

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
www.montgomerycountymd.gov/boa/
(240) 777-6600

**Case No. CBA-2684-C
PETITION OF THE GERMAN SCHOOL**

RESOLUTION TO MODIFY SPECIAL EXCEPTION
(Resolution Adopted December 13, 2023)
(Effective Date of Resolution: January 3, 2024)

The Board of Appeals granted Case No. CBA-2684 to The Federal Republic of Germany (The German School), effective December 9, 1969, pursuant to the provisions of Section 111-37.m. of the Montgomery County Zoning Ordinance, to permit the construction and operation of a private educational institution. Effective November 21, 1986, the Board granted an administrative modification of the special exception to permit the parking area to be enlarged. Effective April 1, 1992, the Board granted Case No. CBA-2684-A, a major modification to allow the construction of a new building to accommodate the lower school on the same site as the upper school, as well as an additional garage and some additional parking. The Board revoked Case No. CBA-2685-A at the special exception holder's request, effective March 17, 1994, because Case No. CBA-2684-A was superseded by Case No. CBA-2684-B, which included redesign of the building and other facilities approved in Case No. CBA-2684-A. The Board granted Case No. CBA-2684-B effective April 22, 1994. Effective April 5, 1996, the Board granted administrative modification of the special exception to approve modifications to the plans for the addition to the underground bus garage and gymnasium approved in 1994. Effective August 6, 2009, the Board approved Case No. CBA-2684-C, a major modification of the special exception to permit construction of new facilities and to add new activities, without increasing school-year enrollment. Finally, effective April 2, 2010, the Board modified the special exception to permit the installation of a synthetic turf field in place of a grass field, and to permit the installation of exterior lighting on the science building allowed by major modification Case No. CBA-2684-C.

The Board of Appeals has received an email letter, dated November 20, 2023, from John Green, Facilities Manager for The German School. Mr. Green requests an administrative modification of the School's special exception to permit the installation of a soccer scoreboard. His email letter includes the following information about the proposed scoreboard:

The proposed soccer scoreboard specifications are as follows:

1. Dimensions: 11 ft high x 16 ft wide x 8 inch thick.

2. Total height above ground: 21 ft, with one beam on each side.
3. Exclusively equipped with LED bulb number lighting.
4. No overnight or inactive lighting.
5. Oriented towards the undeveloped 10-acre public school property owned by the Board of Education, approximately **400 ft. to the north**.
6. The back of the scoreboard faces our 8616 Chateau Drive neighbor, approximately **225 ft. to the southeast**.
7. Left side faces our 8613 Chateau Drive neighbor (approximately **150 ft. to the east**) and our 22 Mercy Court neighbor (approximately **300 ft. is to the northeast**).

NOTE: Topographically, the properties of our 8613 Chateau Drive and 22 Mercy Court neighbors are situated below the level of our field, with a berm on our property to the east of our field.

8. Intended for use only during the practice and game seasons, from April through June and mid-August through November.

In addition, Mr. Green includes the approved graphics design for the proposed scoreboard, as well as a map of the School property and surrounding properties that shows the proposed placement of the scoreboard on the School property, and its relationship to neighboring properties. Finally, Mr. Green's email letter states that prior to seeking the modification, he sought feedback from the School's three neighbors. His letter states that two of the neighbors had no objections to the proposed modification, and that the third house was vacant as it is being sold.

The subject property is Plat 9687 Parcel A Kendale Subdivision, located at 8617 Chateau Drive, Potomac, Maryland, 20854, in the RE-2 Zone.

The Board of Appeals considered the modification request at its Worksession on December 13, 2023. Mr. Green was present at the Worksession in support of the requested modification. He said that distance, an existing berm, and elevation differences will help shield the view of the scoreboard from neighboring properties. Mr. Green presented two additional photographs for the record showing views from the proposed scoreboard location towards the School's neighbor to the south, and towards the School's two neighbors to the east. He stated that the scoreboard will only be used for soccer, that it will have no lighting except when in use, and that the field on which it will be located is not lit.

Because Case No. CBA-2684-C was approved prior to October 30, 2014, under Section 59.7.7.1.B of the current Zoning Ordinance, this modification request must be reviewed under the standards and procedures in effect on October 29, 2014, unless the applicant elects otherwise. Section 59-G-1.3(c) of the 2004 Zoning Ordinance provides:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the board, without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that the requested modification, to add the proposed scoreboard to the School's property, in the location proposed, will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood, and can be granted. The Board notes in support of this that the scoreboard is oriented towards an undeveloped 10-acre property; that distance, an existing berm, and elevation differences will help shield the view of the scoreboard from neighboring properties; that the scoreboard is intended for use only during the practice and game seasons from April through June and mid-August through November; and that the School is not proposing any other changes to its enrollment, staffing, or operations.

Therefore, on a motion by Richard Melnick, Vice Chair, seconded by Alan Sternstein, with John H. Pentecost, Chair, Caryn Hines, and Laura Seminario-Thornton in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-2684-C is re-opened to receive Mr. Green's email letter dated November 20, 2023, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception as described herein and in Mr. Green's email letter, and as shown on the attachments to that letter, is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.



John H. Pentecost
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 3rd day of January, 2024.



Barbara Jay
Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in

writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

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. 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.

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Case No. CBA-2684-C

PETITION OF THE GERMAN SCHOOL

OPINION OF THE BOARD

(Opinion Adopted July 22, 2009)
(Effective Date of Opinion: August 6, 2009)

Case No. CBA-2684-C seeks modifications to an existing special exception (CBA-2684 and 2684-B) which permits Petitioner to operate a private educational institution pursuant to Zoning Code Section 59-G-2.19. The modifications requested are to permit construction of new facilities and to add new activities, without increasing school-year enrollment.

