

**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 No. S-2467-A

PETITION OF HOLTON ARMS SCHOOL

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted November 4, 2009)

(Effective Date of Resolution: March 19, 2010)

The Board of Appeals has received a letter, dated October 22, 2009, from Elsie L. Reid, Esquire, on behalf of The Holton Arms School. Ms. Reid requests administrative modification of the special exception to allow extension of the hours of operation of the Holton's Child Development Center (CDC) by one-half hour, from 5:00 p.m. to 5:30 p.m., Monday through Friday. Ms. Reid explains that this additional time will allow faculty and staff whose children are enrolled in the CDC to attend meetings and conferences that are scheduled at the end of the school day.

The Board of Appeals granted Case No. S-2467 to the Holton Arms School on August 8, 2002 to permit the expansion and relocation of an existing child day care facility for 15 children. Effective March 23, 2004, the Board granted Case No. S-2467-A, a modification of the special exception to permit an increase in the day care enrollment to 20 children, with permission for children from other specified schools fill up to 12 slots if they are not filled by children of Holton faculty and staff. By Resolution dated June 16, 2005, the Board accepted a letter from Ms. Reid requesting that grandchildren of faculty at Holton Arms be allowed to enroll in the day care program. In a Resolution dated November 1, 2006, the Board approved an extension of the of the CDC hours of operation from 4:00 p.m. until 5:00 p.m. on Fridays.

The subject property is Lot N-624, Parcel 2, and Part of Lots 6 and 7, Outlot A, Block B, Burning Tree Valley Subdivision, located at 7303 River Road, Bethesda, Maryland, in the R-90 and R-200 Zones.

The Board of Appeals considered Ms. Reid's letter at its Worksession on November 4, 2009. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:

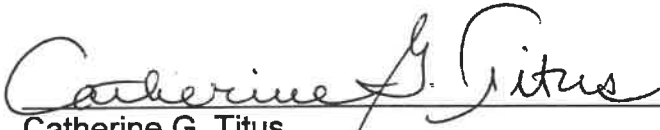
If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board, without convening a public hearing to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

The Board finds that the extension of the CDC's hours of operation by one-half hour will not substantially change the nature, character or intensity of the use or its the effect on traffic or on the immediate neighborhood. Therefore, on a motion by Stanley B. Boyd, seconded by Walter S. Booth, with Carolyn J. Shawaker, David K. Perdue, Vice-Chair and Catherine G. Titus, Chair, in agreement:

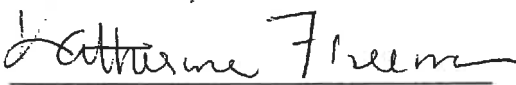
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-2467-A is re-opened to receive Elsie Reid's letter dated October 22, 2009; and

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 19th day of March, 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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Case No. CBA-1174-D

Case No. S-2503-A

Case No. S-2467-A

PETITIONS OF HOLTON ARMS SCHOOL

**RESOLUTION TO ADOPT HEARING EXAMINER'S REPORT AND
RECOMMENDATION AND TO REQUIRE AN ADDITIONAL TRAFFIC STUDY
ACCORDING TO REVISED CONDITION NO. 5**

(Resolution Adopted November 29, 2006)

(Effective Date of Resolution: January 5, 2007)

In an opinion dated March 23, 2004, the Board of Appeals approved modifications to the above captioned special exceptions, subject to conditions including the following:

5. Petitioner shall conduct a traffic study, as follows:

In May 2005, the Petitioner will submit a traffic study to the Board of Appeals and the Transportation Planning staff of the Maryland-National Capital Park & Planning Commission, after consultation with the Bradley Boulevard Citizens Association (BBCA), the Burning Tree Civic Association (BTCA), and the Office of the People's Counsel (OPC) as to the parameters of the traffic study. Copies of the study shall be provided to the BBBCA, BTCA, and the OPC. In accordance with Section 59-G-2.19(b), the traffic study will evaluate the traffic generated by the increased enrollment and by the After-Hours/Non-School activities in combination with all other approved activities on the special exception site, including any adverse effects on pedestrian and vehicular traffic safety, capacity, queuing and turning movements arising from the River Road, Holton-Arms and Royal Dominion intersection. Upon receipt of the analysis and comments of the Transportation Planning staff and other interested parties, the Board of Appeals may conduct a public hearing to discuss the study and the analysis and comments of the Transportation Planning staff. Should the Board of Appeals determine that there has been an adverse traffic impact due to the modified uses, then the Board may, after a public hearing, amend the conditions of approval for the modified uses approved by this

Opinion; however, every effort will be made to avoid any reduction in enrollment from the approved level of 665.

