

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
for**

**MONTGOMERY COUNTY  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850**

**<https://www.montgomerycountymd.gov/ozah/index.html>**

**Phone: (240) 777-6660; Fax (240) 777-6665**

**CASE NO. CU 22-09**

**APPLICATION OF SBA COMMUNICATIONS CORP AND MONTGOMERY COUNTY  
BOARD OF EDUCATION**

**ORDER GRANTING REQUEST OF DEVONSHIRE EAST HOMEOWNERS  
ASSOCIATION FOR AN EXTENSION OF TIME TO FILE A PREHEARING  
STATEMENT**

On May 31, 2022, the Office of Zoning and Administrative Hearings (OZAH) received a request from Bart Gerstenblith, President of the Board of Directors for the Devonshire East Homeowners Association, extension of time for parties in opposition to file a prehearing statement.

The application seeks a conditional use to operate a Telecommunications Tower under Section 59-3.5.2.C.2.c of the Zoning Ordinance. The subject property identified as P550, Tax Map GQ61, located at 11211 Old Georgetown Road, Rockville, Maryland 20852, in the R-90 Zone (Tax Account Number 04-00045920).

**Order Granting Extension of Time to File Prehearing Statement**

Devonshire East Homeowners Association, through its President, stated that it received the letter notifying parties of the June 23, 2022, hearing on Saturday, May 28, 2022, during the Memorial Day holiday weekend. The letter indicated that any opposition must be provided in a pre-hearing statement and that the statement is due no less than 20 days prior to the hearing, thus making it due by Friday, June 3, 2022. That timing gave the Devonshire East Homeowners Association less than one week from receipt of the letter to the due date. The President stated that there was insufficient time for the Association to discuss the application and consider it within the tight time constraints and requested at least a 7-day extension to submit a prehearing statement.

Upon the request of the Devonshire East Homeowners Association for an extension of time for to file a prehearing statement, the request is GRANTED and the time for Devonshire East Homeowners Association to file a prehearing statement is extended to Friday, June 10, 2022.

Because of the mandatory time limitations under the Federal Communications Commission's (FCC) November 18, 2009, "shot clock" ruling which requires Montgomery County to decide zoning applications for telecommunications facilities within 90 days (for co-locations) or 150 days (for new tower sites), the Applicant will now have less time to review any opposition statement

prior to the now scheduled hearing. If the applicant determines it will need more than the time now allowed to review the opposition statement, it may waive the "shot clock" and request a postponement of the public hearing. Otherwise, the hearing will proceed as scheduled.

Order and Notices forwarded this 2nd day of June 2022, to:

Douglas A. Sampson, Esq., Attorney for the Applicant  
Matthew Folden, Planning Department  
Cliff Royalty, Esquire, Assistant County Attorney  
Department of Permitting Services Greg Nichols, Manager, SPES at DPS  
James Babb, Division Chief, Treasury Division  
Washington Suburban Sanitary Commission  
Montgomery County Public Schools  
Abutting and Confronting Property Owners (or a condominium's council of unit owners or renters, if applicable) Civic, Renters' and Homeowners' Associations within a half mile of the site and Any Municipality within a half mile of the site.

Office of Zoning and Administrative Hearings



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Katherine L. Taylor  
Hearing Examiner