The subject property contains 16.93 acres, located at 8617 Chateau Drive, Potomac, Maryland in the RE-2 Zone.

The Hearing Examiner for Montgomery County held hearings on the application on October 20, 2008 and April 7, 2009, closed the record in the case on April 30, 2009, and on May 19, 2009 issued a Report and Recommendation to deny the application in part, and to grant it in part.

On May 29, 2009, the Board of Appeals received a letter from Ronald Bolt, Esquire, on behalf of the German School. Mr. Bolt's letter requested Oral Argument before the Board of Appeals on proposed recommendation number 4 in the Hearing Examiner's Report and Recommendation. That recommendation proposes an enrollment cap of 250 students for the school's Saturday German classes.

The Board of Appeals heard Oral Argument on July 22, 2009. Ronald Bolt, Esquire and David Podolsky, Esquire appeared on behalf of the German School. Mr. Bolt informed the Board that the school had met with and arrived at an agreement with the school's neighbors on Chateau Drive. He offered a copy of a Memorandum of Understanding which was entered into the record as Exhibit No. 94. Mr. Bolt informed the Board that as part of the agreement, the school

No. 94. Mr. Bolt informed the Board that as part of the agreement, the school withdraws its request to operate a summer program and agrees not to request a modification to operate a summer program at the school. The neighbors who signed the Memorandum of Understanding agree, in turn, that the Saturday language classes may be operated at the school, provided they are capped at an enrollment of 500 students and 40 staff, provided that traffic mitigation measures are implemented as detailed in the Memorandum of Understanding

Decision of the Board: **Special Exception Modification Granted
In Part and Denied In Part, Subject
To Conditions Enumerated Below.**

After careful consideration and review of the record, together with the Oral Argument, the Board adopts the Hearing Examiner's Report and Recommendation, as modified by the Memorandum of Understanding between the German School and neighbors on Chateau Drive [Exhibit No. 94], and grants the modification in part and denies it in part, subject to the following amended 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 Hearing Examiner's Report and Recommendation and in the Opinion of the Board.
2. All terms and conditions of the approved special exceptions shall remain in full force and effect, except as modified by the Board as a result of this Modification Petition. The German School's Statement of Operations must be amended to include all of the changes required by these conditions.
3. Regular weekday School operations are limited to 650 students and 102 employees on site at any time, and at no time shall Petitioner admit a greater number of students than it is able to appropriately manage with the facilities, faculty and staff available at the time. Generally, staff on site will be approximately 60 employees, but for staff conferences (approximately eight times per year) and other special activities, up to 102 employees may be on site.
4. Saturday German language classes conducted on site are capped at 500 participants and 40 staff. No additional limits are recommended for German language classes held on Wednesdays during the regular school year.

5. The following activities listed in the Second Amended Statement of Operations (Exhibit 80(a)) must be discontinued:¹ Item #1. Four (4) of the twelve (12) student theater, music and art productions; Item #7.d. the Christmas party for German language classes; Item # 7.e. Summer celebration for German language classes; Item #10, the Easter Bazaar; and Item #12, the Flea market.
6. No meetings or activities may continue on campus after 10 p.m., nor beyond the times specified in the Statement of Operations.
7. No Sunday activities are permitted, except for the Ecumenical Service specified as Item 14 on page 12 of the Second Amended Statement of Operations (Exhibit 80(a));
8. Paragraph #23 on page 10 of the amended statement of operations (Exhibit 80(a)) must be modified to prohibit use of the gymnasium on weekends by anyone other than German School students and staff (and their families), and to prohibit such use after 9:00 p.m.
9. Petitioner must implement the traffic management program described in the revised Transportation Management Plan (TMP), Exhibit 41(d), as modified to comply with the conditions set forth herein, and as revised to be in accordance with the terms of the Memorandum of Understanding dated July 20, 2009 [Exhibit 94], including the addition of the section entitled "4. Bus and Transportation Services" contained in paragraph 4 of the Memorandum of Understanding. Petitioner must provide a Saturday bus, and/or shuttle bus system for the German language classes.
10. Vehicles arriving at the school are not permitted to be stacked (*i.e.*, queued) on off-site streets during morning drop-off and afternoon pick-up periods.
11. No parking is permitted on Chateau Drive for school-related activities, and Petitioner must enforce this restriction through its TMP.
12. The condition in the original December 9, 1969 grant (Exhibit 17(a), p. 4, Condition #9), which specifies that students driving to school shall be limited to insured students in the 12th and 13th grade, is hereby modified to read: "Students driving themselves to school shall be limited to students in the top two grades of the school, and students who do so must be properly licensed and insured. In no event shall a student drive to school in violation of applicable motor vehicle regulations."

¹ Item numbers are a reference to the Items as listed in the matrix on pp. 10 to 12 of the Statement of Operations and reproduced on pp. 42-44 of the Hearing Examiner's Report.

