

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
[www.montgomerycountymd.gov/boa/](http://www.montgomerycountymd.gov/boa/)  
(240) 777-6600

**Case No. CBA-1206-G  
PETITION OF CONGRESSIONAL COUNTRY CLUB, INC.**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Resolution Adopted November 20, 2019)

(Effective Date of Resolution: December 10, 2019)

The Board of Appeals granted Case No. CBA-1206 to Congressional Country Club, Inc. on February 21, 1962, to permit the continued use and construction of additions to an existing country club. On December 21, 1990, the Board granted Case No. CBA-1206-A, to permit the construction of a building for the storage of golf carts. On May 25, 1994, the Board granted Case No. CBA-1206-B, to allow the construction of a single-family residence for the greens superintendent. Effective September 21, 1994, the Board granted Case No. CBA-1206-C, to allow expansion of both the indoor tennis and equipment storage buildings. On May 17, 1995, the Board granted an administrative modification of Case No. CBA-1206-C to allow installation of a storage building. On April 13, 1995, the Board granted Case No. CBA-1206-D to allow the remodeling and expansion of the existing clubhouse. On September 12, 2000, the Board granted Case No. CBA-1206-E, which permitted expansion and renovation of the tennis facility and pro shop and construction of a single family dwelling as the general manager's residence. In a resolution dated January 31, 2001, the Board amended its opinion in Case No. CBA-1206-E to change the requirement for an eight foot fence between the club and an adjacent residential property to a requirement for a six foot fence. Effective August 8, 2001, the Board granted Case No. CBA-1206-F to permit relocation of a previously approved tennis building. In a resolution effective November 6, 2003, the Board approved construction of a residence for college students involved in the club's 'greens and grounds' program, and the addition of restroom facilities to the driving range. On February 4, 2004, the Board reaffirmed the grant of its November 6, 2003, resolution, following a public hearing on that administrative modification request. Effective November 2, 2005, the Board approved the club's request to reverse the direction of the 18<sup>th</sup> hole on the Blue Course. Effective June 21, 2007, the Board approved Case No. CBA-1206-G to provide various upgrades and renovations to the club's facilities, and to add 20 employees. Effective May 1, 2009, the Board granted an administrative

modification of the special exception to permit changes to the plans submitted in Case No. CBA-1206-G, together with a number of changes to the approved Outdoor Swimming Complex and Clubhouse Addition Area, changes to the Clubhouse Addition Elevations, and renovation and expansion of an existing building north of the Main Clubhouse to serve as permanent office space for tournament-related staff and event organization. Effective May 21, 2015, the Board granted an administrative modification to allow a revised tennis viewing facility between the existing tennis barns; an expanded tennis clubhouse, with reorganized parking and circulation; and relocation of the platform tennis courts and warming hut to a location closer to the tennis clubhouse. Effective February 27, 2018, the Board granted an administrative modification to allow the expansion of an outdoor bar pavilion and a built-in food service station.

The subject property is Parcels 410, 600 and 909, located at 8500 River Road, Bethesda, Maryland, 20817 in the RE-2 and R-200 Zones.

The Board of Appeals has received a letter with attachments, dated October 31, 2019, from Jody S. Kline, Esquire, on behalf of Congressional Country Club. See Exhibits 52 and 52(a)-(e). Mr. Kline requests an administrative modification of the special exception to permit the construction and operation of what is described as a "training facility" or a "performance center." Mr. Kline notes that this will "allow for sheltered, weather protected golf lessons and indoor practice utilizing a) designated hitting bays, b) golf simulators and c) practice putting greens." See Exhibit 52(a). His letter describes the location of the proposed facility as follows:

The Training Facility building will be located in the northwest corner of the Club's 360.77 acre platted parcel of land fronting on River Road at its intersection with Bradley Boulevard. The footprint of the proposed building is shown as an overlay on an aerial photograph of that part of the Club's grounds that house Congressional's maintenance and storage buildings (Item #3 [Exhibit 52(c)]). The construction of the Training Facility will result in the removal of two existing structures and will result in the reorganization of this portion of the maintenance complex. A more specific locational plan for the Facility (Item #4 [Exhibit 52(d)]) is included with this submission showing what the reorganized Club grounds will look like.

