



November 10, 2025

Forest Conservation Program Manager  
Maryland National Park & Planning Commission  
2425 Reddie Drive  
Wheaton, MD 20902

Re: Dash-In Food Store, Inc. - Filling Station, Car Wash, and Convenience Store  
**Final Forest Conservation Plan - Variance Request**

On behalf of the Wills Group ("Applicant"), we are requesting a variance of Section 22A-12.(b)(3)(c) of the Montgomery County Code.

*(3) The following tree, shrubs, plants, and specific areas are priority for retention and protection and must be left in an undisturbed condition unless the Planning Board or Planning Director, as appropriate, finds that the applicant qualifies for a variance under Section 22A-21:*

- (C) Any tree with a diameter, measured at 4.5 feet above the ground, of:*
- (i) 30 inches or more; or*
  - (ii) 75% or more of the diameter, measured at 4.5' above ground of the current State champion tree of that species.*

The Subject Property is zoned GR (General Retail) Zone that is 1.99-acre located at 15700 Shady Grove Road, Gaithersburg Maryland (the "Property"). The Applicant is seeking approval of a Conditional Use to establish a Filling Station, Carwash, and convenient store. As detailed herein, the proposed car wash and convenience store are permitted uses that do not require Conditional Use approval, and are included in this Report.

The Property fronts the North side of Shady Grove Road, near a major transportation corridor that connects I-270 to Shady Grove Road. The property does not contain any forest onsite, however there are several specimen trees located around the perimeter of the property.

The Property is classified in the GR-1.5, H-45 zone. Per Sec. 6.4.1.B of the Zoning Ordinance, the GR zone provides development opportunities adjacent to the County's most auto-dominated corridors and those areas with few alternative mobility options, with limited mixed-use and residential uses. The GR zone allows flexibility in building, circulation, and parking lot layout."

**Exhibit 18**  
**OZAH Case No: CU 26-04**

Within the GR Zone, convenience stores are permitted by right, car washes are allowed as limited uses, and fuel filling stations are subject to Conditional Use approval pursuant to Section 3.5.9 of the Montgomery County Zoning Ordinance. The proposed redevelopment complies with all applicable GR Zone development standards and is the type of use conceived for the GR zone, and the surrounding auto-dominated corridor of Shady Grove Road.

This Variance request is being submitted in support of the Final Forest Conservation Plan No. 20260360 which is part of a above mentioned Conditional Use application. As part of the redevelopment of Subject Property, the applicant is requesting a variance to affect the following tree that is measures 30” or greater in diameter at breast height (dbh).

Request to remove Removal the following Trees

TREE#	TREE TYPE	% DISTURBED	REASON	DISPOSITION
1	Pin Oak 30” dbh	45%	Grading required for construction of proposed drainage pipe, Car wash structure and stormwater management facility	To be disturbed

- Tree #1 - “Pin Oak” Good condition and is recommended for removal for construction of car wash and stormwater management facility.

Request to impact the critical root zone of the following trees

○

TREE#	TREE TYPE	% DISTURBED	REASON	DISPOSITION
4	Silver Maple 39” dbh	1%	Grading required for construction of proposed drainage pipe.	To be disturbed
6	Pin Oak 27” dbh	14%	Grading required for construction of driving way and proposed drainage pipe	To be disturbed
7	Tulip Poplar 30” dbh	10%	Grading required for construction of dumpster pad and proposed drainage pipe.	To be disturbed

- The following trees will have disturbances of low impact and it recommended that they remain until further guidance from the county.

Section 22A-21 (b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

***1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship:***

By way of background, the **2024 Great Seneca - Master Plan** recommends maintaining the Washingtonian Light Industrial Park as primarily industrial and recognizes two zones as “General Retail” currently consist of vendors such as bowling, car dealership, financial institution, and restaurants business. Due to this area’s classification, parks or public open spaces were not a priority for this particularly zoning. The Washingtonian Light Industrial park is 80% impervious surface and has less than 10% of tree canopy coverage. As a result, the lack of trees with high levels of impervious surfaces exacerbates both flooding and high heat weather events. In a heat mapping study conducted by the county, the Washingtonian Light Industrial Park shows the hottest afternoon temperatures in the Plan area with impervious surfaces from parking lots and large roads directly correlated with the higher temperatures.

The Master Plan recommends introducing more street trees and green cover through private redevelopment and roadway improvements that can filter and slow stormwater runoff, as well as provide more shade coverage for parking areas. On private property, developers need to provide 35% green cover of the total site, excluding existing forest cover can consist of the increased tree canopy, bioswales or landscape areas.

In accordance with the Master Plans recommendations mentioned above, the proposed development will include site design features such as landscape buffers, bioretention areas, and shade trees along the site perimeter and within parking islands to improve canopy coverage. The organization of buildings, canopies, and landscape areas provides an efficient and cohesive site design that reflects the operational needs of the hybrid fueling facility while enhancing the visual and functional character of this commercial corridor.