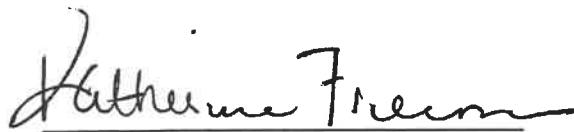
13. There must be no leaf blowing on site before 8 a.m. on weekdays and 10 a.m. on weekends.
14. The new entrance sign may not be posted until Petitioner has received a permit therefore from Montgomery County Department of Permitting Services (DPS) and has filed a copy thereof with the Board of Appeals.
15. Petitioner must comply with all terms of the final forest conservation plan approved by M-NCPPC Environmental Planning Staff.
16. Petitioner must comply with a stormwater management plan, as approved by the County Department of Permitting Services (DPS).
17. Petitioner must create a Community Liaison Council (CLC) to discuss and address operating impacts and other issues of concern to Petitioner and/or the community. The CLC shall consist of Petitioner's representative and representatives from any civic association or homeowners association within the defined neighborhood wishing to participate. The adjacent and confronting neighbors must also be invited to participate, and the People's Counsel must be included as an *ex officio* member of the CLC. Meetings must be held at least twice a year, or more frequently as called for by any member, and minutes must be kept by Petitioner and filed with the Board of Appeals annually. The terms of the CLC proposed on pages 17-18 of the revised TMP (Exhibit 41(d)) are approved, except that residents of Kendale Road (to the west of the school) must also be invited to participate.
18. The Petitioner shall explore, at CLC meetings, the possibility of creating a new school access on Kendale Road, to share some of the traffic burden created by the school.
19. 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.
20. The Board shall retain jurisdiction over this case until further notice to determine, based on an annual review, whether school activities are creating an excessive adverse impact on the neighborhood. To avoid disruption, this resolution shall not affect operations ongoing at the German School in the current 2008-2009 school year, which ends in late June, 2009.

On a motion by David K. Perdue, Vice-Chairman, seconded by Carolyn J. Shawaker, with Walter S. Booth, Stanley B. Boyd 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.


Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 6th day of August, 2009.


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.

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Case No. CBA-2684-C

PETITION OF THE GERMAN SCHOOL

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted December 9, 2009)
(Effective Date of Resolution: April 2, 2010)

The Board of Appeals has received a letter, dated November 24, 2009, from Ronald M. Bolt, Esquire, on behalf of The German School. Mr. Bolt requests administrative modification of the special exception to install a synthetic turf field to replace a grassfield and to install exterior lighting on the new science building to be constructed in the modification granted as Case No. CBA-2684-C. Mr. Bolt submits plans and drawings to illustrate the modification request.

The Board of Appeals granted Case No. CBA-2684 to The Federal Republic of Germany (The German School), effective December 9, 1969, pursuant to the provisions of Section 111-37.m. of the Montgomery County Zoning Ordinance, to permit the construction and operation of a private educational institution. Effective November 21, 1986, the Board granted an administrative modification of the special exception to permit the parking area to be enlarged. Effective April 1, 1992, the Board granted Case No. CBA-2684-A, a major modification to allow the construction of a new building to accommodate the lower school on the same site as the upper school, as well as an additional garage and some additional parking. The Board revoked Case No. CBA-2685-A at the special exception holder's request, effective March 17, 1994, because Case No. CBA-2684-A was superseded by Case No. CBA-2684-B, which included redesign of the building and other facilities approved in Case No. CBA-2684-A. The Board granted case No. CBA-2684-B effective April 22, 1994. Effective April 5, 1996, the Board granted administrative modification of the special exception to approve modifications to the plans for the addition to the underground bus garage and gymnasium approved in 1994. The Board approved Case No. CBA-2684-C, a major modification of the special exception, effective August 6, 2009.

The subject property is in Parcel A, McCauley Park Subdivision, located at 8617 Chateau Drive, Potomac, Maryland, 20854, in the RE-2 Zone.

The Board of Appeals considered the modification request at its Worksession on December 9, 2009. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:


If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board, without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that the proposed turf field and lighting for one of the school buildings will have little, if any, off-site effect, and will not without substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by Stanley B. Boyd, seconded by David K. Perdue, Vice-Chair, with Carolyn J. Shawaker and Catherine G. Titus, Chair, in agreement and Walter S. Booth necessarily absent:

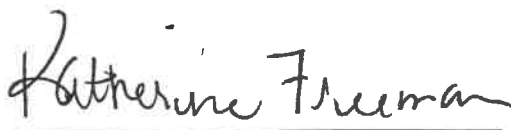
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-2684-C, Petition of The German School, is re-opened to receive Ronald Bolt's letter dated November 24, 2009, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception is **granted**; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.


Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 2nd day of April, 2010.


Katherine Freeman
Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

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.

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(240) 777-6600

Case No. CBA-2684-C

PETITION OF THE GERMAN SCHOOL

RESOLUTION TO RE-OPEN THE RECORD
(Resolution Adopted October 7, 2009)
(Effective Date of Resolution October 30, 2009)

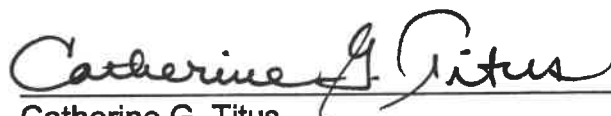
The Board of Appeals has received a letter, dated September 25, 2009, from Ronald Bolt, Esquire, on behalf of The German School. Mr. Bolt submits a Third Revised Statement of Operations for the special exception in conformance with the conditions of approval in the Board's August 6, 2009 Opinion granting the special exception modification.

The Board of Appeals granted Case No. CBA-2684 to The Federal Republic of Germany (The German School), effective December 9, 1969, pursuant to the provisions of Section 111-37.m. of the Montgomery County Zoning Ordinance, to permit the construction and operation of a private educational institution. Effective November 21, 1986, the Board granted an administrative modification of the special exception to permit the parking area to be enlarged. Effective April 1, 1992, the Board granted Case No. CBA-2684-A, a major modification to allow the construction of a new building to accommodate the lower school on the same site as the upper school, as well as an additional garage and some additional parking. The Board revoked Case No. CBA-2685-A at the special exception holder's request, effective March 17, 1994, because Case No. CBA-2684-A was superseded by Case No. CBA-2684-B, which included redesign of the building and other facilities approved in Case No. CBA-2684-A. The Board granted case No. CBA-2684-B effective April 22, 1994. Effective April 5, 1996, the Board granted administrative modification of the special exception to approve modifications to the plans for the addition to the underground bus garage and gymnasium approved in 1994. The Board approved Case No. CBA-2684-C, a major modification of the special exception, effective August 6, 2009.