Mr. Kline's letter described the proposed Training Facility as a one-story building with a lower level basement. He includes elevations and floor plans with

special exception approvals in this sector of the club's grounds have resulted in a thick belt of mature vegetation along these roadways," concluding that "the building and modest activity associated with the building will not be visible from any off-site locations or adjacent streets." See Exhibit 52(a). His letter further notes that the Club does not expect an effect on traffic from the proposed use since users of the facility will park in the main lots and travel to the Training Facility by golf cart, and accordingly that the proposed modification will not affect the operation of the nearby intersection. Finally, Mr. Kline states in his letter that the requested modification, if granted, "will not introduce any function or any training activity that Congressional does not already conduct," but will group these activities together in a single location, and that "the activity level at the training facility will not exceed what the Club already experiences but will be conducted now over a twelve-month period," with the maximum number of users at any time estimated to be between 2 and 36 members. See Exhibit 52(a).

The Board of Appeals considered the modification request at its Worksession on November 20, 2019. Mr. Kline appeared at the Worksession in support of the modification. He was accompanied by Mr. Epstein, Todd Parker, the construction manager for the Training Facility, and Jim Soltesz, the civil engineer for the Training Facility. At the Worksession, Mr. Kline explained that the Training Facility would be located 500 to 600 feet away from the nearest detached residence and that the Training Facility would not be visible anywhere from River Road or Bradley Boulevard. He noted that the Training Facility would be internally contained. Mr. Kline explained that the Training Facility would include two parking spaces but that no one would come to the facility from either River Road or Bradley Boulevard. He explained that the Training Facility would have accent lighting only and would be screened from the neighboring properties.

Also at the Worksession, Mr. Epstein stated that the Club is taking what currently goes on outside and ensuring that it can go on year round. He stated that the Club wants to bring the training and technology inside due to weather and to ensure that training occurs in a controlled environment. Mr. Epstein explained that the Training Facility would be for Club members and their guests only and would not be open to the public.

Because Case Nos. CBA-1206 – CBA-1206-G 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 (2004) 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.

Based on the record before it, the Board finds that the requested modification for the proposed Training Facility, as described and depicted herein and by Exhibits 52(a)-(h), will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. As indicated by Mr. Kline in his letter and at the Worksession, the requested modification serves to consolidate existing activities in a single location on the property, will not change membership numbers, will not be visible from off-site locations or adjacent streets, and will not impact traffic.

Therefore, on a motion by Bruce Goldensohn, Vice Chair, seconded by John H. Pentecost, Chair, with Katherine Freeman, Jon W. Cook, and Mary Gonzales in agreement:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-1206-G is re-opened to receive Mr. Kline's letters dated October 31, 2019, with attachments [Exhibits 52 and 52(a)-(i)]; 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.

  
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John H. Pentecost  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 10th day of December, 2019.

**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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(240) 777-6600

**Case No. CBA-1206-G  
PETITION OF CONGRESSIONAL COUNTRY CLUB, INC.**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Resolution Adopted April 8, 2020)

(Effective Date of Resolution: April 17, 2020)

The Board of Appeals granted Case No. CBA-1206 to Congressional Country Club, Inc. on February 21, 1962, to permit the continued use and construction of additions to an existing country club. On December 21, 1990, the Board granted Case No. CBA-1206-A, to permit the construction of a building for the storage of golf carts. On May 25, 1994, the Board granted Case No. CBA-1206-B, to allow the construction of a single-family residence for the greens superintendent. Effective September 21, 1994, the Board granted Case No. CBA-1206-C, to allow expansion of both the indoor tennis and equipment storage buildings. On May 17, 1995, the Board granted an administrative modification of Case No. CBA-1206-C to allow installation of a storage building. On April 13, 1995, the Board granted Case No. CBA-1206-D to allow the remodeling and expansion of the existing clubhouse. On September 12, 2000, the Board granted Case No. CBA-1206-E, which permitted expansion and renovation of the tennis facility and pro shop and construction of a single family dwelling as the general manager's residence. In a resolution dated January 31, 2001, the Board amended its opinion in Case No. CBA-1206-E to change the requirement for an eight foot fence between the club and an adjacent residential property to a requirement for a six foot fence. Effective August 8, 2001, the Board granted Case No. CBA-1206-F to permit relocation of a previously approved tennis building. In a resolution effective November 6, 2003, the Board approved construction of a residence for college students involved in the club's 'greens and grounds' program, and the addition of restroom facilities to the driving range. On February 4, 2004, the Board reaffirmed the grant of its November 6, 2003, resolution, following a public hearing on that administrative modification request. Effective November 2, 2005, the Board approved the club's request to reverse the direction of the 18<sup>th</sup> hole on the Blue Course. Effective June 21, 2007, the Board approved Case No. CBA-1206-G to provide various upgrades and renovations to the club's facilities, and to add 20 employees. Effective May 1, 2009, the Board granted an administrative

