure; however, no notice of change in ownership was filed with OZAH. Although Millennium is not yet the Conditional Use Holder of record, the Hearing Examiner will consider the extension request in light of the documented transfer of ownership and the impending expiration date. Millennium must file the required notice pursuant to Rule 27.0 of OZAH Rules of Procedure for updating ownership of Conditional Use within 60 days of this Order so that the Conditional Use Holder of record is properly updated.

It is clear from the applicant's submission that the delay in implementing the conditional use was not the result of inactivity or lack of diligence. Millennium acquired the property through a foreclosure process following the prior owner's bankruptcy, and the resulting liens, adverse claims, and title encumbrances prevented the issuance of insurable, marketable title. Because clear title could not be conveyed, the project was unable to advance despite the applicant's continued efforts to resolve the title issues and market the site. These circumstances constitute a legitimate basis for extending the implementation period. Although Millennium requested a two-year extension, Zoning Ordinance §59.7.3.1. I.2 authorizes extensions only in individual increments not exceeding 12 months; accordingly, the Hearing Examiner grants a one-year extension. The record further reflects that Millennium is in active negotiations with 4Front Development, and a Letter of Intent and Seller Counter-LOI have been exchanged (Exhibit C), demonstrating ongoing efforts to move the project forward. For these reasons, the Hearing Examiner finds that the delay in implementing the conditional use provides a legitimate basis for extending the validity period until March 28, 2027.

The Hearing Examiner finds that the reason for the delay in implementing the conditional use is a legitimate basis for extending the implementation period until March 28, 2027, conditioned upon compliance with [Rule 27.0](#) of OZAH Rules of Procedure for updating ownership of the

Conditional Use. Failure to meet this condition within 60 days will render this extension null and void.

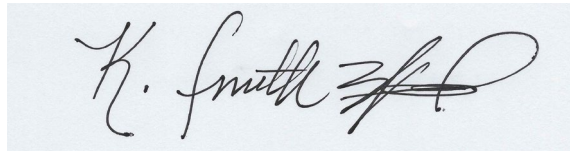
Therefore, it is, this 27<sup>th</sup> day of March 2026,

ORDERED: That the Conditional Use Holder's request to extend the implementation period for CU 23-12 until March 28, 2027, is hereby GRANTED; and it is further

ORDERED: That the implementation period for CU 23-12 is hereby extended until March 28, 2027; and it is further

ORDERED: That all the conditions imposed in the grant of the conditional use on May 28, 2024, shall remain in effect unless and until modified by the Hearing Examiner; and it is further

ORDERED: That, if there are any changes to the approved Conditional Use Site Plan (Exhibit 12(a)-(d)), Lighting Plan (Exhibit 13) and Landscaping Plan (Exhibit 53(a) – (c)), the Applicant must promptly submit a request to OZAH for modifications to the approved plans, in accordance with Zoning Ordinance §59.7.3.1.K.

A rectangular box containing a handwritten signature in black ink. The signature appears to read "K. Smith" followed by a stylized flourish.

Kimberly Smith Ward  
Hearing Examiner

COPIES TO:

Mike Patel, Owner, Representative for the  
Applicant, Millennium Investment Group  
Barbara Jay, Executive Director  
Montgomery County Board of Appeals  
Patrick Butler, Planning Department  
Mark Beall, Planning Department  
Greg Nichols, Manager, Department of Permitting Services  
Victor Salazar, Department of Permitting Services  
Michael Coveyou, Director, Finance Department