The subject property is in Parcel A, McCauley Park Subdivision, located at 8617 Chateau Drive, Potomac, Maryland, 20854, in the RE-2 Zone.

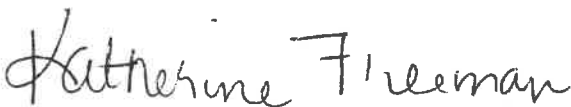
The Board of Appeals considered Mr. Bolt's letter at its Worksession on October 7, 2009. On a motion by Carolyn J. Shawaker, seconded by Walter S. Booth, with Stanley B. Boyd and Catherine G. Titus, Chair, in agreement and David K. Perdue, necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-2684-B, Petition of the German School, is re-opened to receive Ronald Bolt's letter dated September 25, 2009, with attachment.



Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 30th day of October, 2009.



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.

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Telephone
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Case No. CBA-2684-B

PETITION OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution adopted November 2, 1995)
(Effective date of Resolution, April 5, 1996)

The Board is in receipt of correspondence dated October 26, 1995, from David R. Podolsky, petitioner's attorney, which states, in part:

"On behalf of the Federal Republic of Germany, we are requesting an administrative modification to the existing special exception for the German School to allow minor modifications to the plans for an addition to the existing underground bus garage and a new gymnasium that you approved in 1994.

"... In 1994, you approved a new design for the elementary school addition along with a gymnasium, an addition to the underground school bus garage and an expansion of the parking area. ...

"... In the process of preparing detailed permit plans, we have found that there were certain inadequacies in the conceptual plans that we provided to you in 1994. ... the square footage of the underground bus garage and of the gymnasium must be modestly increased. However, the square footage of the elementary school will be substantially decreased.

"... the square footage shown on page 1 of our 1994 plans must be amended. First, the calculations on page 1 do not accurately reflect the actual dimensions of the drawings on page 2. Second, even as drawn, the parking area labeled 'Proposed Bus Garage - 4 Buses' was inadequate to accommodate 4 standard American school buses. Third, local fire and building codes require an additional means of egress. ... all of the addition to the bus garage will be entirely underground and the garage doors which will be visible are not being enlarged.

"... similar difficulties with the plans for the gymnasium. First, the square footage ... does not match the square footage that would be calculated by measuring the drawings. Second, a modest expansion is required to meet functional requirements. Third, the HVAC system will require additional space, but this space will be located partially below grade, adjacent to and incorporating the existing outdoor storage building.

"... the total square footage of the project is actually decreasing because the total increase in square footage of the underground bus garage and the gymnasium is outweighed by an approximately 6,000 square foot decrease in the square footage of the elementary school addition ... the bus garage addition will remain entirely underground, the additional facilities for the gymnasium/HVAC system will be partially

underground, the additional facilities for the gymnasium/HVAC system will be partially underground and the modest above ground expansion will be on the side of the gymnasium facing away from the Kendale Road neighbors.

"We reviewed these plans with representatives of the Kendale Coalition ... describing in detail the basis for this request. ...

"... we request that your approval include authorization to increase the square footage of the underground garage addition by such additional amount as may be necessary to satisfy any governmental requirements to make this area accessible to the disabled.

"Inasmuch as the new plans will not alter the appearance to the neighbors, are necessary to allow the facilities to function as originally proposed, and the neighborhood group which appeared at the 1994 hearing does not object to our proposal, we request that you approve this modification ..."

On November 1, 1995, the Board received correspondence from Stevens T. Brown, President, The Kendale Coalition, which states, in part:

"We have received the plans submitted to the Board of Appeals in support of the German School's request for an administrative modification to the existing special exception as amended in 1994. We have also received correspondence and revised site plans and drawings prepared by the applicant's representatives.

"Based on the foregoing, we have no objections to the proposed changes in the plans for the underground bus garage, gymnasium and HVAC system. Further, we consent to your processing the School's request administratively without a public hearing. ..."

The Board, after careful consideration of the correspondence and a review of the record in the above-referenced case, finds that the School's request to modify its plans can be granted without the necessity of a public hearing. The Board further finds that the request will have no effect on traffic or on the immediate neighborhood.

THEREFORE, in accordance with the provisions of Section 59-G-3.1(c)(1) of the Zoning Ordinance, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case No. CBA-2684-C shall be and hereby is re-opened to receive the following exhibits: October 26, 1995, letter from David R. Podolsky; Medcalf Tobey Davis letters re: underground garage and gymnasium/HVAC; revised plans for underground garage and for gymnasium/HVAC area; list of adjoining/confronting property owners; and Mr. Brown's letter received November 1, 1995; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may modify its plans for the underground bus garage and the gymnasium/HVAC system in accordance with the revised plans entered into the record and as outlined in Mr. Podolsky's letter and the Medcalf Tobey Davis' letters; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that, except as modified herein, all terms and conditions of the original special exception and any modifications thereto, shall remain in full force and effect.

On a motion by William S. Green, seconded by Allison Bryant, with Helen Strang in agreement, the Board adopted the foregoing Resolution. Judith B. Heimann and K. Lindsay Raufaste, who were members of the Board at the time of the decision, concurred in the foregoing Resolution. Susan Turnbull and Judy Clark, who were not members of the Board at the time of the decision, did not participate in the foregoing Resolution.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 5th day of April, 1996.



