

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
for**

**MONTGOMERY COUNTY  
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**CU 20-06**

**REDLY CAPITAL INVESTMENTS & HOLDING CORP.**

**ORDER EXTENDING VALIDITY PERIOD OF CONDITIONAL USE  
TO JUNE 3, 2024 *NUNC PRO TUNC***

**A. Background**

On December 3, 2020, Hearing Examiner Derek Baumgardner approved the above conditional use application filed by Redly Capital Investments & Holding Corporation (Applicant or Redly) to operate a residential care facility for 9 to 16 persons under §59.3.3.2.E.2.b of the Zoning Ordinance on property located at 17734 Norwood Road, Sandy Spring, Maryland (Lot N487, Parcel A, Aunt Hattie's place subdivision). Exhibit 1.

On December 1, 2022, the Hearing Examiner extended the validity period of the conditional use for one year, to December 3, 2023. The conditional use originally was to permit the Sandy Spring Friends School (the School) to provide residential care for youths who have "experienced anxiety, depression and other social and emotional problems including such conditions as Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD)." Exhibit 7, p. 7. A condition of approval required the Applicant to file a modification of the conditional use for: "Any material change to the operational characteristics of this use as testified to on the record..." *Hearing Examiner's Report and Decision*, CU 20-06, Application of Redly Capital Investments & Holding Corporation, p. 39.

On November 28, 2022, Redly submitted a request to extend the validity period of the conditional use under Section 59.7.3.1.I.2 of the Zoning Ordinance because the Friends School terminated its lease of the property and Redley had been unable to find a buyer. Exhibit 81. The Hearing Examiner approved an extension of the conditional use approval to December 3, 2023.

On November 30, 2023, Redley requested a second extension of time implement the conditional use. According to Redley, the School terminated its lease because the COVID-19 pandemic reduced student demand for the facility. Redley states that, given the decline in the COVID threat, the School has experienced a "resurgence" in interest from the targeted students and the School anticipates that students will be ready to reside in the property during the first quarter of 2024. Exhibit 83. It requests a second extension of the validity period to **June 3, 2024**, to permit time to for Redley and the School to "a) formalize their relationship, b) admit students eligible for enrollment in the approved program, c) and make all the staffing and management

arrangements necessary to operated Norwood House as it was approved in Case No. CU 20-06.

## II. Analysis and Opinion

Under Section 59.7.3.1.I.1 of the Montgomery County Zoning Ordinance (2014), conditional use approvals are valid for two years after the date of issuance. That same section permits the Hearing Examiner to “extend the time limit for a conditional use to be established or obtain a building permit if the evidence of record establishes that drawing of architectural plans, preparation of the land, or other factors involved in the particular use will delay the start of construction or the establishment of the use beyond the period of validity.” *Zoning Ordinance*, Section 59.7.3.1.I.2. Extensions are limited to a term of 12 months. *Id.*

The current validity period of the conditional use extends to December 3, 2023.<sup>1</sup> The record here establishes that the circumstances that delayed implementation were not within Redley’s control, including actions taken by the school, the COVID epidemic, and financial market conditions. It also evidences that Redley is able now to proceed with implementing the use.

For these reasons, the Hearing Examiner finds that Redley’s second request to extend the validity period of the conditional use meets the requirements of the Zoning Ordinance as “other factors” that have delayed implementation of the conditional use. She hereby extends the validity period of the conditional use **June 3, 2024**, as requested, subject to all conditions imposed by Hearing Examiner’s decision approving the conditional use, issued December 3, 2020, and the first Order extending the validity period to December 3, 2022. Exhibit 82.

So Ordered this 17th day of January 2024.



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Lynn Robeson Hannan  
Hearing Examiner

### COPIES TO:

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<sup>1</sup> This Order granting the extension request is issued *nunc pro tunc* because the Hearing Examiner was unable to issue the Order before the first extension expired.