modification of the special exception to permit changes to the plans submitted in Case No. CBA-1206-G, together with a number of changes to the approved Outdoor Swimming Complex and Clubhouse Addition Area, changes to the Clubhouse Addition Elevations, and renovation and expansion of an existing building north of the Main Clubhouse to serve as permanent office space for tournament-related staff and event organization. Effective May 21, 2015, the Board granted an administrative modification to allow a revised tennis viewing facility between the existing tennis barns; an expanded tennis clubhouse, with reorganized parking and circulation; and relocation of the platform tennis courts and warming hut to a location closer to the tennis clubhouse. Effective February 27, 2018, the Board granted an administrative modification to allow the expansion of an outdoor bar pavilion and a built-in food service station. Effective December 10, 2019, the Board granted an administrative modification to allow the construction and operation of a "training facility" or a "performance center" for sheltered, weather protected golf lessons and indoor practice.

The subject property is Parcels 410, 600 and 909, located at 8500 River Road, Bethesda, Maryland, 20817 in the RE-2 and R-200 Zones.

The Board of Appeals has received a letter, with attachments, dated March 27, 2020, from Jody S. Kline, Esquire, on behalf of Congressional Country Club. See Exhibit 55. Mr. Kline's letter requests an administrative modification of the special exception to permit:

- "1. Five (5) parking spaces for golf bag drop off in a lay-by parallel to the main entrance driveway.
2. Reorganization of the golf cart parking area to contain 82 cart parking spaces.
3. Changes to the vehicle circulation pattern around the center island (with putting green) to facilitate traffic flow from the new lay-by area to the main entrance and on to the nearby parking lots.
4. Addition of proposed trees along the right side of the entrance driveway. (The species and planting specifications of the trees will be determined by the time the Board reviews and acts on this letter request and that information will be provided to the Board as soon as it is available).
5. The creation of landscaped berms to 'open and frame view to Clubhouse during arrival sequence.'" See Exhibit 55.

Mr. Kline's letter outlined the general location of the modifications of the special exception area, noting that the site plan changes would occur "in an area that will not be visible from any off-site locations, such as from River Road which abuts the entire northeastern boundary of the Club's property." See Exhibit 55. He included two aerial photographs, one showing a large portion of the Club's property where the proposed



modifications are outlined in red and one of the main entrance of the Club including the large lawn and putting green immediately in front of the Club's front door. See Exhibits 55(a) and (b). Mr. Kline's letter notes that the semi-circular vehicle pull-over area on the right-hand side of the Club's entrance driveway, where golfers drop off their golf bags, is only wide enough to accommodate one car, so that if one vehicle has a delay in unloading, any cars stacked behind it cannot maneuver around the stopped car to exit the drop-off lane. Mr. Kline's letter further explains that this modification also seeks to improve the operations at the starting tee of the Club's Gold Course, add more landscaping along the entrance driveway, and generally enhance the "arrival sequence" to the Clubhouse. He also included with his letter an attachment illustrating what the modification will look like when completed. See Exhibit 55(c). Mr. Kline's letter concludes "the changes explained in this letter a) do not substantially change the nature, character or intensity of the present use, b) do not substantially change the effect on traffic, and c) do not substantially change the effect on the immediate neighborhood." See Exhibit 55.