Tedi S. Osias
Executive Secretary to the Board

NOTE: Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Telephone
Area Code 301
217-6600

Case No. CBA-2684-B

PETITION OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
(THE GERMAN SCHOOL)

(Hearing held February 28, 1994)

OPINION OF THE BOARD

Effective date of Opinion: April 22, 1994

This proceeding is on a petition filed for a modification of the existing special exception for a private educational institution pursuant to Section 59-G-2.19 of the Zoning Ordinance to permit the redesign of the building and other facilities initially approved by the Board in April, 1992, for the consolidation of the kindergarten, elementary school, and high school.

The subject property is Parcel A, consisting of approximately 16.93 acres, McCauley Park Subdivision, located at 8617 Chateau Drive, Potomac, Maryland, in the RE-2 Zone.

David Podolsky, Esquire and Dr. Peter Heidenberger, Esquire, represented the petitioner, the Federal Republic of Germany (The German School). They called as witnesses Mr. Krug representing the German Government, and Dr. Karen Henricksen on behalf of the school board of The German School. Other specialists attended the hearing, but they did not testify. They included Mr. Aurora, the design engineer; Mr. Feola, the landscape architect; and Mr. Rohrbeck of the Construction Office of the German government.

Neighbors who appeared included Mr. Robert Moran and Mr. Stevens Brown.

PETITIONER'S CASE

Witnesses for the Federal Republic of Germany, The German School, recounted the history of the proposed modification. On April 1, 1992, the Board approved a requested modification to permit the construction of a three-story school building, gymnasium, bus facility and 14 additional parking spaces. The purpose of the modification was the consolidation of the lower school, which was located on Newbridge Drive, with the upper school and kindergarten, which were located at the subject property on Chateau Drive. All students arrive at the Chateau Drive campus, and the elementary school students are then transported to the Newbridge Road campus.

The current modification would replace the plan approved in 1992. The lower school building, located on the west side of the campus along Kendale Drive, has been reconfigured to be two stories, and, according to the testimony, to blend into the natural slope of the property. From the western side, the building will appear to be two stories in the middle, with one-story wings on either side. The gymnasium has been separated out and located on the north side, adjacent to the existing gymnasiums.

The community, organized into the Kendale Coalition, had raised many concerns about the proposed modification. Among the issues was the amount of the setback of the building and the new parking facility from the western property line. The original plan indicated a setback of 90'. The final plan increases the setback 35' so that the new building will be 125' from the western property line. An existing landscaped berm along Kendale Drive will be maintained and enhanced. Furthermore, the parking facility has been relocated so that it is farther away from the slope on the western and southern portions of the property.

The other facilities continue to be part of the plan. An underground bus bay will be located adjacent to the existing bus garage on the east side of the campus. A 14-space parking facility and service drive will be located on the south side. It has been relocated away from the steep slope and treed area. Three to five trees may be lost in the construction of the parking facility, and any trees lost in excess of three will be replaced.

No increase in the total enrollment of 650 students is planned. There should be no increase in the amount of traffic coming to the site because all the students arrive at the Chateau Drive campus in the morning and depart from there at the end of the day. The consolidation will result in a decrease of traffic because the elementary school students will no longer be transported by bus to the Newbridge Drive campus...

The school's representatives repeated their commitment that no driveway access from Kendale Drive is proposed. In addition, there are no plans for future construction or expansion.

After the hearing at the Planning Board, the community and representatives of the school reached an agreement, which was submitted as Exhibit No. 44(a). One element of the agreement is a provision that the school will consult with the community about landscaping, lighting, fenestration, the design of the pyramid at the top of the building, and the grading plan.

Mr. Robert Moran and Mr. Stevens Brown are neighbors and representatives of the Kendale Coalition. They testified that the community had aesthetic concerns that are reasonable and prudent because the school is visible to the community. They explained that the Kendale Coalition has 31 member families from Kendale Road and other nearby streets. Many important concerns have been discussed, including significant grading issues. The school's agreement to consult with the community about the design, the landscaping, lighting, fenestration, grading and deforestation is a central element in their agreement.

At the close of the hearing, the Board left the record open until April 1, 1994, so that the petitioner could submit plans reflecting the additional 35' setback of the building and the relocation of the parking facility farther to the east. On March 10, 1994, the Board received the revised plans. On March 17, 1994, at its worksession, the Board closed the record and voted to approve the proposed modification.

FINDINGS OF THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Both the Planning Board and the Technical Staff recommended approval with conditions (Exhibit No. 45(a)-(c)).

FINDINGS OF THE BOARD

The Board is pleased that the German School and the Kendale Coalition were able to negotiate and reach an agreement about the proposed modification. However, the Board must emphasize that the agreement is outside of this Opinion. If some provisions of the agreement overlap conditions imposed in the Opinion, that is coincidental. The Board will impose the conditions it deems appropriate.

In 1992, the Board found that the proposed modification was reasonable and supported The German School's goal to consolidate its two campuses. The Board finds this modification also to be reasonable, and agrees that it represents an improvement compared to the 1992 proposal. The building is lower and less obtrusive, and the natural and added buffers are already quite extensive. With the enhanced landscaping proposed for the berm on the western edge, the Board believes that the situation will be more pleasing than the previous modification.

The Board has found for many years that the school is an appropriate use for the site, and confirms that finding in this Opinion. Representatives have indicated that they have no plans for further expansion of the physical plant or for an increase in the enrollment of 650 students. The Board is pleased that they have also stated that they have no plans to construct a driveway access to Kendale Drive.

In view of the fact that this modification replaces the approval in Case No. CBA-2684-A, granted April 1, 1992, the Board will also revoke that modification to the special exception.