On June 29, 2005, Petitioners consultant, Gorove/Slade submitted a traffic study, which is Exhibit 81 in the record of the case. Transportation Planning staff of the Maryland National Capital Park and Planning Commission (MNCPPC) had approved of the parameters of the traffic study. At its January 10, 2006 Worksession, the Board of Appeals considered the traffic study, as presented by Martin Klauber, Peoples' Counsel, together with the concerns expressed by the Bradley Boulevard Citizens Association and the Burning Tree Civic Association, that the parameters of the study were too narrow. In a Resolution effective March 15, 2006, the Board of Appeals referred the matter to the Hearing Examiner to hold a public hearing to review the adequacy of the traffic study in satisfaction of Condition No. 5, and to address the following specific questions:

1. Transportation Planning staff's opinion as to whether the Gorove/Slade Traffic Analysis submitted by Holton Arms [Exhibit No. 81, Attachment 6] satisfies Condition No. 5 of the Board's March 23, 2004 opinion or whether the parameters of the Gorove/Slade Traffic Analysis must be revised to satisfy Condition No. 5;
2. More detailed findings to support its analysis of the Gorove Slade Traffic Analysis [Exhibit No. 81, Attachment 11];
3. Whether the Beech Tree/River Road and Burdette/River Road intersections should be added to the traffic analysis; and
4. As a general issue, do trip generation rates above the LATR thresholds constitute a non-inherent adverse effect, and at what point would additional mitigation be necessary?

The Hearing Examiner held a hearing on September 25, 2006, closed the record in the case on 3, 2006, and on November 9, 2006 issued a Report and Recommendation, stating that Condition No. 5 has been too narrowly interpreted by the Petitioner and MNCPPC Transportation Planning Staff. The Hearing Examiner recommends that the Board direct the Petitioner to "conduct another traffic study to determine whether traffic generated by Holton Arms has changed as a result of the modifications to enrollment and programs (including after/hours programs) so as to adversely affect the community. He further recommends that the study "should not be limited to the Holton intersection, but should extend to the surrounding intersections and roadways, to determine if increases in Holton enrollment and activities have produce traffic that adversely impacts them. It should also not be limited to use of the CLV method approved for measuring road and intersectional capacity, but should include other methodologies, such as intersection delay analysis." He recommends a revised Condition No. 5, as follows:

5. Petitioner shall conduct a traffic study, as follows:

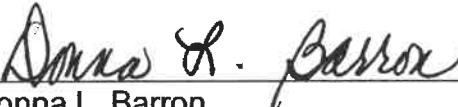
No later than February 28, 2007, the Petitioner will submit a traffic study to the Board of Appeals and the Transportation Planning staff of the Maryland-National Capital Park & Planning Commission, after consultation with the Bradley Boulevard Citizens Association (BBCA), the Burning Tree Civic Association (BTCA), the Office of the People's Counsel (OPC) and Transportation Planning staff as to the parameters of the traffic study. Copies of the study shall be provided to the BBBCA, BTCA, and the OPC. In accordance with Section 59-G-2.19(b), the traffic study will evaluate the traffic generated by the increased enrollment and by the After-Hours/Non-School activities in combination with all other approved activities on the special exception site, including any adverse effects on pedestrian and vehicular traffic safety, capacity, queuing, delays and turning movements arising from Holton generated traffic at all affected intersections and roadways. Upon receipt of the analysis and comments of the Transportation Planning staff and other interested parties, the Board of Appeals may conduct a public hearing to discuss the study and the analysis and comments of the Transportation Planning staff. Should the Board of Appeals determine that there has been an adverse traffic impact due to the modified uses, then the Board may, after a public hearing, amend the conditions of approval for the modified uses approved in its March 23, 2004 Opinion and Resolution; however, every effort will be made to avoid any reduction in enrollment from the approved level of 665.

The subject property is Lot N-624, Parcel 2, and Part of Lots 6 and 7, Outlot A, Block B, Burning Tree Valley Subdivision, located at 7303 River Road, Bethesda, Maryland, in the R-90 and R-200 Zones.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on November 29, 2006. The Board also had before it a request from Elsie L. Reid, Esquire and Megan Wallace, Esquire, on behalf of Holton Arms, to present oral argument on the Hearing Examiner's Report and Recommendation. The Board finds the Report and Recommendation thorough and persuasive as to the need for an additional traffic study with revised parameters. However, the Board amends the recommended condition to require submission of the study by no later than **June 1, 2007**. Therefore, on a motion by Catherine G. Titus, seconded by Wendell M. Holloway, with Caryn L. Hines and Donna L. Barron, Vice-Chair in agreement, and Allison Ishihara Fultz, Chair necessarily absent:

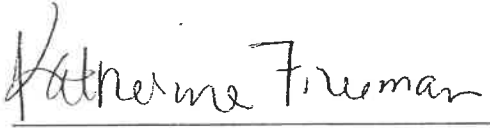
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that Holton Arms School's request for oral argument on the Hearing Examiner's Report and Recommendation of November 9, 2006 is denied; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the Board adopts the Report and Recommendation and directs Holton Arms to conduct another traffic study as described therein, and adopts the Hearing Examiner's revised Condition No. 5 amended to reflect that the new traffic study shall be submitted no later than June 1, 2007.