Due to COVID-19, the Board of Appeals considered the modification request at a remote Worksession on April 8, 2020. Mr. Kline appeared via Microsoft Teams at the Worksession in support of the modification. Also on Microsoft Teams was Peter Wendt, Director of Golf Courses and Grounds, Somer Cross with Miller, Miller, and Canby, and Jim Soltesz, the civil engineer for the Training Facility. At the Worksession, Mr. Kline explained that the area highlighted in red in Attachment A to his letter is the area of land disturbance, and that this area is not visible from any off-site location. See Exhibit 55(a). He explained that this modification request was strictly for the benefit of the Club. Mr. Kline explained that, in Attachment B to his letter, Club members pull into the "eyebrow" area of the entrance driveway, park, and then take their clubs to the starter shed immediately to the north. See Exhibit 55(b). He reiterated that because this drive lane is not wide enough to accommodate two cars, if someone in front stops, that car blocks all other cars. Mr. Kline explained that this was a problem for the efficient operation of the Club and that the Club needed to improve the efficiency of the drop-off function. Turning to Attachment C to his letter, Mr. Kline explained that the Club's solution to this problem was to get rid of the "eyebrow" drop-off and replace it with a straight lane with five parking spaces to eliminate backup. See Exhibit 55(c).

At the Worksession, Mr. Kline further explained that the large oval in the upper center of Attachment C depicted an existing curbline that the Club planned to shave back so that it protrudes less, and would create an island in the middle to encourage traffic flow and solve circulation problems. See Exhibit 55(c). Finally, he explained that the modification would upgrade the arrival sequence to the Club with new landscaping to open and frame the view to the Clubhouse and make the front door of the Clubhouse more visible.

Also at the Worksession, Mr. Wendt explained that this proposed modification gives the Club the ability to have members, on arrival, avoid having to pull in front of the Clubhouse. He explained that members would be able to drop their bags off and go right



into the parking lot, and that the modification would be a great improvement to the front entrance and help with the flow of traffic.

Because Case Nos. CBA-1206 – CBA-1206-G 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 (2004) 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.

Based on the record before it, the Board finds that the requested modifications, as described and depicted herein and by Exhibit 55, will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. As indicated by Mr. Kline in his letter and at the Worksession, the requested modification serves to improve the appearance of the front entrance and help with the flow of traffic for members dropping of their golf bags, will not change membership numbers, will not be visible from off-site locations or adjacent streets, and will not impact traffic.

Therefore, on a motion by John H. Pentecost, Chair, seconded by Member Katherine Freeman, with Bruce Goldensohn, Vice Chair, and Member Mary Gonzales in agreement:

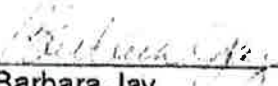
**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-1206-G is re-opened to receive Mr. Kline's letter dated March 27, 2020, with attachments [Exhibit 55]; and

**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.

  
John H. Pentecost  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 17th day of April, 2020.

  
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.

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The original of this drawing document was prepared by Soltesz, Inc. (SOLTESZ). This document was not obtained directly from SOLTESZ and/or it was transmitted electronically. SOLTESZ cannot guarantee that unauthorized changes and/or alterations were not made by others. If verification of the information contained herein is needed, contact should be made directly with SOLTESZ. SOLTESZ makes no warranties, express or implied, concerning the accuracy of any information that has been transmitted by electronic means.

PLANNING DEPARTMENT USE ONLY (E-PLANS)

PLANTINGS WITH ONE ROW OF TREES  
300 FT. @ 20' O.C.

SHEET 3  
SHEET 4

# Attachment C

SCALE: 1" = 200'

200 100 0 200 400

## LEGEND

\* CONSERVATION AND BEST MANAGEMENT PRACTICES TO BE FOLLOWED BY CONGRESSIONAL COUNTRY CLUB RELATIVE TO MAINTENANCE, REMOVAL AND/OR REPLACEMENT OF INDIVIDUAL AND SPECIFIED SPECIMEN TREES LOCATED ON THE CLUB'S PROPERTY ARE OUTLINED IN THE FOREST AND TREE MANAGEMENT PLAN AS AGREED BY THE CLUB AND MNCPPC.

### FOREST CONSERVATION NOTES:

- This plan meets the requirement and conditions of the Final Forest Conservation Plan approved on August 8, 2000 (CBA-1206-E2), as well as those of the amended Final Forest Conservation Plan approved on July 2007, April 2013, and July 2019.
- Only the portion of the property within the "Blue Course" is considered for this amendment.
- Seasonal mowing within a Category I Easement is permitted a maximum of two times per year, and up to 20' from the edge of the easement. No mowing is permitted in the portion of a Category I Easement which lies more than 20' from the edge.

### DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. CBA-1206, including, financial bonding forest planting, maintenance, and all other applicable agreements.

