

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
Stella B. Werner Council Office Building
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Rockville, Maryland 20850
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IN THE MATTER OF:
JOSÉ AND NELSY POLANCO
D/B/A TREEMAN, INC.
Applicant

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OZAH Case No. CU 24-09
BOA Variance No. A-6834

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ERRATA TO HEARING EXAMINER’S REPORT AND DECISION

On April 5, 2024, the Hearing Examiner issued a Report and Decision approving a conditional use for a Landscape Contractor under Section 59.3.5.5 of the Montgomery County Zoning Ordinance. The subject property is identified as 2230 Spencerville Road, Spencerville, Maryland 20868, Parcel P319 (Tax Account No. 05-00263833). Exhibit 1.

The Hearing Examiner issues this Errata to correct errors and to clarify her recommendation to the Board of Appeals regarding the recommended grant of the requested variances. The changes to the report and recommendation are as follows:

1. On page 26 of the Report, the Hearing Examiner strikes the following sentence.

~~The variance requested related to the setbacks are granted by the Hearing Examiner in Section IV. of this Report and Decision~~

2. On page 27 of the Report in the Conclusion, the Hearing Examiner strikes the following sentence.

~~For reasons set forth below in Section IV. the Hearing Examiner grants the requested variances from the 50-foot requirement.~~

3. On page 40 of the Report, in Subsection d., Conclusion, the Hearing Examiner revises the following sentence to include the words “should”, “be” and “they” as follows:

In addition, **should** the variances **be** granted **they** will be in harmony with the general purpose, intent and spirit of the Zoning Ordinance.

4. On Page 42 of the Report in Part V., the Hearing Examiner adds the following condition to the Conditional Use approval.

11. The grant of this conditional use is subject to the Board of Appeals granting Variance A-6834.

5. On page 42 of the Report in Part V., the Hearing Examiner revises the beginning of the following sentence as follows:

FURTHER regarding the variance application (A-6834) **is the Hearing Examiner recommends ~~granted~~ granting** as shown on Exhibit 15 and set forth below:

This correction does not affect the Hearing Examiner's recommendation in the case.

Issued this 5th day of April, 2024.



Kathleen E. Byrne
Hearing Examiner

COPIES TO:

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