Donna L. Barron
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 5th day of January, 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. S-2467-A

PETITION OF HOLTON ARMS SCHOOL

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted September 13, 2006)

(Effective Date of Resolution: November 1, 2006)

The Board of Appeals has received a letter, dated August 18, 2006, from Elsie L. Reid, Esquire, on behalf of The Holton Arms School. Ms. Reid requests administrative modification of the special exception to allow extension of the Hours of Operation of the Holton Arms Child Development Center from 4 p.m. to 5 p.m. on Fridays. This will harmonize the hours of operation of the Center with the hours of operation for the school. The Board of Appeals granted Case No. S-2467 to the Holton Arms School on August 8, 2002 to permit the expansion and relocation of an existing child day care facility for 15 children. Effective March 23, 2004, the Board granted Case No. S-2467-A, a modification of the special exception to permit an increase in the day care enrollment to 20 children, with permission for children from other specified schools fill up to 12 slots if they are not filled by children of Holton faculty and staff. By Resolution dated June 16, 2005, the Board accepted a letter from Ms. Reid requesting that grandchildren of faculty at Holton Arms be allowed to enroll in the day care program.

The subject property is Lot N-624, Parcel 2, and Part of Lots 6 and 7, Outlot A, Block B, Burning Tree Valley Subdivision, located at 7303 River Road, Bethesda, Maryland, in the R-90 and R-200 Zones.

The Board of Appeals considered Ms. Reid's letter at its Worksession on September 13, 2006. 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,

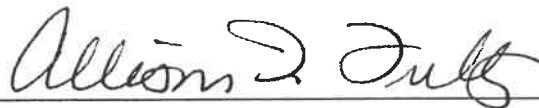
without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that extended the hours of operation of the Child Development Center by one hour on Fridays will not substantially change the nature, character or intensity of the use and or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by Donna L. Barron, seconded by Wendell M. Holloway, with Angelo M. Caputo and Allison Ishihara Fultz, Chair in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-2467-A is re-opened to receive Elsie L. Reid's letter dated August 18, 2006, with attachments, as Exhibit Nos. 68(a) and (b); and

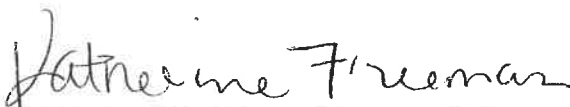
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception is **granted**; and

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.



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 November, 2006.



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.

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Case No. S-2467-A

PETITION OF HOLTON ARMS SCHOOL

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted March 8, 2006)

(Effective Date of Resolution: June 13, 2006)

The Board of Appeals has received a letter, dated February 22, 2006, from Elsie L. Reid, Esquire, on behalf of The Holton Arms School. Ms. Reid requests administrative modification of the captioned special exception to permit one additional staff member, for a total of six, to accommodate an anticipated increase in the number of children under the age of 15 months at the center. She states that this enrollment increase will not exceed the 20 child enrollment cap. Ms. Reid requests modification of the first bullet point in Condition No. 7 of the Board of Appeals March 23, 2004 opinion, to change "five full time staff members" to "six full time staff members." Ms. Reid encloses a letter from the Bradley Boulevard Citizens Association, on behalf of itself and the Burning Tree Civic Association.

The Board of Appeals granted Case No. S-2467 to the Holton Arms School on August 8, 2002 to permit the expansion and relocation of an existing child day care facility for 15 children. Effective March 23, 2004, the Board granted a modification of the special exception to permit an increase in the day care enrollment to 20 children, with permission for children from other specified schools fill up to 12 slots if they are not filled by children of Holton faculty and staff. By Resolution dated June 16, 2005, the Board accepted a letter from Ms. Reid requesting that grandchildren of faculty at Holton Arms be allowed to enroll in the day care program.

The Board of Appeals considered the modification request at its Worksession on March 8, 2006. 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 an increase of one faculty member for the child care facility will not substantially change the nature, character or intensity of the use and or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by Angelo M. Caputo, seconded by Caryn L. Hines, with Wendell M. Holloway and Donna L. Barron, Vice Chair in agreement, and Allison Ishihara Fultz, Chair necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-2467-A, Petition of The Holton Arms School, is re-opened to receive Elsie L. Reid's letter of February 22, 2006, with attachments; 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.



Donna L. Barron

Vice Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 13th day of June, 2006.



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.