Developer's Name: Congressional Country Club  
Contact Person or Owner: Mark Giampolo  
Address: 8500 River Road, Bethesda, MD 20817  
Phone and Email: (301) 469-2000  
Signature: *Mark Giampolo*

---	BOUNDARY
---	LIMIT OF DISTURBANCE
---	STREAM
---	EXISTING CAT I EASEMENT
---	EXISTING CAT II EASEMENT
---	EASEMENTS TO BE REMOVED
---	EASEMENTS TO BE IMPACTED
---	PROPOSED CONTOUR
---	STREAM VALLEY BUFFER
---	100-YEAR FLOOD PLAIN
---	100-YEAR FLOOD PLAIN BUFFER
---	TREE SAVE FENCE
---	PROPOSED ROOT PRUNING LINE
---	EXISTING CART PATH
---	PROPOSED CART PATH
---	PROPOSED TREE PLANTING AREA FOR VARIANCE TREE REMOVAL MITIGATION
---	TEES
---	FAIRWAY NUMBERS
---	EXISTING SPECIMEN TREE WITH CRZ
---	TREE TO BE REMOVED
---	EXISTING, SIGNIFICANT & SPECIMEN TREE

## OVERALL FOREST CONSERVATION PLAN AMENDMENT AREA

CBA-1206  
FINAL FOREST CONSERVATION PLAN- AMENDMENT  
CONGRESSIONAL COUNTRY CLUB

10th ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND



Engineering  
Surveying  
Planning  
Environmental Sciences

ROCKVILLE OFFICE  
2 Research Place, Suite 100  
Rockville, MD 20850  
P. 301.946.2750 F. 301.948.9067

Rockville  
Lanham  
Waldorf  
Leonardtown  
Frederick  
Soltesz DC, LLC

NO.	REVISIONS	BY	DATE
1	DESIGNED: JUNE 2020		
2	TECHNICIAN: EO/NC		
3	CHECKED: DP		

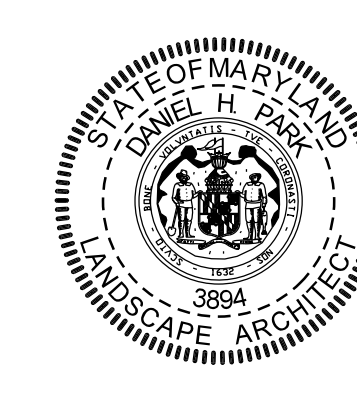
### MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

### OWNER/DEVELOPER/APPLICANT

CONGRESSIONAL COUNTRY CLUB  
8500 RIVER ROAD  
BETHESDA, MD 20817  
(301) 469-2000  
JEFFREY KREAFLE  
CEO/GENERAL MANAGER

MAP: 210NW09	GRID: F183
TAX MAP: F183	ZONING CATEGORY: RE-2
WISC 200 SHEET: 209, 210 & 211	DATE: NOV 08 & 09
SITE DATUM: NAD 83	DATE: 1991
HORIZONTAL: NAD 83	
VERTICAL: NAVD 88	



SHEET: 2	OF: 9
PROJECT NO: 3803-00-02	

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STRATEGIES FOR TODAY. INSIGHT FOR TOMORROW.

August, 2020

Area 1  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: Congressional Country Club Application CBA-1206  
Forest Conservation Plan Amendment – Request for Tree Variance  
SOLTESZ Project #3803-00-00

On behalf of the Applicant, Congressional Country Club, we are requesting tree variances pursuant to the provisions of Section 22A-21 of the Montgomery County Code for removal or significant impacts to specimen trees. The Applicant is proposing a Performance Center- located at southeast of the intersection of River Road (MD190) and Bradley Boulevard (MD191), modification to the Arrival area of the Clubhouse and approximately 500' of stream restoration on the subject property located at 8500 River Rd, Bethesda, Maryland.

## **I. APPLICANT'S PROPOSAL**

The Applicant's proposed changes to the approved Forest Conservation Plan are for modifications to Congressional Country Club's Performance Center, Arrival Area and partial stream restoration task. The proposal includes removal of existing Cat II forest easements, impact to Cat I along the stream and tree removal subject to the variance provision of the Forest Conservation Law.

