

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
<http://www.montgomerycountymd.gov/boa/>

(240) 777-6600

Case No. CBA-1658-B [CBA-1658, CBA-1658-A]

PETITION OF MANOR COUNTRY CLUB

RESOLUTION TO MODIFY SPECIAL EXCEPTION
(Resolution Adopted May 29, 2024)
(Effective Date of Resolution: June 7, 2024)

Case No. CBA-1658 was granted to Manor Country Club, Inc., by the Board of Appeals on November 2, 1964, to permit additions to the clubhouse and bath house facilities of an existing country club. The Board had granted previous special exceptions to this country club in Case Nos. CBA-497, CBA-668, and CBA-1585. Effective December 12, 1989, the Board modified special exception Case No. CBA-1658 to permit pool renovations. Effective March 6, 1990, in Case No. CBA-1658-A, the Board modified the special exception to permit the seasonal enclosure of four tennis courts. Effective October 18, 1996, in Case No. CBA-1658-B, the Board modified the special exception to permit the renovation and modest expansion of the clubhouse and bathhouse/tennis facilities. Effective August 26, 2003, the Board modified the special exception to allow a storage facility for equipment utilized to maintain the grounds. Finally, effective May 6, 2022, the Board modified the special exception to permit the installation of a clock tower near the clubhouse.

The Board of Appeals has received a letter, dated May 20, 2024, from Jody Kline, Esquire, on behalf of Manor Country Club. Mr. Kline requests an administrative modification of this special exception to allow the construction and operation of a golf technology training center ("training center"). The proposed training center will be located adjacent to and overlooking the Club's existing driving range, "in the approximate center" of the Club's 176.96 acre property. Mr. Kline states in his letter that the proposed training center will "be available at all times regardless of the weather conditions or the season of the year," will allow for indoor instruction and practice, and will also have "roll up" doors that will face the driving range and can be opened to the outside so that a golfer "can immediately test his golf instruction with actual golf ball contact." His letter states that the training center will "allow for more driving range practice opportunities" because it will be

available regardless of the season or weather. Mr. Kline's letter states that the requested modification will not increase the membership of the Club or its staffing. Rather, his letter states that "all that will happen in the future is that golf instruction will continue on the driving range but will be conducted in a more technologically sophisticated and weather protected environment." Thus Mr. Kline's letter states that the requested modification can be granted administratively under Section 59-G-1.3(c) of the Zoning Ordinance (2004) because it "will not substantially change the nature, character, or intensity of the use, [and] will not substantially change the effect on traffic or on the immediately surrounding neighborhood." Mr. Kline includes several documents with his request, including elevations of the proposed training center, and an aerial photograph marked to show its proposed location.

The subject property contains 176.96 acres, described as Parcel N725, Block A, Par A Manor Country Club Pts #22821-22823 subdivision, located at 14901 Carrolton Road, Rockville, Maryland, 20853, in the R-200 Zone.

The Board of Appeals considered the modification request at its Worksession on May 29, 2024. Mr. Kline appeared on behalf of the Club in support of the proposed modification, along with James Fangmeyer, who is a long-standing Club member and a member of its Board of Governors, and David Heiser, the Club's General Manager. Mr. Kline explained that the Club is seeking a modification to allow a golf technology training center. He showed the Board an aerial photograph of the Club's property, and a second (enlarged) aerial photograph that had a dot near the driving range indicating where the proposed training center would be located. Mr. Kline stated that the proposed training center would not be visible from surrounding single family properties. Finally, he stated that the Club was not requesting any increase in staffing or changes to its hours of operation.

Mr. Heiser stated that the proposed training center would be less than 1,500 square feet. He stated that the Club hoped to use it to promote the game of golf to new players and to help build a program for collegiate golfers. Mr. Fangmeyer added that it would allow for use in times of inclement weather, and would be preferable to the screened area that is currently available because it could be used when it was cold. Mr. Fangmeyer stated that the Club has been in existence for over 100 years, and has a membership cap. He stated that the Club is not at its membership cap, and that while he doesn't see the training center as a big draw for new members, but rather as an amenity for the Club's existing members, it could help the Club stay competitive in maintaining its membership levels. Finally, Mr. Fangmeyer stated that the proposed training center would not have water or sewer, and was not intended as a place for socialization. In response to a Board question asking how many people could use the training center at a single time, Mr. Heiser estimated that two people could use each of the two hitting bays, for a total of four persons, plus persons using the putting green.

