

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

www.montgomerycountymd.gov/content/council/boa/board.asp

Case Nos.: S-2659 and S-2660

**PETITION OF JEFFREY B. WALCOFF, D.V.M. AND
SHEILA DEARYBURY WALCOFF**

OPINION OF THE BOARD

(Opinion Adopted January 10, 2007 and January 17, 2007)
(Effective Date of Opinion: February 1, 2007)

Case Nos. S-2659 and S-2660 are applications for special exceptions for a Veterinary Hospital and Animal Boarding Place, pursuant to Sections 59-G-2.32 and 59-G-2.02 of the Zoning Ordinance. The Hearing Examiner for Montgomery County held a hearing on the applications on September 25, 2006, closed the record on December 26, 2006, and on December 28, 2006, issued a Report and Recommendation for approval of the special exceptions.

The subject property is located at, 22414 and 22416 Frederick Road, Clarksburg, Maryland, 20871, in the R-200 Zone.

Decision of the Board: **Special Exceptions Granted Subject
To Conditions Enumerated Below.**

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on January 10, 2007. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation, and grants the special exception. On January 17, 2007, the Board re-opened the record to amend the conditions of approval to include Condition No. 18, which establishes a Community Liaison Council. Therefore, on motions by Wendell M. Holloway, seconded by Caryn L. Hines, with Catherine G. Titus and Allison Ishihara Fultz, Chair in agreement and Donna L. Barron necessarily absent; and by Caryn L. Hines, seconded by Donna L. Barron, with Wendell M. Holloway, Catherine G. Titus and Allison Ishihara Fultz, Chair in agreement:

**Exhibit 7
S-2659-A**

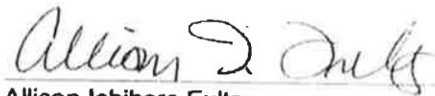
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that Case Nos. S-2659 and S-2660, Petitions of Jeffrey B. Walcoff and Sheila Dearybury Walcoff are **granted**, subject to the following conditions:

1. The Petitioners shall be bound by all of their testimony and exhibits of record, and by the testimony of their witnesses and representations of counsel identified in the Hearing Examiner's Report and Recommendation and in the Opinion of the Board.
2. The hours when the facility is open to the public for drop-off and pick up of animals will be limited to 7:00 a.m. to 8 p.m., Monday through Friday, and 7:00 a.m. to 1:00 p.m. on Saturday. Animals may be seen at the veterinary hospital by appointment only, except in emergency situations. This facility is not an after-hours emergency facility, and after-hour calls (except those relating to an animal already in the care of this facility), shall be referred to an emergency clinic. The facility will be staffed after office hours solely to accommodate emergency situations for animals already in care of the facility and to provide care for the animals who must remain overnight for medical purposes and for those being boarded. Scheduled appointment hours may not begin until 9:00 a.m., Monday through Saturday. Monday through Friday, appointments may continue until 7:00 p.m., and the facility will close at 8:00 p.m. On Saturdays, appointments may continue till 12:00 noon, and the facility will close at 1:00 p.m. A written or computer log of all appointments, drop-in and emergency client activities must be kept, and be available for inspection by County authorities. Petitioners must also submit a yearly activities report to the Board of Appeals.
3. The animal boarding facility is limited to forty-nine (49) animals on site at any one time, and the total of dogs 35 lbs. and over will be limited to twenty-three (23) at any one time. The actual number of kenneled animals is expected to be well below 49, except on holidays.
4. No outdoor exercising of animals is permitted on or off site, nor may animals be walked outdoors to relieve themselves. Animals may be walked on a leash within the enclosed area labeled "Dog Walking Area" on the revised site and landscape plan (Exhibit 52(a)), and that should be restricted to daylight hours except in emergencies or when humanitarian considerations require it.
5. The proposed facilities must be designed and constructed in a manner that will insure noise levels within County standards, not to exceed 40 dBA within 10 feet of the facility. On weekdays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 8 a.m. to 6 p.m. and 50 dBA between the hours of 6 p.m. to 8 a.m. On Saturdays, Sundays, and federal holidays, the sound at the nearest receiving property line must not

exceed 60 dBA between the hours of 9 a.m. to 6 p.m. and 50 dBA between 6 p.m. and 9 a.m. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.