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Case No. S-2467-A

PETITION OF HOLTON ARMS SCHOOL

RESOLUTION TO RE-OPEN THE RECORD

(Resolution Adopted May 4, 2005)

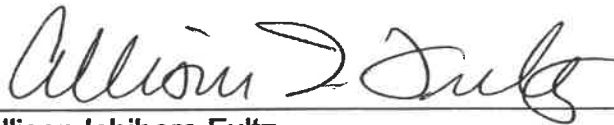
(Effective Date of Resolution: June 16, 2005)

The Board of Appeals has received a letter, dated April 5, 2005, from Elsie L. Reid, Esquire, on behalf of Holton Arms School. Ms. Reid writes to inform the Board that some faculty would like to enroll their grandchildren in the childcare program run by the School, beginning September, 2005. The children would travel to and from the School, with their grandparents. Ms. Reid encloses a letter from Linda Kauskay, President of the Bradley Boulevard Citizens' Association, which states that the Association does not oppose the attendance of these children to the childcare program. The Board of Appeals granted Case No. S-2467 to Holton Arms School on August 8, 2000, to permit a child daycare facility. Effective March 23, 2004, the Board granted Case No. S-2467-A to modify the special exception to permit increase in the enrollment of the facility from 15 to 20, with permission to fill empty enrollment slots, up to 12, with children from schools other than Holton.

The subject property is Lot N-624, Parcel 2, and Part of Lots 6 and 7, Outlot A, Block B, Burning Tree Valley Subdivision, located at 7303 River Road, Bethesda, Maryland, in the R-90 and R-200 Zones.

The Board of Appeals considered Ms. Reid's letter at its Worksession on May 4, 2005. The Board finds that the request falls within the parameters of the special exception, and that, since the children will travel to and from the school with faculty, it will have no traffic impact. Therefore, on a motion by Wendell M. Holloway, seconded by Louise L. Mayer, with Angelo M. Caputo and Allison Ishihara Fultz, Chair in agreement and Donna L. Barron necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-2467-A, Petition of Holton Arms School, is re-opened to receive Elsie L. Reid's letter dated April 5, 2005.



Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 16th day of June, 2005.



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.

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Case No. CBA-1174-D, S-2467-A, S-2503

PETITION OF HOLTON-ARMS SCHOOL

OPINION OF THE BOARD

(Effective Date of Opinion: March 23, 2004)

Case No. CBA-1174-D is an application for a special exception modification to permit continuation of existing after-school programs, initiation of other after-school programs, and an increase in the permitted general enrollment of the school from 650 to 665, with the possible addition of another 5 students if circumstances warrant.

Case No. S-2467-A is an application for a special exception modification to permit increase in day care enrollment from 15 to 20, with permission to have children of other specified schools fill up to 12 slots if they are not filled by children of Holton faculty and staff.

Case No. S-2503-A is an application for a special exception modification to permit an increase in enrollment of the summer camp from 650 to 665.

The Board of Appeals consolidated the cases and, pursuant to the authority in Section 59-A-4.125 of the Zoning Ordinance, referred the cases to the Hearing Examiner for Montgomery County to conduct a public hearing and submit a Report and Recommendation. The Hearing Examiner convened a public hearing on November 14, 2003, which was continued on November 25, 2003, closed the record on December 5, 2003, and on January 9, 2004, issued a Report and Recommendation for approval of the requested modifications, subject to conditions.

Decision of the Board:

Special Exception Modifications Granted
Subject to Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on January 21, 2004. After careful consideration and a review of the record, the Board adopts the Report and Recommendation and **grants** the requested modifications subject to the following 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.
2. All terms and conditions of the approved special exceptions shall remain in full force and effect, except as modified by the Board of Appeals.
3. Petitioner will continue to use its best efforts to obtain State approval for extension of the left-turn storage lane on eastbound River Road at the intersection with the Holton-Arms entrance and Royal Dominion Drive.
4. Petitioner's Transportation Management Plan, Exhibit E to Exhibit 180 in Case No. CBA-1 174-C, should be amended, as follows:

Insert as item I(C)(3):

It is expected that students under the age of 16 residing with a member of the faculty or staff will travel with that faculty or staff member to and from school.

Insert the following as Section IV:

Holton's Director of Special Events, or other designated staff member, will maintain a Master Calendar to ensure that activities approved by the Board of Appeals as additional uses of the campus (for example, college preparatory classes, Center of the Arts activities, recreational programs, and uses of the theatre) are scheduled in such a manner as to avoid traffic movements during the School's arrival and departure times to the extent reasonably possible. The Director of Special Events, or other designated staff member, will ensure there is sufficient parking for the scheduled activities. At no time will events or activities be scheduled that will overburden the School's ability to manage the anticipated traffic and to contain all parking on-site.