Because Case No. CBA-1658-B [CBA-1658, CBA-1658-A] 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)(1) 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.

Based on the record before it, the Board finds that the construction and operation of the proposed training center, in the center of this large property near the Club's driving range, 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. In support of this, the Board finds that the proposed training center is internal to the Club property and will not be visible from nearby homes. In addition, the Board finds that the proposed training center has a footprint of less than 1,500 square feet, has no water or sewer, and is not intended as a place for socialization. Finally, the Board notes that the requested modification does not involve an increase to the Club's membership or staff.

On a motion by John H. Pentecost, Chair, seconded by Caryn Hines, with Richard Melnick, Vice Chair, Alan Sternstein, and Amit Sharma in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-1658-B [CBA-1658, CBA-1658-A] is re-opened to receive Mr. Kline's email letter dated May 20, 2024, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception to permit the construction and operation of the proposed training center, as described herein and depicted on the elevations, in the location shown on the aerial photograph, 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 7th day of June, 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-1658-B [CBA-1658, CBA-1658-A]

PETITION OF MANOR COUNTRY CLUB

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted April 20, 2022)

(Effective Date of Resolution: May 9, 2022)

Case No. CBA-1658 was granted to Manor Country Club, Inc., by the Board of Appeals on November 2, 1964, to permit additions to the clubhouse and bath house facilities of an existing country club. The Board had granted previous special exceptions to this country club in Case Nos. CBA-497, CBA-668, and CBA-1585. Effective December 12, 1989, the Board modified special exception Case No. CBA-1658 to permit pool renovations. Effective March 6, 1990, in Case No. CBA-1658-A, the Board modified the special exception to permit the seasonal enclosure of four tennis courts. Effective October 18, 1996, in Case No. CBA-1658-B, the Board modified the special exception to permit the renovation and modest expansion of the clubhouse and bathhouse/tennis facilities. Finally, effective August 26, 2003, the Board modified the special exception to allow a storage facility for equipment utilized to maintain the grounds.

The Board of Appeals has received an email letter, dated April 6, 2022, from William McNeal, Golf Course Superintendent, on behalf of Manor Country Club. Mr. McNeal requests an administrative modification of this special exception to permit the installation of a clock tower, located near the clubhouse on a small paved patio that is less than 1,000 square feet in size. Mr. McNeal states that the project is located in the center of the property, and is not close to any neighboring properties. He includes elevations for the proposed clock tower with his submission, as well as a Site Plan that is marked to show the location of the proposed construction. Mr. McNeal states in his correspondence that the proposed construction will not change the nature, character, or intensity of the existing use, and will not affect surrounding traffic or the immediate neighborhood.

The subject property contains 176.96 acres, described as Parcel N725, Block A, Par A Manor Country Club Pts #22821-22823 subdivision, located at 14901 Carrolton Road, Rockville, Maryland, 20853, in the R-200 Zone.

The Board of Appeals considered the modification request at its Worksession on April 20, 2022. Mr. McNeal appeared on behalf of the Club in support of the proposed modification. He explained that the Club is seeking to install a clock tower, approximately ten feet tall, adjacent to the Clubhouse, and to install a small paved patio around it. He stated that there would be some low voltage landscape lighting around the patio and some uplighting on the clock tower. Mr. McNeal stated that the area would be wired to run the clock. He stated that the location of the clock tower and patio are central to the Club property, on the opposite side of the Clubhouse from Route 28, and that the clock tower would not be visible from adjacent properties or from Route 28. In response to a Board question, he stated that the clock would not make any noise.

Because Case No. CBA-1658-B [CBA-1658; CBA-1658-A] 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)(1) 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.

Based on the record before it, the Board finds that the installation of the requested clock tower on a small patio near the clubhouse, in an area central to this very large property, will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. The Board notes that the proposed construction is internal to the Club property, and per Mr. McNeal's letter and statements at the Worksession, will not impact adjoining properties. In addition, the Board notes that the proposed changes do not involve any changes to the number of members, guests, employees, hours of operation, traffic generation, parking spaces, or any other aspect of Club operations.