Therefore, this modification of the existing special exception for a private educational institution pursuant to Section 59-G-2.19 of the Zoning Ordinance to permit the redesign of the building and other facilities initially approved by the Board in April, 1992, including a bus bay, a 14-space parking lot and a gymnasium, to accomplish the consolidation of the kindergarten, elementary school, and high school is hereby granted to the Petitioner only, subject to the following conditions:

1. Petitioner is bound by all testimony, both oral and written, and all evidence and exhibits in the record.

2. Petitioner must submit a landscape and lighting plan to the Technical Staff at M-NCPPC for review and approval. All plant material must be maintained and replaced as necessary. One copy of the approved plan must be submitted to the Board for its records. One copy must be submitted to the Zoning Supervisor, Department of Environmental Protection.
3. Construction must conform to plans entered into the record as Exhibit Nos. 55(a)-(d) and 56(b), corrected topographic site plan.
4. Petitioner must obtain approval of a stormwater management plan from the Department of Environmental Protection or receive a waiver of stormwater management requirements.
5. Petitioner must obtain approval of a Preliminary Forest Conservation Plan by the M-NCPPC Technical Staff.
6. The special exception granted in CBA-2684-A, effective April 1, 1992, is revoked by Resolution of the Board, dated April 22, 1994.
7. All other terms and conditions of the special exception, except as modified in this Opinion, remain in full force and effect.

The Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition.

The foregoing Resolution was proposed by William Green, and concurred in by Helen R. Strang, Allison Bryant, Judith B. Heimann, Chairman, and K. Lindsay Raufaste.

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 22nd day of April, 1994.


Irene H. Gurman
Clerk to the Board

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

See Section 59-A-3.2 of the Zoning Ordinance regarding Use and Occupancy Permit.

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.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

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Case No. CBA-2684-A
PETITION OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
(THE GERMAN SCHOOL)

RESOLUTION TO REVOKE SPECIAL EXCEPTION
(Resolution adopted March 17, 1994)

Whereas the holder of the special exception has requested a modification, Case No. CBA-2684-B, to replace the modification granted in Case No. CBA-2684-A on April 1, 1992; and

WHEREAS the Board of Appeals granted the requested modification in Case No. CBA-2684-B in its Opinion effective April 22, 1994;

Therefore, based on the foregoing information,

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the Petition of The Federal Republic of Germany (The German School), Case No. CBA-2684-A, shall be and hereby is revoked because it has been replaced by the modification granted to the special exception holder in Case No. CBA-2684-B.

The subject property is Parcel A, consisting of approximately 16.93 acres, McCauley Park Subdivision, located at 8617 Chateau Drive, Potomac, Maryland, in the RE-2 Zone.

The foregoing Resolution was proposed by William Green and concurred in by Judith B. Heimann, Chairman, Allison Bryant, Helen R. Strang and K. Lindsay Raufaste.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 22nd day of April, 1994.


Irene H. Gurman
Clerk to the Board

BOARD OF APPEALS
for
MONTGOMERY COUNTY

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Case No. CBA-2684-A

PETITION OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
(By: Peter Heidenberger, Esquire)
(Hearing held February 26, 1992)

OPINION OF THE BOARD

In November 1991 the Federal Republic of Germany filed a petition to modify the special exception for the German School.

The property is Parcel A, consisting of approximately 16.93 acres, McCauley Park Subdivision, located at 8617 Chateau Drive, Potomac, Maryland, in the RE-2 Zone.

Decision of the Board:

Special Exception Modification
granted to petitioner only,
subject to conditions enumerated
herein.

In 1969 this Board granted the Federal Republic of Germany a special exception to establish a school for a maximum of 650 students at the above location. Although it took some time to implement the special exception the school has now been operating at this location since 1975. The lower school, however, has continued to operate at a location on Newbridge Drive, and petitioner now wishes to add a new building to consolidate the two schools. The requested modification also envisions an additional garage for buses with an office and half bath, as well as some additional parking.

The original modification submission showed a new entrance driveway from Kendale Road (specifically prohibited by Condition No. 5 of the opinion of December 9, 1969), which generated much opposition from residents on Kendale Road. The original submission, Exhibit Nos. 9(a) and 9(b), was subsequently replaced by a new submission, Exhibit No. 18(a), which removed the Kendale Road entrance.

Petitioner was represented by Peter Heidenberger, Esquire, and David Podolsky, Esquire, who called several witnesses to explain the operation of the school and the proposed changes.

While the school is permitted a maximum of 650 students, enrollment has never exceeded 609 and this year stands at 565 students which includes both campuses. At present all students arrive at the Chateau Drive campus and lower school students are then bussed to the Newbridge Drive campus. In the afternoon they are brought back and then picked up to go home. Consolidating the two campuses will eliminate the additional bus traffic caused by shuttling the lower school students back and forth.

The additional parking is needed for the lower school teachers and lower school visitors. The new bus garage will be underground with landscaping above the facility. The new wing will be three stories and will be connected to the existing building by two bridges.

Staff of Maryland-National Capital Park and Planning Commission recommended approval of the requested modification with conditions (Exhibit No. 22).

Although the file contains many letters in opposition, almost all of them address the originally requested access off Kendale Road. Because petitioner had withdrawn this request, only Robert Moran, who had coordinated the opposition, appeared at the hearing - primarily to ensure that Condition No. 5 of the original opinion would remain in force. Some letters in the file complained about speeding by students on Chateau Drive and officials of the German School agreed to keep reminding students of the speed limit on Chateau Drive and admonish them to be courteous drivers.