5. Petitioner shall conduct a traffic study, as follows:

In May 2005, the Petitioner will submit a traffic study to the Board of Appeals and the Transportation Planning staff of the Maryland-National Capital Park & Planning Commission, after consultation with the Bradley

Boulevard Citizens Association (BBCA), the Burning Tree Civic Association (BTCA), and the Office of the People's Counsel (OPC) as to the parameters of the traffic study. Copies of the study shall be provided to the BBCA, BTCA, and the OPC. In accordance with Section 59-G-2.19(b), the traffic study will evaluate the traffic generated by the increased enrollment and by the After-Hours/Non-School activities in combination with all other approved activities on the special exception site, including any adverse effects on pedestrian and vehicular traffic safety, capacity, queuing and turning movements arising from the River Road, Holton-Arms and Royal Dominion intersection. Upon receipt of the analysis and comments of the Transportation Planning staff and other interested parties, the Board of Appeals may conduct a public hearing to discuss the study and the analysis and comments of the Transportation Planning staff. Should the Board of Appeals determine that there has been an adverse traffic impact due to the modified uses, then the Board may, after a public hearing, amend the conditions of approval for the modified uses approved by this Opinion; however, every effort will be made to avoid any reduction in enrollment from the approved level of 665.

6. Petitioner's enrollment cap is increased to 665, but on rare occasions Petitioner may admit up to five additional students on the following conditions:

- Admission request received outside regular admissions process which is January-April of preceding school year.
- Student must be academically eligible.
- Any student admitted pursuant to this provision will be included in the enrollment cap in future years.
- Holton-Arms must have available classroom space and faculty to accommodate student without adding any new personnel.
- Holton-Arms will report in its Annual Report (September) its enrollment figures for the academic year just ended, including the number of students admitted outside the regular admissions process in excess of 665 students.

7. Petitioner may increase the number of children in its day care program to 20 under the following conditions:

- Enrollment capped at 20 children, ages 6 weeks to 5 years, supervised by five full-time staff members and additional student volunteers.
- Enrollment priority given to Holton-Arms Faculty/Staff.
- Open to Faculty/Staff of Burning Tree Elementary, Primary Day, Landon and Norwood Schools in order to form suitable classes for children of Holton-Arms faculty and staff.

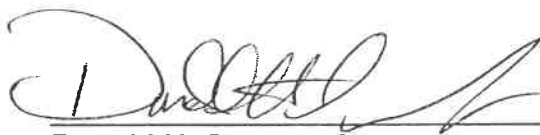
- Academic calendar only (September to June).
- Hours: 7:30 a.m. until 5 p.m. weekdays, and 4 p.m. on Fridays. No weekends.
- Holton-Arms will include, in its Annual Report to be filed in connection with the school's special exception case (Case No. CBA-I 174), enrollment data for the child day care facility, identifying the number of non-Holton children, if any, enrolled in the program for the year just ended as well as the total number of children afforded care during that same year.
- Non-Holton faculty/staff children will not exceed twelve.

8. Petitioner may increase the number of children in its summer camp to match the number of children in its approved regular enrollment, capped at 665 children under these approved modifications.

9. Petitioner may conduct the after-school and miscellaneous activities specified in the attached Exhibits 25c-1 through 25c-7, as amended, in accordance with the conditions specified in the last column of each of those exhibits.

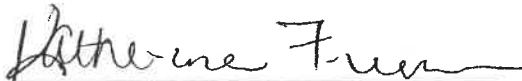
On a motion by Donna L. Barron seconded by Louise L. Mayer, with Angelo M. Caputo, Allison Ishihara Fultz and Donald H. Spence, Jr., Chairman in agreement, the Board adopted the following Resolution:

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.



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 23rd day of March, 2004.



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

(240) 777-6600

Case No. S-2467

PETITION OF HOLTON ARMS SCHOOL

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted March 12, 2014)

(Effective Date of Resolution: April 11, 2014)

Case No. S-2467 is a special exception granted August 8, 2002, pursuant to Section 59-G-2.13.1 (Child Day Care Facility) of the Montgomery County Zoning Ordinance, to permit a child care facility for the benefit of Holton Arms School faculty and staff. Effective March 23, 2004, the Board granted Case No. S-2467-A, a major modification of the special exception. Subsequently, the Board has granted several administrative modifications to allow changes to the hours and staffing of the special exception.

The subject property is Lot N-624, Parcel 2, and Part of Lots 6 and 7, Outlot A, Block B, Burning Tree Valley Subdivision, located at 7303 River Road, Bethesda, Maryland, 20817, in the R-90 and R-200 Zones.

The Board of Appeals has received a letter, dated March 6, 2014, from Elsie L. Reid, Esquire, on behalf of the Holton Arms School. Ms. Reid requests administrative modification of the special exception to allow an increase in enrollment at the child care center to 31 children, and to allow an increase in staffing to 10 full time staff positions. In addition, Ms. Reid requests an extension of the regular hours of operation for the center until 6:30 p.m., and permission to offer childcare to Holton faculty on evenings during the school year when there are major school events. Ms. Reid anticipates that such evening care would occur no more than seven to eight times per year.

