

**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](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

(240) 777-6600

**Case No. S-2772**

**PETITION OF REBECCA LIMITED PARTNERSHIP**

**OPINION OF THE BOARD**

(Opinion Adopted December 8, 2010)

(Effective Date of Opinion: December 22, 2010)

Case No. S-2772 is an application for a special exception, pursuant to Section 59-G-2.21 of the Zoning Ordinance, to permit a Charitable and Philanthropic Institution. The Hearing Examiner for Montgomery County held a hearing on the application on September 14, 2010, closed the record in the case on September 24, 2010, and on November 5, 2010 filed an Order extending the time to file the Report and a Report and Recommendation for approval of the special exception.

Decision of the Board:                      Special Exception **Granted** Subject  
To the Conditions Enumerated Below.

The subject property is in Block 17, Parcel A, located at 10920 Connecticut Avenue, Kensington, Maryland, 20895 in the R-60 Zone

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on December 8, 2010. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the Special Exception subject to the following conditions:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified in the Report and Recommendation and the Opinion of the Board.

2. Hours of operation are limited to 8:30 a.m. to 5:00 p.m., Monday through Friday, although occasional staff and Board meetings are permitted in the evenings. Operations must be consistent with the Statement of Operations (Exhibit 3(a)).
3. The special exception is limited to a maximum of fifteen (15) full-time employees, plus a maximum of five (5) volunteers on the site at any time.
4. There must be no counseling or treatment on the site relating to this special exception.
5. There must be no external signage or external changes to the site related to this special exception.
6. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises 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 Carolyn J. Shawaker, seconded by Stanley B. Boyd, with David K. Perdue, Vice-Chair, Walter S. Booth and Catherine G. Titus, Chair, in agreement, the Board adopted the following Resolution:

**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.

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Catherine G. Titus  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 22<sup>nd</sup> day of December, 2010.

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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.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.