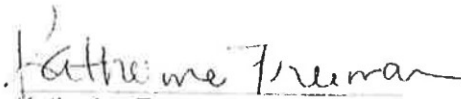
6. All litter and animal waste must be contained and controlled on the site.
7. Any accessory operation, such as grooming or the sale of pet food must be limited as an accessory activity to a percentage of sales not to exceed 20%. Goods for sale at this facility will be limited to prescription medicine and prescription pet food.
8. Petitioner shall be limited to a maximum of ten (10) staff (including all veterinarians, support staff and interns) on site at any one time, provided that the number of veterinarians on site at any one time shall not exceed three (3). Kennel staff are expected to come in three times a day on Sundays to walk the animals, as well as to feed, clean, and give them medicine, if needed. The number of staff for the boarding facility will be determined by the number of kenneled animals, generally one for every 10 animals, but at no time shall kennel staff, combined with all other staff on site, exceed the 10 staff limit.
9. Petitioner must provide 17 parking spaces (including one that is van accessible), as shown on the revised site and landscape plan.
10. The parking lot screening fence shown on the revised site and landscape plan (Exhibit 52(a)), shall be constructed out of wood, not brick or plastic, in accordance with the wishes of the neighbors living across Maryland Route 355. It should be a board-on-board fence with vegetation in front of it, as shown on Exhibit 52(a).
11. Lighting on site must be arranged such that there is no light exceeding 0.1 foot candles at the side and rear property lines, as shown on Exhibit 38(h). The pole-mounted lights in the parking lot must be turned off when the facility is not open, except as required for safety.
12. Petitioners may erect a sign in front of their facility, but must first obtain a permit for such sign from the Department of Permitting Services (and if necessary, a sign variance), and copies of that sign permit and any sign variance must be filed with the Board of Appeals.
13. Petitioner must comply with all applicable Federal, State and local regulations regarding safe storage and use of any x-ray equipment on the site.

14. 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.
15. Petitioners shall comply with the terms of approved forest conservation, water quality and stormwater management plans, and shall establish and maintain a forest conservation easement in the area shown on the revised site and landscape plan (Exhibit 52(a)).
16. The adequacy of public facilities must be determined by the Planning Board at the time of subdivision review in this case. Therefore, subdivision approval is a condition of these special exceptions.
17. Petitioners shall coordinate with the adjacent John Wesley United Methodist Church (Rocky Hill Church) to allow the latter access to the Petitioners' property for maintenance of cemetery markers and grounds immediately surrounding the markers. Petitioners shall take no action that would be detrimental to the condition of the cemetery markers or the area immediately surrounding the markers.
18. The special exception holder must establish a Community Liaison Council whose membership shall include adjacent and confronting property owners and representatives from local citizens' associations. The People's Counsel shall be an ex officio member of the Committee. The Committee shall meet twice a year and meetings shall be arranged and noticed by the Petitioner.



Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 1st day of February, 2007.



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.

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**Case No Nos. S-2659 and S-2660
PETITION OF JEFFREY B. WALCOFF, D.V.M. AND
SHEILA DEARYBURY WALCOFF**

**RESOLUTION TO DISMISS PUBLIC HEARING, REINSTATE MODIFICATION,
AND GRANT ADDITIONAL MODIFICATION
(Resolution Adopted November 8, 2017)
(Effective Date of Resolution: November 16, 2017)**

Case Nos. S-2659 and S-2660 were granted to Jeffrey B. Walcoff and Sheila Dearybury Walcoff, on February 1, 2007, pursuant to Sections 59-G-2.32 and 59-G-2.02 of the Zoning Ordinance (2004), to permit a veterinary hospital and an animal boarding place. Effective February 27, 2009, the Board granted a modification to these special exceptions to permit certain site, landscaping and architectural changes. Effective July 20, 2017, the Board granted an administrative modification to allow to changes to the hospital's hours of operation, staffing, and level of animal care so that it could operate as an emergency veterinary clinic outside of regular hours and on weekends. After receiving a timely request for a public hearing regarding its July 20, 2017, Resolution from Ms. Cecile Foreman, Trustees Chairperson, Community of Faith United Methodist Church, and Rev. Dr. Samuel Holdbrook-Smith, Pastor-Teacher, Community of Faith United Methodist Church, the Board suspended its July 20, 2017, modification in a Resolution dated September 22, 2017, and scheduled a public hearing for November 8, 2017.

The subject property is located at 22414 and 22416 Frederick Road, Clarksburg, Maryland, 20871, in the R-200 Zone.