On a motion by Roberto Pinero, seconded by Caryn Hines, with John H. Pentecost, Chair, and Richard Melnick, Vice Chair, in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-1658-B [CBA-1658, CBA-1658-A] is re-opened to receive Mr. McNeal's email letter dated April 6, 2022, with attachments; and

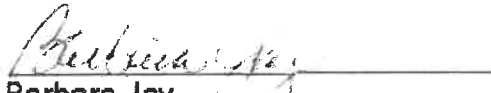
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception to permit the proposed construction, as described herein and depicted on the elevations, in the location marked on the Site Plan, is **granted**; and

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 9th day of May, 2022.



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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www.montgomerycountymd.gov/mc/council/board.html

Case No. CBA-1658

PETITION OF MANOR COUNTRY CLUB

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution adopted June 11, 2003)
(Effective date of Resolution, August 26, 2003)

The Board received a letter dated May 14, 2003, from William E. Hughes, CCM, General Manager, Manor Country Club. Mr. Hughes' letter states in part:

"Manor Country Club ("MCC") was established in 1922 and has continuously provided golf, tennis, swimming and social facilities to its membership since that time.

". . . Since its inception in 1922, there has been no significant change in the overall layout of the property, the tennis area, clubhouse, maintenance area and golf course generally occupying the same area of the tract as was originally planned. This Petition for Minor Modification seeks permission to erect to pre-fabricated storage facility for maintenance equipment utilized for the upkeep of the grounds. Of the 179+ acres constituting MCC, this modification involves less than one (1) acre.

". . . Throughout the years, the equipment storage has been in various metal and wood shed enclosures and/or a lean-to shed. Wear and tear over the years has led to the removal of these facilities and at the present time, the equipment is stored in the open, all, however, on the same area previously occupied by the shed and lean-to. . . The total square footage of the proposed building is only slightly larger than the space provided by the previous buildings and it will be located in precisely the same area."

The subject property contains 179.101 acres, located in Manor Park Subdivision, located at 14901 Carrolton Road, Rockville, Maryland, 20858, in the R-200 Zone.

The Board considered the requested modification at its Worksession on June 11, 2003. After careful consideration of the correspondence and a review of the record in the above-referenced case, the Board finds that the modification to permit the renovation of the Club's clubhouse and the expansion of the outdoor tennis facility can be granted without the necessity of a public hearing, Section 59-G-1.3(c)(1) of the Montgomery County 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.

THEREFORE, in accordance with the provisions of Sections 59-G-1.3(c)(1) of the Zoning Ordinance, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case No. CBA-1658, Petition of Manor Country Club, shall be and hereby is reopened to receive Mr. Hughes' letter with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Board grants the requested modification to the special exception, 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 for golf course and country club, and any modifications thereto, shall remain in full force and effect.

On a motion by Donna L. Barron, seconded by Allison Ishihara Fultz, with Louise L. Mayer, Angelo M. Caputo and Donald H. Spence, Jr., Chairman, in agreement, the Board adopted the foregoing Resolution.



Donald H. Spence, Jr.
Chairman, Board of Appeals

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 26th day of August, 2003.



Katherine Freeman
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.

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.

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for
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Case No.CBA-1658

PETITION OF MANOR COUNTRY CLUB

RESOLUTION TO DENY ADMINISTRATIVE MODIFICATION

(Resolution Adopted November 28, 2001)

(Effective Date of Resolution: February 20, 2002)

The Board of Appeals received correspondence from Ralph Hurst, Architect. Mr. Hurst's November 8, 2001 letter requests administrative modification of the above-captioned special exception to permit installation of framed wall infill to provide an enclosed fitness facility and installation of a 12-foot wide deck with an adjoining gazebo. The Board of Appeals granted Case No. CBA-1658 on November 2, 1964 to Manor Country Club, pursuant to Section 104-29(n) of the Montgomery County Zoning Ordinance to permit additions to the club house and bath house facilities of an existing country club.

The subject property contains 179.101 acres, located in Manor Park on Georgia Avenue, Rockville, MD in the R-R Zone.