Removal of this specimen tree would allow the Applicant substantial use of the property and demonstrate an unwarranted hardship. The ability to provide a commercial development within this zone will provide substantial use of the property and surround auto demand in the Shady Grove area. Not allowing removal of this tree would deny the Applicant the ability to meet the goals of the Master Plan. If a Variance were to be denied, the Applicant would be deprived from developing the Property for a reasonable and significant use enjoyed by all other automotive owners in the community.

***2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas:***

The (4) impacted Specimen trees are located along the perimeter of the site, adjacent to areas where the future development is proposed and denial of the variance would keep the applicant from fulfilling the county's goal of creating more shared open space to be used by the community. The Applicate other proposed uses for the space consist of vacuum stations and car chargers for EV owners.

Not granting the variance would cause undue hardship on the applicant because development would be very limited or not possible, and therefore will deny the applicant ability to fully use the property. By denial of a Variance, it will deprive the landowner the significant and reasonable use on the property as allowed in the zone, and as shown in the Master Plan. Granting of the variance will ultimately allow the property to be developed in a safe and efficient manner as other property owners in the community.

The Applicant's development has been designed to ensure compatibility with the surrounding area and adjacent autocentric development. The Project seeks to establish a modern, high-quality Dash In hybrid fueling station on a site that has remained inactive for over a year. The proposed site design has been strategically designed to meet site constraints while ensuring safe and efficient vehicular and pedestrian circulation. The new Dash In facility will provide a vital service to nearby residents, workers, and travelers, while introducing EV charging capacity and significant landscape and environmental improvements. The proposal reflects a shift toward hybrid fueling models that accommodate both traditional and alternative vehicles.

In addition to the applicates goal to redevelop an abandon property that had closed May 2024. They seek to tackle another concern involving the current traffic circulation of Shady Grove Road. As Shady Grove Road is a major arterial that carries significant regional traffic between Gaithersburg, Rockville, and the I-270 Technology Corridor. As a result, the corridor experiences heavy daily vehicle volumes and serves as a critical node for commuter and commercial traffic. As it is currently situated the existing gas station adjacent to the proposed development has a short driving aisle that does not safely allow drivers to exist or enter the fueling area without holding up vehicular movement. On Shady Grove Road the right driving lane is a bottle neck for those who want to either use the fueling station or merge on I-270.

The proposed internal circulation network is redesigned around a single looped circulation pattern, allowing vehicles to access each use without reversing or crossing conflicting traffic movements. The fueling stations will be pushed further back off Shady Grove Road to allow cars to park in parking bay or wait appropriately off the road way free of obstructing traffic.

The strategic location of the Property, as the last site before the I-270 interchange, makes it an ideal candidate for redevelopment into a hybrid fueling station with EV charging and a high-quality convenience store with car wash.

***3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance:***

The variance will not violate state water quality standards or cause measurable degradation in water quality. All proposed land development activities in Montgomery County require Conceptual Storm Water Management Plan approval and detailed technical Sediment Control and Storm Water Management Plan approvals by Montgomery County Department of Permitting Services. A Storm Water Management Concept Plan will be approved by the Montgomery County Department of Permitting Service. The approval of these plans confirms that the SWM Concept Plan meets or exceeds all Montgomery County and State of Maryland storm water management regulations and water quality standards through the use of micro-bio filters and other similar treatment features and therefore verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur. In addition to providing state-of-the-art “Environmental Site Design” storm water management for a site that currently has virtually no storm water management and completely uncontrolled runoff, the proposed development will add significant stormwater management to the site while also reducing the existing uncontrolled overland flow on adjacent properties.

***4. Provide any other information appropriate to support the request:***

The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant has taken great care to locate development in the buildable area of the site while trying to maximize usage of existing utility lines and minimize disturbance to the significant and specimen trees. The Applicant intends to implement tree preservation measures, potentially including standard tree protection fencing, signage, root pruning, vertical mulching and fertilization to further aid in mitigating disturbance and protecting the existing offsite trees. This will be explored and identified as part of the Final Forest Conservation Plan included with the upcoming Site Plan. The applicant recognizes the value and need for mature trees and will give special attention to any construction work that may impact the critical root zones of specimen trees as noted above.

The Applicant believes that the information set forth above is adequate to justify the requested variance to remove one (1) specimen trees on the Subject Property. Furthermore, the Applicant's request for a variance complies with the "minimum criteria" of Section 22A-21 (d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the existing site conditions, including the random location of the specimen trees.

3. The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.
4. The impact to, or loss of the requested trees will not violate State water quality standards or cause measurable degradation in water quality.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

Kevin Foster, RLA, AICP