The Board of Appeals has received subsequent correspondence from Ms. Foreman, dated October 31, 2017, indicating that in a meeting with Dr. Walcoff, he had agreed to accept the Church's request that he install a fence between the Church's property and the parking lot which serves the veterinary hospital, and that in light of this, the Church wishes to withdraw the request for a public hearing. The Board has also received subsequent correspondence dated November 2, 2017, from Jody L. Kline, Esquire, on behalf of the special exception holders, indicating that Dr. Walcoff had met with representatives of the Church subsequent

Exhibit No. 111

to receiving notice of their request for a public hearing, that the Church would feel more comfortable with the modification if a fence were installed between the properties, and that Dr. Walcoff has agreed to install a 153-foot run of three-rail, white vinyl fence between the Church's property and the parking lot servicing the veterinary hospital. Mr. Kline's letter further indicates that the Church has agreed that the installation and continued maintenance of this fence would address their concerns. Mr. Kline requests that the installation of the proposed fence, in the location shown on the aerial photograph attached to his November 2, 2017, letter, be included as part of Dr. Walcoff's administrative modification request.

The Board of Appeals considered the correspondence from Ms. Foreman and Mr. Kline at its Worksession on November 8, 2017. The Board finds that the withdrawal of the request for a public hearing ends that proceeding. With respect to the request that the underlying special exception be amended to allow fencing between the Church property and the special exception parking lot, the Board notes that because Case Nos. S-2659 and S-2660 were approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this request must be reviewed under the standards and procedures in effect on October 29, 2014 unless the Petitioner elects to proceed under the current Zoning Ordinance. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance (2014) 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 installation of the fence requested by the Church and described above, in the location between the Church property and the special exception parking lot that is indicated on the aerial photograph submitted with Mr. Kline's letter, will not 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 Edwin S. Rosado, Vice Chair, with John H. Pentecost, Chair, and Katherine Freeman in agreement, and with Bruce Goldensohn necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case Nos. S-2659 and S-2660, Petition of Jeffrey B. Walcoff D.V.M. and Sheila Dearybury Walcoff, is re-opened to receive the October 31, 2017, correspondence from Ms. Foreman, and the November 2, 2017, correspondence from Mr. Kline, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exceptions to allow the installation of the proposed fence, as described above, is granted; and

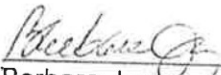
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the administrative modification of Case Nos. S-2659 and S-2660, dated July 20, 2017, is **reinstated**; and

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 16th day of November, 2017.



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 Nos. S-2659 and S-2660
PETITION OF JEFFREY B. WALCOFF, D.V.M. AND
SHEILA DEARYBURY WALCOFF**

NOTICE OF HEARING ON ADMINISTRATIVE MODIFICATION

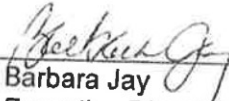
The Board of Appeals has received a timely request from Mrs. Cecile Foreman and Rev. Dr. Samuel Holdbrook-Smith for a public hearing on the administrative modification granted in the above-captioned case on July 20, 2017. The Board has suspended the modification.

Please take notice that the Board of Appeals for Montgomery County, Maryland, will hold a public hearing, in the Stella B. Werner Council Office Building Second Floor Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland, **on Wednesday, the 8th day of November, 2017, at 9:30 a.m.**, to determine whether the administrative modification that the Board granted in Case Nos. S-2659 and S-2660, effective July 20, 2017, substantially changes the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood.

Notices forwarded this 22nd day of September, 2017 to:

Jeffrey B. Walcoff, D.V.M., and Sherry Dearybury Walcoff
Jody L. Kline, Esquire
Cecile Foreman
Rev. Dr. Samuel Holdbrook-Smith
Charles Frederick, Esquire, Associate County Attorney
Washington Suburban Sanitary Commission
State Highway Administration
County Board of Education
Contiguous and confronting property owners
Local Citizens Associations

County Board of Appeals

by 
Barbara Jay
Executive Director

All parties who make submissions, after an initial filing, in Special Exception, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purpose of this requirement, a party includes: (1) Counsel of record who have formally entered their appearance; (2) Any person to whom the Board of Appeals has granted Intervener status; and (3) The Applicant, Petitioner or Appellant in the case.

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties. Effective September 6, 2002, failure to supply such written certification will result in refusal of the submission.

Case files are available for public review at the office of the Board of Appeals, Monday through Friday, 8:30 a.m. – 4:00 p.m.