FINDINGS OF THE BOARD

The consolidation of both campuses of the German School at the Chateau Drive location will serve to make the entire operation more efficient. The addition of the new wing will not cause any increase in traffic on Chateau Drive, because lower school students are already brought to the Chateau Drive location and then picked up there again at the end of the school day. Having the lower school on Chateau Drive will lessen the bus traffic on Chateau Drive because students will no longer have to be shuttled back and forth. The planned parking spaces are necessary to accommodate the cars of lower school teachers and visitors. Enhanced landscaping will serve to mitigate the visual impact of the new facilities. Petitioner agreed to break up the rows of parking spaces with landscaped islands which should help to avoid the look of 'sea of pavement and cars'.

For all these reasons the Board finds that the requested modification still fulfills all the requirements of Section 59-G-1.21 and 59-G-2.19 and can be granted to petitioner only, subject to the following conditions:

1. All the conditions enumerated in the opinion of December 9, 1969 remain in full force.
2. The petitioner is bound by all statements and plans.
3. Petitioner must submit a landscape/lighting plan to the Technical Staff of the Maryland-National Capital Park and Planning Commission. This plan must reflect the additional landscaping in the parking area. Once installed, landscape material must be properly maintained or replaced as necessary. Two copies of the approved plan must be submitted to this office.

4. Construction must be in accordance with plans entered into the record as Exhibit Nos. 9(c)-(e) and 18 (a & b).

The Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition.

The foregoing Resolution was proposed by Helen R. Strang, and concurred in by William Green, Howard Jenkins, Jr., Judith B. Heimann, Chairman, and K. Lindsay Raufaste.

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 1st day of April, 1992.


Irene H. Gurman
Clerk to the Board

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

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.

COUNTY BOARD OF APPEALS
FOR
MONTGOMERY COUNTY

STELLA B. WERNER COUNCIL OFFICE BUILDING
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Case No. CBA-2684

PETITION OF GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
(The German School)

RESOLUTION TO MODIFY SPECIAL EXCEPTION
(Resolution adopted November 20, 1986)

The Board has received a letter from Cornelia Brauer-Eschenbach, Chair, Building Committee, The German School Society, which states, in part:

"The available parking area at our school was never large enough in the first place, lately, however, we are getting more and more complaints from our neighbors about cars illegally parked on their property.

"To avoid this kind of situation we ask you to consider a new enlarged parking area as described in the enclosed sketch...."

Based on the foregoing information, the Board is of the opinion that The German School's request represents a minor modification to the special exception and can be granted without substantially changing the nature, character or intensity of the use of the property, nor changing the effect on the immediate neighborhood. Therefore, in accordance with the provisions of Section 59-G-1.3(c) (1) of the Zoning Ordinance,

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that Case No. CBA-2684, Petition of Government of the Federal Republic of Germany, shall be and hereby is re-opened to receive the letter from Ms. Brauer-Eschenbach as Exhibit No. 41; List of adjoining/confronting property owners with map, Exhibit Nos. 41(a) and (b); Preliminary parking plan dated April 18, 1986, Exhibit No. 41(c); and Proposed Parking Extension (showing entire site), Exhibit No. 41(d); and

BE IT FURTHER RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that petitioner may construct a new enlarged parking area in accordance with Exhibit Nos. 41(c) and (d).

All other terms and conditions of the special exception shall remain in full force and effect.

The property contains approximately 20 acres, known as part of the Trunnel Tract, located at 8617 Chateau Drive, Potomac, Maryland.

The foregoing Resolution was proposed by Doris Lipschitz, Chairman, and concurred in by Joseph E. O'Brien, Jr., Thomas S. Israel, Howard Jenkins, Jr. and Max H. Novinsky.

Case No. CBA-2684
The German School
Page 2

Entered in the Minute Book of
the County Board of Appeals for
Montgomery County, Maryland,
this 21st day of November, 1986.



Irene H. Gurman
Clerk to the Board

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision ...

COUNTY BOARD OF APPEALS
For
MONTGOMERY COUNTY

Case No. 2684


PETITION OF GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY
(Order adopted February 8, 1973)

The applicant, the Government of the Federal Republic of Germany, having heretofore in accordance with Condition No. 1 of the Board of Appeals' Opinion dated December 9, 1969, presented to the Board final plans for the buildings and landscaping which are the subject of the Board's opinion, and the said plans having been reviewed by the Board, the Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the requirements set forth in Condition No. 1 of the Opinion of the Board dated December 9, 1969, have been met by the applicant herein."

The foregoing Resolution was proposed by Mr. Joseph E. O'Brien, Jr., and concurred in by Mrs. Beverly S. Pearson, Messrs. Bernard D. Gladhill and James G. Early, constituting the present members of the Board.

Entered in the Minute Book of
the County Board of Appeals
this 13th day of February, 1973.


Clerk to the Board

COUNTY BOARD OF APPEALS
For
MONTGOMERY COUNTY

Case No. 2684

PETITION OF GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
(Hearing held October 16, 1969)

OPINION OF THE BOARD

This proceeding is on a petition for a Special Exception pursuant to Section 111-37. m. of the Zoning Ordinance (Chap. 111, Mont. Co. Code 1965, as amended) to permit the construction and operation of a private educational institution for over 40 children. The subject property contains approximately 20 acres, known as part of the Trunnel Tract, recorded among the Land Records in Liber 3574 at Folio 175, on Chateau Drive, Potomac, Maryland, in an R-A Zone.

