

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

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

(240) 777-6600

Case No. S-262

PETITION OF SPRING ACADEMY

RESOLUTION TO REVOKE SPECIAL EXCEPTION

(Resolution Adopted April 30, 2008)

(Effective Date of Resolution: June 3, 2008)

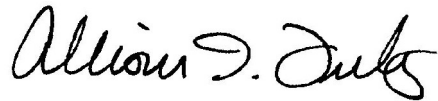
The Board of Appeals has received a memorandum, dated April 15, 2008, from Heather D. Gottke, Permitting Services Inspector. Ms. Gottke reports that the captioned special exception for a private educational institution was never implemented. She recommends revocation of the special exception. The Board of Appeals granted Case No. S-262 to Spring Academy on August 2, 1973, to permit the use of church property for the operation of a private educational institution for up to 60 children.

The subject property is Parcel N624 located at 3101 University Boulevard West, Kensington, Maryland 20895 in the R-60 Zone.

The Board of Appeals considered Ms. Gottke's memorandum at its Worksession on April 30, 2008. Section 59-A-4.53(b)(2) of the Montgomery County Code provides that "A special exception is not valid after 24 months if the use is not established or a building permit is not obtained and construction started within the period." The Board finds that the special exception is not valid because it was never implemented. Therefore, on a motion by Catherine G. Titus, Vice-Chair, seconded by David K. Perdue, with Wendell M. Holloway 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-262, Petition of Spring Academy, is re-opened to receive Heather Gottke's April 15, 2008 memorandum, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that Case No. S-262, Petition of Spring Academy, 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.