

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
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CU 24-08, Rippling Brook Nature Preschool & Summer Camp
19900 New Hampshire Avenue

NOTICE OF WITHDRAWAL OF CONDITIONAL USE APPLICATION

BACKGROUND

On October 16, 2023, Jody Kline, Esq. filed an application for a conditional use on behalf of the Applicant, Rippling Brook Nature Preschool and Summer Camp seeking to operate private educational institution at 19900 New Hampshire Avenue, Bristow, Maryland (Exhibit 1). The property is identified as Parcel 273, Tax Account Number 08-00705713. OZAH scheduled a public hearing for March 12, 2024.

In November OZAH received several emails and calls regarding the application. Subsequent to those calls, OZAH received a request to postpone the hearing from the March 12, 2024 date and reschedule it over a period of two days. The hearing was then rescheduled to April 29 and 30, 2024.

On or about March 8, 2024, the Applicant's attorney filed a Motion to Amend the conditional use application and submitted an updated conditional use site plan copying David Brown, the attorney representing those in opposition to the application. Exhibits 25 and 26. On or about March 20, 2024, Planning Department staff indicated that the April hearing dates may no longer work for the Application and that the matter would need to be rescheduled. On March 28, 2024, Mr. David Brown entered his appearance on behalf Michele Albornoz, Patuxent Watershed Protective Association and Brighton Knolls Neighbors, a group of 72 homeowners. Exhibit 27. On or about March 28, 2024, OZAH staff spoke with the Applicant's attorney who indicated the matter would need to be rescheduled. The matter was taken off the OZAH calendar for April 29 and 30, 2024 and marked as pending.

On May 7, 2024, the Applicant's attorney submitted to the Hearing Examiner a request to withdraw the conditional use application.

Withdrawal of a Conditional Use Application

Withdrawal of a conditional use application is governed by 2014 Zoning Ordinance Section 59.7.3.1.D.4 , which provides:

4. Withdrawal of Application

The Hearing Examiner or the Hearing Examiner's designee must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a conditional use.

Application CU 24-08 is therefore withdrawn, per this Notice.

ACTION

Therefore, it is, this 23rd day of May, 2024, ORDERED that:

1. Notice be hereby given, per Zoning Ordinance Section 59.7.3.1.D.4., that Application CU-24-08, *Rippling Brook Nature Preschool & Summer Camp*, for a conditional use to allow a private educational facility at the property known as at 19900 New Hampshire Ave, in Bristow, Maryland, has been withdrawn.



Kathleen E. Byrne
Hearing Examiner and Director
Office of Zoning and Administrative Hearings

Copy of Notice and Order forwarded this 23rd day of May, 2024, to:

Jody Kline, Esq., Attorney for the Applicant

David Brown, Esq., Attorney for the Opposition

All parties of record

Abutting and confronting property owners (or a condominium's council of unit owners, if applicable)

Any municipality within a half mile of the site

Registered Civic, Homeowners and Renters Associations within a half mile of the site

Mark Beall, Planning Department

Barbara Jay, Executive Director

Montgomery County Board of Appeals

Victor Salazar, Department of Permitting Services

Greg Nichols, Manager, SPES at DPS

Michael Coveyou, Director, Finance Department

Elana Robinson, Esquire, Associate County Attorney