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**Case No Nos. S-2659 and S-2660
PETITION OF JEFFREY B. WALCOFF, D.V.M. AND
SHEILA DEARYBURY WALCOFF**

**RESOLUTION TO SUSPEND ADMINISTRATIVE MODIFICATION
AND HOLD HEARING**

(Resolution Adopted September 6, 2017)
(Effective Date of Resolution: September 22, 2017)

Case Nos. S-2659 and S-2660 were granted to Jeffrey B. Walcoff and Sheila Dearybury Walcoff, on February 1, 2007, pursuant to Sections 59-G-2.32 and 59-G-2.02 of the Zoning Ordinance (2004), to permit a veterinary hospital and an animal boarding place. Effective February 27, 2009, the Board granted a modification to these special exceptions to permit certain site, landscaping and architectural changes. Effective July 20, 2017, the Board granted an administrative modification to allow to changes to the hospital's hours of operation, staffing, and level of animal care so that it could operate as an emergency veterinary clinic outside of regular hours and on weekends.

The subject property is located at 22414 and 22416 Frederick Road, Clarksburg, Maryland, 20871, in the R-200 Zone.

The Board has received a timely request for a public hearing regarding its July 20, 2017, Resolution in Case Nos. S-2659 and S-2660 from Mrs. Cecile Foreman, Trustees Chairperson, Community of Faith United Methodist Church, and Rev. Dr. Samuel Holdbrook-Smith, Pastor-Teacher, Community of Faith United Methodist Church.

The Board of Appeals considered the correspondence from Mrs. Foreman and Rev. Dr. Holdbrook-Smith at its Worksession on September 6, 2017. Jody L. Kline, Esquire, appeared at the Worksession on behalf of special exception holders Jeffrey B. Walcoff and Sheila Dearybury Walcoff.

Because Case Nos. S-2659 and S-2660 were approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this request must be reviewed under the standards and procedures in effect on October 29, 2014 unless the Petitioner elects to proceed under the current Zoning Ordinance. Section 59-G-1.3(c)(1) of the

Montgomery County Zoning Ordinance (2004) provides that when the Board of Appeals grants an administrative modification, "any party may request a public hearing on the Board's action," and that "If a request for a hearing is received, the Board must suspend its decision and conduct a public hearing to consider the action taken."

The Board finds that the request for a public hearing on this administrative modification is timely, and a public hearing must be held. Therefore, on a motion by Stanley B. Boyd, seconded by Bruce Goldensohn, with Carolyn J. Shawaker, Chair, John H. Pentecost, Vice Chair, and Edwin S. Rosado in agreement, the Board suspends the administrative modification granted July 20, 2017. The Board will hold a public hearing to determine whether the modification substantially changes the nature, character or intensity of the special exception use, or its effect on traffic or on the immediate neighborhood.

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.



Carolyn J. Shawaker, Chair
Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 22nd day of September, 2017.



Barbara Jay
Executive Director

NOTE:

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 Nos. S-2659 and S-2660

**PETITION OF JEFFREY B. WALCOFF, D.V.M. AND
SHEILA DEARYBURY WALCOFF**

RESOLUTION TO MODIFY SPECIAL EXCEPTIONS

(Resolution Adopted July 12, 2017)

(Effective Date of Resolution: July 20, 2017)

The Board of Appeals granted Case Nos. S-2659 and S-2660 to Jeffrey B. Walcoff and Sheila Dearybury Walcoff, on February 1, 2007, pursuant to Sections 59-G-2.32 and 59-G-2.02 of the Zoning Ordinance, to permit a veterinary hospital and an animal boarding place. Effective February 27, 2009, the Board granted a modification to these special exceptions to permit certain site, landscaping and architectural changes.

The subject property is located at 22414 and 22416 Frederick Road, Clarksburg, Maryland, 20871, in the R-200 Zone.

The Board of Appeals has received a letter with attachments, dated June 13, 2017, from Jody S. Kline, Esquire, on behalf of Jeffrey B. Walcoff, D.V.M. and Sheila Dearybury Walcoff (the Petitioners), who own and operate Bennett Creek Animal Hospital, located at 22416 Frederick Road. See Exhibit 104. On behalf of the Petitioners, Mr. Kline requests an administrative modification of the special exceptions to amend the Hospital's hours of operation and level of animal care. Specifically, Mr. Kline requests that the Hospital be permitted to operate as an emergency veterinary clinic outside of regular hours and on weekends, as follows:

Dr. Walcoff proposes to implement this program so that emergency care can be provided at Bennett Creek Animal Hospital outside of regular hours and on weekends. That is, "walk in" emergency visits could occur all day long. The day time veterinary practice would continue as originally approved by the Board in 2007 with hours of Monday – Friday, 7:00 a.m. – 8:00 p.m., and Saturday, 7:00 a.m. – 1:00 p.m. With the new hours, Dr.

Walcoff will also provide emergency animal care treatment after scheduled hours and on the weekends.

