

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20860
(240) 777-6600
Hours of Operation: 8:30 a.m. – 4:00 p.m.

Case No. S-1269-A [S-1269]

PETITION OF KFC NATIONAL MANAGEMENT COMPANY

RESOLUTION TO REAFFIRM AND MODIFY SPECIAL EXCEPTION

(Resolution Adopted June 26, 2002)

(Effective Date of Resolution: July 8, 2002)

The Board of Appeals has received correspondence from Nathan Greenbaum, Esquire, on behalf of KFC National Management Company. Mr. Greenbaum's June 21, 2002 letter describes the special exception holder's compliance with the Board of Appeals requirements, in its Resolution of June 12, 2002 as follows:

- 1) Installation of all plantings required on Exhibit No. 4(d) in Case No. S-1269-A;
- 2) Submission to MNCPPC technical staff, for approval, of site signage and lighting plans.

Mr. Greenbaum's letter requests administrative modification of the special exception to reflect substitution of certain species of landscaping different from those specified on Exhibit 4(d) in the case record.

The Board had also received a copy of a letter, dated May 31, 2002, from Nathan Greenbaum to Stephen Cary, Planner/Coordinator, Maryland National Capital Park and Planning Commission (MNCPPC), submitting for Mr. Cary's review and approval an as-built site signage and lighting plan.

The subject property is Lot 7, Block 1, Wheaton Manor Subdivision, 2119 University Boulevard West, Wheaton, Maryland, in the C-2 Zone.

The Board of Appeals considered Mr. Greenbaum's letters at its Worksession on June 26, 2002. The Board finds that with submission of a lighting and landscaping plan to MNCPPC staff, and completion of landscaping as described in Mr. Greenbaum's May 31, 2002 letter, the special exception

holder has complied with the requirements of the June 12, 2002 Resolution. Therefore,

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-1269-A [S-1269] is re-opened to receive Nathan Greenbaum Esquire's letters of May 31, 2002 and June 21, 2002, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County Maryland that the request to administratively modify the special exception is **granted**; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County Maryland that the suspension of special exception Case No. S-1269-A [S-1269] is **lifted**; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County Maryland that all terms and conditions of the original special exception, and any modifications thereto granted by the Board of Appeals remain in full force and effect.

On a motion by Angelo M. Caputo, seconded by Allison Ishihara Fultz, with Louise L. Mayer, Donna L. Barron and Donald H. Spence, Jr., Chairman in agreement, the Board adopted the foregoing Resolution.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of

Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 8th day of July, 2002.

Katherine Freeman

Executive Secretary to the Board

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.