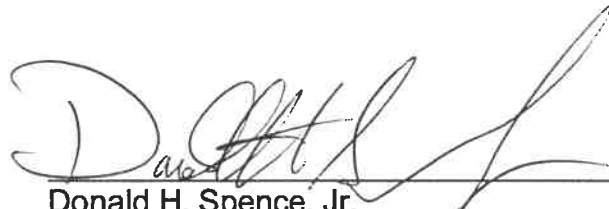
The Board of Appeals considered Mr. Hurst's letter at its Worksession on November 28, 2001. The Board finds that the requested modification would result in the alteration of the appearance of the special exception structure, which, pursuant to Section 59-G-1.3(c)(2) of the Zoning Ordinance, requires a public hearing. Therefore,

On a motion by Allison I. Fultz, seconded by Louise L. Mayer, with Donna L. Barron and Donald H. Spence, Jr., Chairman, in agreement and Angelo M. Caputo necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-1658 is re-opened to receive Ralph Hurst's letter of November 8, 2001, with attachments; and


BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception administratively is denied and the special exception holder has the option of applying for a modification with a public hearing; and

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



Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 20th day of February, 2002.



Katherine Freeman
Executive Secretary to the Board

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.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

STELLA B. WERNER COUNCIL OFFICE BUILDING
100 Maryland Avenue
Rockville, Maryland 20850
(301)217-6600

Case No. CBA-1658-B

PETITION OF MANOR COUNTRY CLUB, INC.
(Hearing held July 14, 1996)

OPINION OF THE BOARD
Effective date of Opinion: October 18, 1996

Case No. CBA-1658-B is the petition of Manor Country Club, Inc., for a modification to its special exception for a golf course and country club to permit the remodeling, upgrading and slight expansion of the existing clubhouse and bathhouse/tennis facilities, pursuant to Section 59-G-2.24 of the Zoning Ordinance.

The subject property consists of 179 acres located in Manor Park Subdivision, 14901 Carrolton Road, Rockville, Maryland, in the R-200 zone.

Decision of the Board: Modification to the special exception GRANTED,
subject to conditions enumerated below.

Jody Kline, Esquire, represented the petitioner, Manor County Club, Inc. He called several witnesses, including James Donatelli, vice-president of the country club; Bill Aitkin, past president and chairman of the long-range planning committee, and Don Reithlingshofer, an expert in architecture.

Witnesses explained that the club is 75 years old with 27 holes of golf, 2 swimming pools and 10 tennis courts. It has 1,000 members and its special exception permits 1086. The club is family oriented, and it serves as the center of community activities for the residential area within which it is located. There are two classes of members: those who live in the community and those who do not. Club rules require that at least 60% of the membership approve any changes with a cost in excess of \$1,000,000. Of the members who live in the community, 85% of the respondents voted to approve the modifications, as did 77% of the other group of members who responded.

The clubhouse was built in 1958 and it now faces both the infrastructure problems of an older building as well as design problems. The surrounding residential area is developed primarily in a traditional style of architecture, while the clubhouse has a contemporary design.

Manor Country Club is located within an area defined by Georgia Avenue on the east, Norbeck Road on the west, and Chesterfield Road on the south. Access is from Carrolton Road which intersects Norbeck Road approximately 600' from the entrance. The property contains 179 acres.

The proposed modification will result in no increase in the number of members or in the type or intensity of activities at the club. No new staff is contemplated. Elements of the proposed renovation include relocation and expansion of the lobby and the construction of a porte cochere in front of the entrance, enlargement of a storage area where there is now a freezer, enclosure of terraces and balconies, and replacement of the bathhouse by incorporating it into the expanded tennis facility. In addition, a new facade will change the current contemporary appearance to a more traditional look which will be more in keeping with the surrounding homes.

Interior renovations include installing a sprinkler system, improving the plumbing and electrical systems, and adding new sewer and water lines. The two existing kitchens will be consolidated into one, on the main floor. The downstairs kitchen will be converted to a cafe. The pro shop will be relocated to the lower level of the main building where there will also be a new fitness facility. Both the men's and women's locker rooms will have facilities for caring for babies. The entire facility will be accessible to the handicapped.

The buildings are all set back much more than the distances required in the Zoning Ordinance, and the existing 291 parking spaces also exceed the requirements. According to the club's representatives, nothing proposed in the modification will be detrimental to the neighboring area.

FINDINGS OF THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Technical Staff recommended approval with conditions (Exhibit No. 9).