This proposed change in operations does not require any physical change to the existing Hospital building. Dr. Walcoff already had in place all of the space and equipment needed to provide emergency care for small animals.

In this setting, Dr. Walcoff estimates that an emergency veterinary practice would typically see one to ten cases per evening. Accordingly, staffing can be relatively light. Dr. Walcoff anticipates having a staff of up to four (4) persons for an eleven hour shift (8:00 p.m. – 7:00 a.m.) each day comprised of one (1) veterinarian and up to three (3) technicians, one of whom would also function as a receptionist, to handle emergency calls. In addition, the practice would be open for emergency visits beginning on Saturday at 1:00 p.m. and extending until Monday at 7:00 a.m.

Mr. Kline's letter goes on to explain that "the volume of emergency visits – likely less than one per hour – is well below the activity experienced during the daytime." His letter describes the area surrounding the Hospital as having one single family residence abutting the Hospital property, to the south and rear of the veterinary clinic building, with a forest conservation easement between the two properties. His letter further indicates that the subject property "is surrounded on three sides by institutional uses: to the north, John Wesley Church (not occupied in the evenings); to the south and west, Rocky Hill Middle School (not generally occupied in the evening); and to the east, the tennis courts for the Middle School." Finally, Mr. Kline notes in his letter that "[t]he only place where single family residences are located, where nighttime activity at the veterinary hospital could be observed, are four (4) houses on the east side of Frederick Road (Route 355) some 275 feet away from the front of the Hospital building," that nighttime operations will not entail any lights that are not already used for security purposes, and that the additional nighttime visits to the Hospital "will be indistinguishable from the traffic already existing on Maryland Route 355, a major highway." See Exhibit 104.

The Board of Appeals considered Mr. Kline's correspondence at its Worksession on July 12, 2017. Because Case Nos. S-2659 and 2660 were 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 Montgomery County Zoning Ordinance (2014) 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, in light of the projected usage level of one (1) to ten (10) emergency visits per night, that the outward impact of the proposed expansion of hours, with attendant staff, to accommodate emergency veterinary care is minimal and will not 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 Bruce Goldensohn, seconded by Edwin S. Rosado, with John H. Pentecost, Vice Chair, and Stanley B. Boyd in agreement, and with Carolyn J. Shawaker, Chair, necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case Nos. S-2659 and S-2660, Petition of Jeffrey B. Walcoff D.V.M. and Sheila Dearybury Walcoff, is re-opened to receive Jody Kline's correspondence, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exceptions, as described above and in Exhibit 104, is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that Condition No. 2 of the Board's February 1, 2007, Opinion granting these special exceptions is amended to read as follows:

2. a. The hours when the facility is open to the public for drop-off and pick up of animals will be limited to 7:00 a.m. to 8:00 p.m., Monday through Friday, and 7:00 a.m. to 1:00 p.m. on Saturday. Animals may be seen at the veterinary hospital by appointment only, except in emergency situations. Scheduled appointment hours may not begin until 9:00 a.m., Monday through Saturday. Monday through Friday, appointments may continue until 7:00 p.m., and the facility will close, except for emergencies, at 8:00 p.m. On Saturdays, appointments may continue until 12:00 noon, and the facility will close, except for emergencies, at 1:00 p.m.

b. This facility may operate at all other times of the day as an emergency veterinary facility (i.e. between the hours of 8:00 p.m. and 7:00 a.m., Monday evenings through Saturday mornings, and between the hours of 1:00 p.m. Saturday afternoons until 7:00 a.m. Monday mornings).

c. A written or computer log of all appointments, drop-in, and emergency client activities must be kept, and be available for inspection by County authorities. Petitioners must also submit a yearly activities report to the Board of Appeals.


and;

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that Condition No. 8 of the Board's February 1, 2007, Opinion granting this special exception is amended to read as follows:

8. Petitioner shall be limited to a maximum of ten (10) staff (including all veterinarians, support staff and interns) on site at any one time, provided that the number of veterinarians on site at any one time shall not exceed three (3). During the hours when this facility is serving as an emergency veterinary facility, it may be staffed by up to four persons (exclusive of kennel staff), at least one of whom shall be a veterinarian. Kennel staff are expected to come in three times a day on Sundays to walk the animals, as well as to feed, clean, and give them medicine, if needed. The number of staff for the boarding facility will be determined by the number of kenneled animals, generally one for every 10 animals, but at no time shall kennel staff, combined with all other staff on site, exceed the 10 staff limit.

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, Vice Chair
Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 20th day of July, 2017.



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.