

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
Stella B. Werner Council Office Building
Rockville, Maryland 20850
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IN THE MATTER OF:

**SPECTRUM RETIREMENT
COMMUNITIES LLC**

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OZAH Case No. 20-05

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**ORDER TRANSFERRING CONDITIONAL USE
TO HSB POTOMAC, LLC**

On July 31, 2023, the Applicant submitted a request to transfer the above-captioned conditional use from S-K Potomac Opportunity III, LLC to a new property owner, HSB Potomac, LLC (HSB).¹ The Hearing Examiner originally approved the conditional use to operate a residential care facility (over 16 persons) on March 9, 2021.² The subject property is located at 9545 River Road, Potomac, Maryland, and is further identified as Parcel 786 (Tax Account Nos. 10-00855533), zoned RE-2. The Hearing Examiner approved a minor amendment to the application and extended the validity period of the conditional use on March 7, 2023.

In support of the request, HSB submitted the deed transferring the property from S-K to HSB and a notarized statement in which both parties consented to the transfer. Exhibit 136.

II. Governing Law

Transfers of conditional uses are governed by OZAH's Land Use Rules of Procedure (OZAH Rules), which states:

27.0 Transfer of Conditional Use to a New Holder. A conditional use may be administratively transferred from a conditional use holder to a new holder...by registering the transfer with OZAH in accordance with this Rule. Such a transfer is not an amendment to the conditional use...

a) To transfer a conditional use to a new holder...the existing and proposed holders must submit a notarized letter to OZAH, signed by the landowner(s), the existing conditional use holder(s), the existing conditional use holder(s) and the proposed new conditional use holder(s), seeking the change...of a conditional use holder.

¹ According to the Applicant, S-K Potomac Opportunity III, LLC is an affiliate of the original conditional use holder, Spectrum Retirement Communities, LLC.

² The Hearing Examiner issued a decision approving the conditional use on February 25, 2021, and later issued a corrected decision and Errata on March 9, 2021.

- b) Unless the Director of OZAH determines that the request for an administrative change does not comply with this Rule, the Director must make the administrative change to the conditional use records and send confirmation of that change to the Department of Permitting Services, the Planning Department, the Board of Appeals, the landowner(s) of the conditional use site and the old and new conditional use holder(s).
- c) The change in the name of the conditional use holder(s) must be recorded in the conditional use case file.
- d) If the Director of OZAH determines that the requested administrative change does not comply with this Rule, the Director must so notify the landowner(s) of the conditional use site, the conditional use holder(s) and the proposed new conditional use holder(s).

HSB has submitted all documents required by OZAH's Rules. The Hearing Examiner finds that they have met all prerequisites to transfer the conditional use.

III. Order

For the foregoing reasons, the Hearing Examiner hereby grants the request for transfer of the conditional use holder from S-K Potomac Opportunity III, LLC to HSB Potomac, LLC. This Order shall be retained in the conditional use file.

All conditions of approval contained in Hearing Examiner's decision dated March 9, 2021, as amended on March 7, 2023, remain in full force and effect.

So Ordered this 23rd day of August, 2023.



Lynn Robeson Hannan
Hearing Examiner

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