FINDINGS OF THE BOARD

The Board finds that the proposed modification meets both the general requirements for special exceptions in Section 59-G-1.21 of the Zoning Ordinance, and the specific requirements for a golf course and country club in Section 59-G-2.24. The modification will not result in an increase in the number of members or employees or in an intensification of the activities at the club. Therefore, the Board finds that the modification will not result in a change in the impact of the club on the surrounding area.

Accordingly, the Board grants the requested modification to renovate and modestly expand the clubhouse and bathhouse/tennis facilities, subject to the following conditions:

1. The holder of the special exception is bound by the testimony and exhibits of record.
2. The holder of the special exception must obtain approval of a preliminary plan from the Planning Board, or obtain variation from the Subdivision Regulations, if required.
3. Construction must conform to exhibit Nos. 4(a)-(f).

4. All terms and conditions of the special exceptions and any modifications previously approved 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.

On a motion by William S. Green, seconded by Susan Turnbull, with Helen R. Strang, Chairman, in agreement, the Board adopted the foregoing Resolution. and Allison Bryant was necessarily absent and did not participate in the foregoing Resolution. There were no other members of the Board at the time the Resolution was adopted.

I do hereby certify that the foregoing Opinion was officially entered in the Opinion book of the County Board of Appeals this 18th day of October, 1996.



Fedi S. Osias
Executive Secretary to the Board

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

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

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 Procedures.

See the Board's Rules of Procedure for information about the process for requesting reconsideration.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

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Telephone
Area Code 301
217-6600

Case No. CBA-1658-A

PETITION OF MANOR COUNTRY CLUB
(By: John Molinaro, General Manager)

(Hearing held February 7, 1990)

OPINION OF THE BOARD

The Manor Country Club, through its General Manager, John Molinaro, requested a modification to its existing special exception to permit the enclosure of four existing tennis courts on a seasonal basis.

The property consists of 179 acres located in Manor Park Subdivision, 14901 Carrolton Road, Rockville, Maryland, in the R-200 zone.

Decision of the Board: Modification GRANTED, subject to conditions.

John Molinaro, General Manager of the Manor Country Club, appeared and gave binding testimony as follows:

The club received its original special exception in 1952 and has been granted several modifications since then. Mr. Molinaro explained that there are nine tennis courts and the club wishes to provide a seasonal cover for four of them. This cover would consist of a white 'bubble' which is constructed of 28 oz. flame-resistant polyester and measures 120' x 200' x 38'. The closest residence is approximately 230' away on Great Oak Road. Mr. Molinaro stated that the membership of Manor Club had been polled and was 100% supportive of this request. He also stated that the persons living closest to the proposed structure support this petition.

Addressing the comments in the technical staff report, Mr. Molinaro testified that the hours of operation will be from 7:00 am to 11:00 pm, seven days a week. The structure will cover the tennis courts from October 1 through April 1. Because these courts will be usable in the winter, the club anticipates the need for 4 additional employees to run the facility. The bubble will be lighted on the inside, but all lights will be turned off at 11:00 pm.

Responding to questions which had been raised in the report from Park and Planning staff, Mr. Molinaro said that the maintenance barn has been at the present location for many years and there have never been any complaints about the view from Great Oak Road.

Concerning the question of membership, Mr. Molinaro maintained that actually the club was within the permitted number of members, because 90 members are non-resident, 66 are associates, 72 are widows and 13 honorary members. The Board explained to Mr. Molinaro that this verbal explanation was not sufficient and that it did appear that the club has more members than it is authorized to have.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION TECHNICAL STAFF RECOMMENDATION

Technical staff of Maryland-National Capital Park and Planning Commission recommended approval with conditions (Exhibit. 10)

FINDINGS OF THE BOARD

After carefully considering the written and oral evidence, the Board finds that the requested modification does not substantially alter the original grant of the special exception. This special exception, with the requested modification, will continue to meet the general requirements of Section 59-G-1.21 and the specific requirements of 59-G-2.24. The Board does, however, find that the club exceeds the permitted membership and must request a modification or reduce its membership to the permitted number. If a modification is requested, it must be supported by sufficient written evidence for the Board to determine the nature of the various membership categories. The Board agrees with petitioner that the maintenance shed does not require any additional landscaping since it has been there for many years without generating any complaints.