In support of the request Ms. Reid states that the number of trips generated by the requested increases would fall within the approved overall enrollment for the Holton Arms School which has an approved enrollment of 665 students, but which is currently enrolled at 641, with next year's enrollment anticipated to be lower. Ms. Reid clarifies that the requested increase in enrollees will not increase the number of children allowed to be enrolled from schools outside Holton. Ms. Reid states that the arrival of center

staff "will largely be outside school peak traffic hours," and that "There is adequate parking on site for the additional staff." Ms. Reid reports that Holton discussed the requested modification with representatives of the Bradley Boulevard Citizens' Association and the Burning Tree Civic Association and that both groups have said they do not object to the modification.

The Board of Appeals considered the modification request at its Worksession on March 12, 2014. 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 requested modification will not cause significant additional activity or traffic impact, and therefore will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood.

On a motion by Stanley B. Boyd, seconded by Carolyn J. Shawaker, with John H. Pentecost and David K. Perdue, Vice-Chair, in agreement and Catherine G. Titus, Chair, necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-2467-A is re-opened to receive Elsie Reid's letter dated March 6, 2014; and

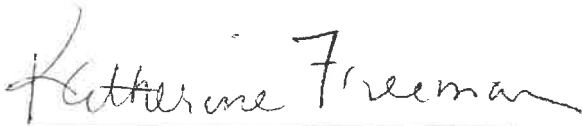
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception is **granted**; and

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.



David K. Perdue
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 11th day of April, 2014.

A handwritten signature in cursive script that reads "Katherine Freeman". The signature is written in dark ink and is positioned above a horizontal line.

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.

**BOARD OF APPEALS
for
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RESOLUTION TO REFER CASES TO HEARING EXAMINER

(Resolution Adopted September 10, 2003)

(Effective Date of Resolution: September 16, 2003)

The Board of Appeals for Montgomery County has pending on its agenda the following cases:

Case No. CBA-1174-D, Petition of Holton-Arms School, Inc., scheduled for public hearing on November 19, 2003, at 1:30 p.m.;

Case No. CBA-1389-E, Petition of St. Andrews Episcopal School, scheduled for public hearing on November 5, 2003, at 1:30 p.m.;

Case No. CBA-2180-A, Petition of Johnson's Family Enterprises Limited Partnership, scheduled for public hearing on October 8, 2003, at 10:30 a.m.;

Case No. S-447-A, Petition of Darnestown Swim and Racquet Club, scheduled for public hearing on November 12, 2003, at 12:30 p.m.;

Case No. S-518-B, Petition of American Speech-Language-Hearing Association, scheduled for public hearing on October 8, 2003, at 1:30 p.m.;

Case No. S-2467-A, Petition of Holton-Arms School, Inc., scheduled for public hearing on November 19, 2003, at 1:30 p.m.;

Case No. S-2503-A, Petition of Holton-Arms School, Inc., scheduled for public hearing on November 19, 2003, at 1:30 p.m.;

Case No. S-2571 [A-5910], Petition of Brian R. Perry and Susie Perry-Tjan, scheduled for public hearing on October 15, 2003, at 1:30 p.m.;

Case No. S-2582, Petition of Sprint PCS/APC Realty and Equipment Company, and Potomac Conference Corporation of Seventh Day Adventists scheduled for public hearing on October 15, 2003, at 10:30 a.m.;

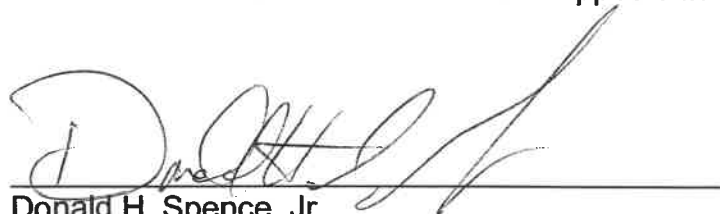
Case No. S-2585, Petition of Gertrud and Wolfgang J. Merger, scheduled for public hearing on October 8, 2003, at 10:30 a.m.;

Case No. S-2586, Petition of Dale Rubenstein, D.V.M. t/a 'A Cat Clinic' scheduled for public hearing on November 5, 2003 at 10:30 a.m.;


Case No. S-2587, Petition of Quarles Petroleum, Inc., scheduled for public hearing on November 11, 2003, at 10:30 a.m.;

The Board finds that its own agenda cannot reasonably accommodate all of the listed cases. Therefore,

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that, pursuant to the authority granted in Section 59-A-4.125 of the Montgomery County Zoning Ordinance, the Board refers the above-listed cases to the Hearing Examiner for Montgomery County to conduct the public hearing and render a written report and recommendation to the Board of Appeals in each case.


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 16th day of September, 2003.


Katherine Freeman
Executive Secretary to the Board

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
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(www.co.mo.md.us/council/board.html)

Case No. S-2467

PETITION OF HOLTON ARMS SCHOOL, INC.

