

OZAH Case No. CU 25-02
Errata issued May 28, 2025,
to original Report and Decision dated
May 20, 2025.

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

IN THE MATTER OF:
CTC Retail, LLC
Weis Markets, Inc.
Applicants
For the Application

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Robert R. Harris, Esq.
Lerch, Early & Brewer, Chtd
Attorney for the Applicants

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OZAH Case No. CU 25-02

Opposing the Application

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Amy Presley

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Leslie Powell, Esq., Attorney for
Ajay Patel
Ishan Patel
Shanker Limited
Ark 25, LLC and
Aries Investment Group LLC

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Before: Khandikile Mvunga Sokoni, Hearing Examiner

ERRATA TO HEARING EXAMINER'S REPORT AND DECISION

On May 20, 2025, the Hearing Examiner issued a Report and Decision approving with conditions, a conditional use application of CTC Retail LC and Weis Markets Inc. requesting approval under Section 59.3.5.13.C of the Zoning Ordinance to allow for the construction of an automobile filling station at 12825 Saint Clair Road, Clarksburg. (Exhibit 1).

The Hearing Examiner issues this Errata to correct editorial errors and to clarify her Report and Decision dated May 20, 2025. The edits and changes to the Report and Decision are as follows:

Page 2: The Table of Contents is updated to fix the indentation of II. A and to include the Part IV references (A), C and (D) that were omitted in the earlier Table of Contents. The updated Table of Contents is as shown below.

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Page 5, in the last line of the third paragraph, the date is corrected from March 7 to March 6. The first line of that paragraph correctly states the date of the third hearing as March 6.

Page 6. References (“Exhibits 70 and 71”) are added to the end of line 2.

Page 12. The last line of the second paragraph is edited as follows:

Therefore, the amendment was granted as ~~on~~ of December 13, 2024.

Page 14. Line 3 is edited as follows to remove a repetition:

Ms. Powell also objected that due to the lack of adequate notice her clients were deprived of the opportunity to call expert witnesses to testify to the question of any need to an additional gas station, ~~due to the lack of adequate notice.~~

Page 14. Line 12 is edited to replace the word “because” with the word “became”:

.... It is also clear that the physical signs were not only posted as required but that they served the intended purpose because Mr. Patel confirmed that he only ~~because~~ became aware of the application because he saw the sign some toward the latter part of December. T.15-19.

Page 15. Clarifying text that was inadvertently omitted is added to the end of line 7 as follows:

Ms. Powell argued that by filing this Conditional Use Application without first seeking approval of the Planning Board to amend its previously approved plans as required by a specified Plan of Compliance, which is a legally binding document, Applicants missed a required step. (T. 45).

Page 39: In the fifth line from the top of the page the word “no” is added:

However, at present there is no grocery store in the neighborhood nor are there neighborhood gas stations except for one small one.

Page 40, line 8 is reformatted to appear in bold consisted with the rest of the report and decision as follows:

B. Development Standards of the Zone (Article 59.4)

Page 40, line 19 is re sequenced as “C” instead of “B”, consistent with the corrected Table of Contents as follows:

BC. Use Standards for a Vehicle Service/Filling Station (59.3.5.13).

The Findings and Conclusions of Law were labeled “A” (at page 19); “B” (at page 40); “B” (at page 40) and “D” (at page 45). Therefore, this correction simply relabels the second “B” to a “C”.

Page 41, line 17 a typographical error is corrected as follows:

... previously approved ~~and the Applicants~~ applications that will have to be updated. Id.

Page 41, line 19: a missing phrase is added as follows:

However, as far the Conditional Use Application is concerned this finding does not apply.

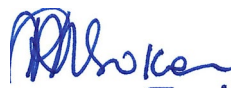
Page 49: A typographical error in Condition 1 is corrected as follows:

1. The use is limited to automobile filling ~~state~~ station and must meet all requirements of Section 59.3.5.13.C.”

The corrections outlined above do not change the effect of the Hearing Examiner’s Report and Decision in this case.

Issued this 28th day of May, 2025.

Office of Zoning and Administrative Hearings



Khandikile Mvunga Sokoni
Hearing Examiner

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COPIES TO:

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