Therefore, this requested modification to the existing special exception to permit the enclosure of four existing tennis courts on a seasonal basis is hereby granted to the Petitioner only, subject to the following conditions:

1. Petitioner is bound by all testimony and evidence.
2. Petitioner must submit a lighting plan to the technical staff at M-NCPPC for review and approval. Two copies of the approved plan must be submitted to this office.
3. Petitioner must reduce the club membership to the Approved number or request a modification.

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 Howard Jenkins, Jr., and concurred in by K. Lindsay Raufaste, Judith B. Heimann, Chairman, and Helen R. Strang. William Green was necessarily absent and did not participate in the foregoing Resolution.

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 6th day of March, 1990.


Irene H. Gurman
Clerk to the Board

NOTE: See Section 59-A-4.53 of the Zoning Ordinance regarding the twelve-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.

COUNTY 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-1658

PETITION OF MANOR COUNTRY CLUB, INC.

RESOLUTION TO MODIFY SPECIAL EXCEPTION
(Resolution adopted December 6, 1989)

The Board is in receipt of a letter dated November 28, 1989 from John F. Molinaro, General Manager, Manor Country Club, which states in part:

"I write requesting a minor modification to the existing special exception for Manor Country Club Case #CBA-1658.

"...what we are doing is increase for safety reasons, the width of the diving well and are providing for the younger children a competitive dimension to swim in.

"The pool at Manor Country Club is over 30 years old and this modification will meet the required health and safety codes of Montgomery County, Maryland.

"Please note that all other conditions set in the original special exception remain the same. ..."

Based on the foregoing information, the Board is of the opinion that Mr. Molinaro's request represents a minor modification to the special exception and can be granted without changing the nature, character or intensity of the use of the property, nor changing the effect on traffic or 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 Board of Appeals for Montgomery County, Maryland, that Case No. CBA-1658, Petition of Manor Country Club, Inc., shall be and hereby is re-opened to receive the following exhibits: Mr. Molinaro's letter dated November 28, 1989 and a set of plans containing seven (7) pages showing the proposed pool renovation; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Manor Country Club may renovate its pool as set forth in Mr. Molinaro's letter and in accordance with the pool renovation plans entered in the record.

All terms and conditions of the original special exception and any modifications thereto shall remain in full force and effect.

The subject property contains 179.101 acres, Manor Park Subdivision, located at 14901 Carrolton Road, Rockville, Maryland.

The foregoing Resolution was proposed by Judith B. Heimann, Chairman, and concurred in by Howard Jenkins, Jr., Helen R. Strang and K. Lindsay Raufaste, who constitute the current members of the Board.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 12th day of December, 1989.


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.

Case No. 1658

PETITION OF MANOR COUNTRY CLUB, INC.
(Hearing held October 22, 1964)

OPINION OF THE BOARD

This proceeding is on a petition for a special exception under Section 104-29(n) of the Zoning Ordinance (Chap. 104, Mont. Co. Code 1960, as amended) to permit additions to the club house and bath house facilities of an existing country club. The subject property contains 179.101 acres located in Manor Park on Georgia Avenue, Rockville, Maryland in an R-R Zone. The Board of Appeals has granted previous special exceptions to this petitioner in Cases Nos. 668, 497 and 1585.

The applicant testified that they propose to enlarge the existing club house to provide much needed additional facilities. The proposed construction will be architecturally compatible with the existing structure. The applicant stated that they propose to erect a new bath house in the general location of the existing Teen Pavilion and to remodel the existing bath house facilities and to construct a wing on the existing bath house to house a tennis shop. The applicant stated further that while the proposed construction will reduce existing parking by approximately 12 spaces, the existing parking facilities are well in excess of the minimum set forth in the Ordinance.

There were no items requiring detailed discussion by the Board.

Accordingly, the special exception, as requested, is hereby granted.

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. Page F. Hopkins, Chairman, and concurred in by Mrs. Elaine Lady, and Mr. Bernard D. Gladhill. Messrs. J. Hodge Smith, and Henry J. Noyes, Vice-Chairman, were necessarily absent from the hearing and did not participate 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 2nd day of November, 1964.

Patricia R. Frank
Clerk to the Board

NOTE: Please see Section 104-24(c) of the Ordinance regarding the 12-months' period within which the right granted by the Board must be exercised.

This opinion sent to all persons who received notice of the hearing.