OPINION OF THE BOARD

(Public Hearing Held June 12, 2002)
(Effective Date of Opinion: August 8, 2002)

Case No. S-2467 is an application by the Holton Arms School, Inc. for a special exception pursuant to Section 59-G-2.13.1 (Child Day Care Facility) of the Montgomery County Zoning Ordinance to permit the expansion and relocation of the existing child day care facility for a maximum of 15 children. Pursuant to the provisions of Section 59-A-4.11 of the Zoning Ordinance, on June 12, 2002, the Board of Appeals held a public hearing on the application. Jody S. Kline, Esquire, appeared on behalf of the Holton Arms School. He called as witnesses Diana Coulton Beebe, Head of School at Holton Arms, and Leah Brixey, Director of the Lower School at Holton Arms. Martin Klauber, Esquire, Peoples' Counsel for Montgomery County also appeared. The Board received no correspondence or testimony in opposition to the application.

Decision of the Board: Special Exception **Granted**, subject to
conditions enumerated below.

EVIDENCE PRESENTED

1. Holton Arms seeks permission to operate its on-site day care facility for a maximum of 15 children in the "Brown House", which is located south of the Lower School wing adjacent to the site of a proposed recreation hall and activities building. The main floor of the building and the play area will be devoted to the day care use. The lower level of the house is an apartment for the school's security guard. [Exhibit Nos. 5, 17].
2. Enrollment in the day care program is limited to children of Holton Arms faculty and staff. The facility will operate with 4-5 staff members, and possibly some volunteers from among Holton Arms' students. [Exhibit No. 17(b)].

3. The facility will operate only during the months that school is in session. Hours of operation will be from 7:30 a.m. to 5:00 p.m. Monday – Thursday and from 7:30 a.m. to 4:00 p.m. on Friday. [Exhibit No. 3].

4. Maryland National Capital Park and Planning Commission (MNCPPC) technical staff evaluated the special exception request and recommend approval. Staff finds the proposed use consistent with the 1990 Bethesda Chevy Chase Master Plan. Staff notes that because the childcare facility will serve faculty and staff of the school, it will generate no additional traffic. Staff also analyzed the inherent and non-inherent adverse effects of the proposed use and find that all of its adverse effects will be inherent. [Exhibit No. 25].

FINDINGS OF THE BOARD

Sec. 59-G-1.2. Conditions for granting a special exception.

59-G-1.2.1. Standard for evaluation. A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

The Board interprets this section to require the following analysis. The Board must:

(1) Make a determination as to the general neighborhood affected by the proposed use.

(2) Establish those inherent, generic physical and operational characteristics associated with a given use, in this case a child daycare facility, to create an evaluation standard. The evaluation standard does not include the actual physical size and scale of operations of the use proposed.

(3) Determine separately the physical and operational characteristics of the

use proposed, in this case operation of an on-site child daycare facility for the children of faculty and staff of Holton Arms School.

(4) Compare the generic characteristics of the evaluation standard with the particular characteristics of the use proposed. Inherent adverse effects are those caused by characteristics of the use proposed consistent with the generic characteristics of the evaluation standard. Non-inherent adverse effects are those caused by characteristics of the use proposed that are not found in the evaluation standard.

Applying the above analysis to this case, the Board find as follows:

(1) The General Neighborhood

The Board adopts the definition of the neighborhood as adopted in the MNCPPC staff report. [Exhibit No. 9 and Exhibit No. 25, p. 3].

(2) Evaluation Standard - Physical and Operational Characteristics

The Board recognizes that Planning Board staff has, in previous cases, offered seven criteria to be used to establish the physical and operational characteristics of a use. Those are size, scale, scope, lighting, noise, traffic, and environment.

The Board finds that typical of a childcare facility in Montgomery County are outdoor play areas, parking and lighting. The Board finds that a certain degree of lighting for safety and security, traffic associated with drop off and pick up, and noise from children playing are to be expected. Hours of operation would generally be between 7 a.m. and 7 p.m. Finally, impacts on the environment, such as runoff from the building and the parking facility, may occur.

(3) Proposed Use Physical and Operational Characteristics.

The proposed childcare facility will serve children of faculty and staff of the school, and thus will generate no additional traffic. Enrollment is limited to fifteen children, creating moderate on-site activity or noise, which is buffered from neighboring properties by generous setbacks and vegetation. The nearest adjacent residence is approximately 200 feet away. [Exhibit No. 5.].

(4) Comparison of Characteristics.

(1) Inherent Adverse Effects.

After considering the generic characteristics of the use and comparing them with the physical and operational characteristics of the proposed use, the Board finds that, all of the physical and operational characteristics of the as proposed will be

inherent adverse effects.

(2) Non-Inherent Adverse Effects.

The Board finds that there are no non-inherent adverse effects associated with the proposal.

GENERAL STANDARDS

Section 59-G-1.21.

- (a) *A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:*

- (1) *Is a permissible special exception in the zone.*

Pursuant to Section 59-C-1.31 of the Zoning Ordinance, a Child Day Care Facility is permitted by special exception in the R-90 and R-200 Zones.

