

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

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www.montgomerycountymd.gov/council/hearing.html

CU 19-09, HERITAGE GARDENS, LLC

NOTICE OF WITHDRAWAL OF CONDITIONAL USE APPLICATION

On June 13, 2019, Heritage Gardens, LLC (Applicant or Heritage) filed an application for a conditional use to allow an Independent Living Facility for Seniors under §59.7.3.3.2.C of the Zoning Ordinance on property located at 10701 South Glen Road, Potomac, Maryland 20853. The West Montgomery County Citizens Association (WMCCA) filed a Motion to Dismiss the Application on November 18, 2019, to which the Applicant responded. Exhibits 104, 113, 114, 124. On December 23, 2019, the Greater South Glen Neighborhood Association, Inc. (GSGNA), Neil D. Goldman and Mary Victoria Cram, Rick Maggin and Anna Maggin, Edward Brigham and Marie Brigham; and Nina Weisborth, also filed a Motion for Summary Decision. Exhibit 133.

The Hearing Examiner held a public hearing on WMCCA's Motion to Dismiss and responding motions on January 13, 2020. On January 31, 2020, the Applicant notified the Hearing Examiner that it was withdrawing the application. Exhibit 157.

Withdrawal of a conditional use application is governed by §59.7.3.1.D.4 of the Zoning Ordinance, which provides:

4. *Withdrawal of Application*

The Hearing Examiner or the Hearing Examiner's designee must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a conditional use.

Please take notice that the application CU 19-09, Heritage Gardens, LLC, for a conditional use to operate an independent living facility for seniors under §59.7.3.3.2.C of the Zoning Ordinance be, and hereby is withdrawn.



Lynn Robeson Hannan
Hearing Examiner

Notice forwarded this 3rd day of February, 2020, to:

Patricia Harris, Esquire
Michael Goecke, Esquire

Attorneys for the Applicant
David Brown, Esquire
Attorney for WMCCA
William Chen, Esquire
Attorney for GSGNA and others
Colin and Takae Butnick
Abutting and confronting property owners (or a condominium's council of unit owners, if applicable)
Any municipality within a half mile of the site
Registered Civic, Homeowners and Renters Associations within a half mile of the site
Josh Penn, Montgomery County Planning Department
Barbara Jay, Executive Director
Montgomery County Board of Appeals
Ehsan Motazed, Department of Permitting Services
Greg Nichols, Manager, SPES at DPS
Michael Coveyou, Acting Director, Finance Department
Charles Frederick, Esquire, Associate County Attorney