

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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www.montgomerycountymd.gov/content/council/boa/index.asp

Case No. S-1828

**PETITION OF EXXON COMPANY USA AND
CRACKED CLAW LIMITED PARTNERSHIP**

RESOLUTION TO REVOKE SPECIAL EXCEPTION

(Resolution Adopted April 30, 2008)
(Effective Date of Resolution: June 3, 2008)

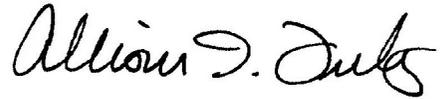
The Board of Appeals has received a letter, dated April 15, 2008, from Susan W. Carter, Esquire, on behalf of ExxonMobil Corporation. Ms. Carter informs the Board that the subject property for the special exception "has been sold to Chevy Chase Bank and the automobile filling station is no longer in operation." She encloses copies of correspondence, dated March 6, 2008, from Stanley N. Garber, a Zoning Investigator for the Department of Permitting Services to Exxon Corporation and Chevy Chase Bank, in which Mr. Garber seeks either confirmation of or challenge to the Department's finding that the special exception has been abandoned. Records of the Maryland Department of Assessments and Taxation show transfer of the subject property from Exxon Corporation to Chevy Chase Bank on December 6, 2007. The Board of Appeals granted Case No. S-1828 to Exxon Company, USA and Cracked Claw Limited Partnership on July 25, 1991, to permit an automobile filling station with ancillary facilities.

The subject property is part of Parcel 475, Tax Map FU 122, located at 19825 Frederick Road, Germantown, Maryland 20876-1309 in the C-3 Zone.

The Board of Appeals considered Ms. Carter's letter at its Worksession on April 30, 2008. Based upon the letter and attachments, the Board finds that the special exception has been abandoned. Therefore, on a motion by Wendell M. Holloway, seconded by Catherine G. Titus, Vice-Chair, with David K. Perdue and Allison Ishihara Fultz, Chair, in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-1828, Petition of Exxon Company, USA and Cracked Claw Limited Partnership, is re-opened to receive Susan W. Carter's April 15, 2008 letter with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that Case No. S-1828, Petition of Exxon Company, USA and Cracked Claw Limited Partnership, is revoked, as abandoned.



Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 3RD day of June, 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. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County