According to the testimony and evidence of record, the petitioner is the contract purchaser of the subject property and proposes to construct new buildings and move the private educational institution from its present location on Logan Drive to the subject site. The subject school site has a rolling terrain, is partially wooded and contains approximately 20 acres and is a part of a 34-acre tract, the remainder of which is planned for seven two-acre lots. The subject site abuts a 10.5 acre tract that is a proposed public elementary school. The subject private educational institution would have its access from the east via Kentsdale Drive and from a 750-foot section of Chateau Drive. The school tract is in the R-A Zone. (No plans have been made for disposing of the Logan Drive school at the present time.)

The proposed school buildings are planned to be near the center of the north part of the subject site, with a playground and a soccer field between the buildings and the proposed elementary school. The school would have a maximum number of 650 students, kindergarten through grade 12 and grade 13. (The subject petitioner is the only German School in the United States.) The starting time for the school would be 8:30 a.m., and up through the 4th grade the time for departure would be 12:45 p.m. Classes above the 4th grade would leave school at approximately 2:45 p.m. School would open the day after Labor Day and would close approximately the middle of June. There would be no summer school. Students would be under supervision at all times.

Transportation would be primarily by buses. A great percentage of the students come from Montgomery County. The traffic engineer estimated that 130 students would arrive at the new school in approximately 50 cars and the remaining 520 students would be transported by 12

buses. It is estimated that the staff and personnel would necessitate 30 cars. A separate parking area would be set aside for the occasional visitors and the parking required by the staff would remain in use throughout the day and about 30 cars would be parked. It is proposed that a caretaker would live on the property.

Chateau Drive is off Kentsdale Drive which intersects with Bradley Boulevard a short distance to the south. Traffic counts as presented by Exhibit 25 in the record shows that the volume of traffic at the intersection of Kentsdale Drive and Bradley Boulevard is below the capacity of the roads and there were no conflicts or serious problems encountered. It was the traffic engineer's opinion that the additional traffic would not create a nuisance or hazard to the surrounding uses in the neighborhood, nor would the additional traffic generate excessive noise.

The proposed school would be constructed in three individual buildings with underground connections. The larger buildings would be the high school and elementary school. Two smaller structures would be the gymnasium and kindergarten. The buildings would be sunken into the terrain to bring them closer to residential scale, and they have been designed to blend into the site. Retaining walls and terrace levels will be constructed and plantings of trees and shrubbery will be used between the buildings.

There would be no athletic competition between schools, no grandstands, and no night activities. Soccer games are proposed to be held during the day. The school is proposed to be a day school only. P.T.A. meetings are held by classes and only one general meeting per year is held. It is anticipated that two school dances would be held during the school year.

The parking areas would be screened as required by the Zoning Ordinance and one area would have 12 spaces for bus parking and 17 spaces for guest parking, with an underground garage for the buses when not in use. A separate parking area would be for members of the staff and additional visitors and would be located in an area to the south of the buildings. Another separate area in the parking lot would be set aside nearest the school buildings for dropping off and picking up students riding in car pools.

Although there was opposition to the school and to the architectural design, the Board is of the opinion that the architecture of the building as presented would be in keeping with the area and would not do harm to the other architecture in the area. In addition, the Board is of the opinion that due to the topography of the subject property, the school will be almost hidden from view and would not be easily seen

from the roads. Although there are other public and private schools, existing and proposed, in the area, the Board is of the opinion that the proposed private educational institution will fulfill the need for the continued operation of the subject school which has a program not offered in the other schools in the area.

Based on the testimony and exhibits of record, and limited by the conditions set forth hereto, the Board finds that the proposed private educational institution will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood; and that said use will not affect adversely or change the present character or future development of the surrounding residential community; that said use will be developed in conformity with the area, density, building coverage, frontage, setbacks, access and screening requirements of the Zoning Ordinance.

The Board further finds that the private educational institution will not: (a) adversely affect the health and safety of residents or workers in the area; (b) overburden existing public services available to the site; (c) be detrimental to the use or development of adjacent properties or the general neighborhood. The Board is of the opinion that for the public convenience and service a need exists for the proposed use due to an insufficient number of similar uses presently available to the existing population concentrations in the County, and that the use will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

Accordingly, the requested Special Exception for a private educational institution for up to 650 students is granted, subject to the following conditions:

1. The construction of the school shall be substantially in accordance with the plans in the record; however, final plans for the buildings and landscaping shall be subject to the Board's approval before a building permit is issued.
2. The total enrollment of the school shall be limited to 650 students.
3. The school buses shall be parked in the underground garage when not in use.
4. The school buildings shall be so arranged that insofar as possible no portion of the buildings will be seen from Kentsdale Road.


5. Entrance to the school shall be from Chateau Drive only.
6. The petitioner shall provide maintenance to the grounds and buildings throughout the year, including leaf collection and trimming of the shrubbery, as well as replacing the shrubs and trees as necessary.
7. The entrance to the school shall be secured to prevent cars and/or trespassers from entering the premises when the school is not in operation.
8. The school shall be serviced by public water and sewer.
9. Students driving to the school shall be limited to students in the 12th and 13th grade, and no uninsured student shall be permitted to drive to school.
10. The school buildings shall be erected to meet all the requirements of the State and County Building codes.
11. There shall be no stadium or grandstands erected.

The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition."

The foregoing Resolution was proposed by Mr. Joseph E. O'Brien, Jr., Chairman, and concurred in by Mrs. Helen H. Burkart, Messrs. Ralph F. Berlow and Bernard D. Gladhill. Mr. Kenneth E. denOuter disqualified himself from participating in this proceeding.

I do hereby certify that the foregoing Minutes were officially entered upon the Minute Book of the County Board of Appeals this 9th day December, 1969.


Clerk to the Board

NOTE: Please see Section 111-32. c. of the Ordinance regarding the 12-months' period within which the right granted by the Board must be exercised.