



staggering of class times is not necessary. Therefore, the Board adopts the Hearing Examiner's Report and Recommendation and **grants** the special exception modification subject to the following conditions, as revised:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, including the Site Plan Exhibit 51(a), and by the testimony of its witnesses and representations of counsel identified in the Hearing Examiner's report and in this opinion.
2. KNS will apply for a minor subdivision approval to combine the two lots on which it is located.
3. Stormwater Management controls shall be implemented as described in Douglas Smith's letter of August 29, 2007, and as depicted on Exhibit 51(a).
4. All terms and conditions of the approved special exception shall remain in full force and effect, except as specifically amended by this modification.
5. Petitioner must obtain approval from the Montgomery County Planning Board for a new plan of subdivision before issuance of any building permit or sediment control permit, as applicable.
6. Petitioner shall hold no more than four events per year (including the two mandatory all-parent meetings) with an attendance resulting in a need for more parking than can be accommodated by the gravel parking area in front of the school and the paved area on the west side of the school building.
7. No enrollment increase shall be sought under this special exception during the five-year period immediately following approval of this modification.
8. In the event that the 15-inch-diameter tree shown slightly southeast of the existing building on Exhibit 22 dies as a result of construction activities connected with this modification, Petitioner shall replace it with a tree of a similar species, in the closest viable location to the current location, in the next growing season.
9. There shall be no queuing of cars on Decatur Avenue.
10. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits, necessary to implement the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and facility comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Catherine G. Titus, Vice-Chair, seconded by Caryn L. Hines, with Wendell M. Holloway, David K. Perdue and Allison Ishihara Fultz, Chair, in agreement:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

---

Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 11<sup>th</sup> day of January, 2008.

---

Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

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.