- (2) *Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.*

As detailed below, the use will be in compliance with the standards in Section 59-G-2.13.1.

- (3) *Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the commission. Any decision to grant or deny special exception must be consistent with any recommendation in an approved and adopted master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.*

The Board adopts MNCPPC staff's finding that the proposed Child Day Care Facility is consistent with the Bethesda Chevy Chase Master Plan.

- (4) *Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses.*

The proposed special exception will be in harmony with the general character of the neighborhood. Located on the campus of the existing school, it is well buffered from surrounding properties and will have a staff of no more than five, and an enrollment of no more than 15 children. It will generate no new traffic. No new structures are proposed.

- (5) *Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

Due to its setting and modest scope, the requested child care facility will have little impact on surrounding properties, and will not be detrimental to their use, peaceful enjoyment, economic value or development.

- (6) *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The child care facility will have none of these adverse effects.

- (7) *Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendation of a master or sector plan do not alter the nature of an area.*

The child care facility will be located on the campus of and will be well subordinate to the existing private educational institution which exists by special exception.

- (8) *Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The Board finds that the proposed child day care facility will have none of these adverse effects.

- (9) *Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer public roads, storm drainage and other public facilities.*

The subject site is served by adequate public facilities.

- (i) *If the special exception use requires approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.*

No preliminary plan of subdivision is required.

- (ii) *With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.*

The requested special exception will rely on existing and proposed access road, drives and sidewalks connected with the school. It will introduce no new traffic and will have no detrimental effect on the safety of vehicular or pedestrian traffic.

SPECIFIC STANDARDS

Section 59-G-2.13.1 Child day care facility

- (a) *The Hearing examiner may approve a child day care facility for a maximum of 30 children if:*

- (1) *a plan is submitted showing the location of all buildings and structures, parking spaces, driveways, loading and unloading areas, play areas and other uses on the site;*

The applicant has submitted a site plan showing all of the required information. [Exhibit No. 5].

- (2) *parking is provided in accordance with the Parking Regulations of Article 59-E*

The Board adopts staff's findings that based upon the proposed size of the facility and number of staff, the required number of parking spaces is eight, and that a total of 20 spaces are available in the immediate vicinity of the proposed use [Exhibit No. 25, p. 8, Exhibit No. 5].

The number of parking spaces may be reduced by the Hearing Examiner if the applicant demonstrates that the full number of spaces required in Section 59-E-3.7 is not necessary because:

- (A) existing parking spaces are available on adjacent property or on the street abutting the site that will satisfy the number of spaces required; or*
- (B) a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;*

Not applicable.

- (3) an adequate area for the discharge and pick up of children is provided;*

The Board finds that the area for discharge and pick up of children is adequate [Exhibit Nos. 5, 24(a)-(g)].

- (4) the petitioner submits an affidavit that the petitioner will:*

- (A) comply with all applicable State and County requirements;*
- (B) correct any deficiencies found in any government inspection; and*
- (C) be bound by the affidavit as a condition of approval for this special exception; and*

The applicant has submitted the required Affidavit of Compliance [Exhibit No. 8].

- (5) the use is compatible with surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity. The hearing examiner may require landscaping and screening and the submission of a plan showing the location, height, caliper, species, and other characteristics, in order to provide a physical and aesthetic barrier to protect surrounding properties from any adverse impacts resulting from the use.*

The Board finds that the requested childcare facility will be compatible with surrounding uses. It will be located on the campus of the long-established

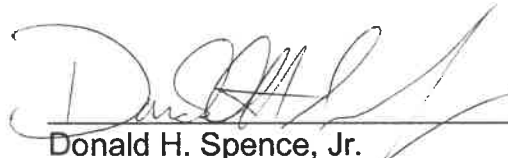
Holton Arms School and buffered from surrounding uses by generous setbacks and mature vegetation. As discussed above, because it serves only faculty and staff of the school, the childcare facility will generate no additional traffic.

Therefore, based upon the foregoing, the Board finds that the requested special exception for a childcare facility can be granted, subject to the following conditions:

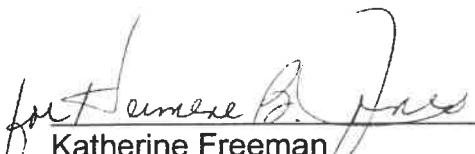
1. Petitioner shall be bound by its testimony and exhibits of record, the testimony of its witnesses and representations of its attorney, to the extent that such evidence and representations are identified in the Board's opinion granting the special exception.
2. Enrollment in the childcare facility will be limited to 15 children.
3. There will be a total of five staff members at the childcare facility.

On a motion by Donna L. Barron, seconded by Louise L. Mayer, with Angelo M. Caputo, Allison Ishihara Fultz and Donald H. Spence, Jr., Chairman, 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 case.


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 8th day of August, 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.