## **II. EXPLANATION FOR NEED TO REMOVE THE TREES THAT IS IDENTIFIED IN STATE LAW FOR PROTECTION**

Special Exception CBA-1206 was originally approved in February 1962 and since has been amended. On July 18, 2019 Planning Board approved a major Forest Conservation Amendment to address the most recent renovation of the Blue Course up to PGA standards. For both Performance Center and the Arrival area modification, Board of Appeals adopted a resolution to verify the requested modification will not substantially change the nature, character or intensity of use nor it effects traffic on the immediate neighborhood.

The proposed disturbance of trees 30" DBH or greater (specimen trees) is being requested to allow the proposed Performance Center, modification of the existing maintenance and storage buildings, removal of two existing structures and reorganization of this portion of the maintenance complex. On the Arrival Area, the modification includes the realignment of the landscape islands and updated pedestrian oriented and golf cart circulation. The stream restoration task is to address the severe erosion of the stream banks along Fairway #11 and to restore the stream banks to a better condition.

The Performance Center will be located in the northwest corner of the club fronting River Rd and Bradley Blvd intersection. The area is currently housing the club's maintenance and storage buildings. The construction of the

training facility will remove two existing structures and will request for the reorganization of this portion of the maintenance complex resulting in change to the layout and paving areas. A sheltered facility was needed to bring the training and technology inside due to weather and ensure the training occurs in a controlled environment. Tree removals in this area is to accommodate this training facility known as Performance Center, and its associated site improvement.

As a result of improvements within the Arrival Area, one tree is being removed and mitigated in place. This tree was in a poor condition, along the entrance driveway and presented danger to the users. The MNCPPC Inspector was consulted for removal of this tree.

The improvement and stream restoration task impacts one specimen tree with exposed roots due to severe erosion along the banks.

The specimen trees which will be impacted by the proposed improvements and the subject of this variance request are shown on the Amended Forest Conservation Plan.

For reasons described in Sections III and IV below, the Applicant respectfully requests the removal of the variance trees listed, in order to provide required improvement throughout the site.

### **III. GENERAL DESCRIPTION AND JUSTIFICATION FOR TREES FOR WHICH A VARIANCE IS REQUESTED**

This Forest Conservation Plan variance request are for eight (8) on-site specimen trees to be removed being impacted by construction and demolition activities. The trees identified in this variance request for removal or CRZ impacts are shown on the Forest Conservation Plan. The trees to be removed are either located within the limits of disturbance, required to be removed due to hazardous condition, or the LOD impacts to their critical root zone are too large to expect tree survival.

#### **Trees for Removal**

##### **Cat II Easement #11:**

Contains 0.75 acres of forest conservation area. The entire easement area is requested to be removed due to Grading/Construction, consequential disturbances. Mitigation is provided for this easement.

The tree removal impacts in this easement include six (6) variance trees to be removed. Trees subject to this variance request include; **Tree #569** (38" Gingko biloba) in Fair condition, **Tree #570** (32" Black Walnut) in Fair condition, **Tree #574** (32" Tulip Tree), in Poor condition, **Tree #575** (39" White Cedar) in Good condition, **Tree #576** (42" Tulip Tree) in Very Poor condition, and **Tree #579** (46" Black Walnut) in Poor condition, all requested to be removed due to redevelopment of the Performance Center and the grading associated with it.

##### **Cat II Easement #2:**

Contains 0.38 acres of forest conservation area. 0.007 acres of this easement is requested to be removed. The tree removal impacts in this easement include one (1) variance trees to be removed. Trees subject to this variance request include; **Tree #700** (56" Southern Red Oak) in Poor condition, requested to be removed due to damaged condition and endangering the users.

##### **Cat I Easement #2:**



The tree removal impacts in this easement include one (1) variance trees to be removed. Trees subject to this variance request include; **Tree #685** (35" Tulip Poplar) in Good condition, requested to be removed due to impact from stream restoration work. The stream banks along this portion are severely eroded, exposing the roots and endangering the users as the trees leans toward the fairway.

Tree Removal								
Tree #	Common Name	Latin Name	DBH	CRZ	CRZ Impact	% CRZ Impact	Condition	Save/Remove
569	Maidenhair Tree	<i>Ginkgo biloba</i>	38	10202	4981	49%	Fair	Remove
570	Black Walnut	<i>Juglans nigra</i>	32	7235	2178	30%	Fair	Remove
574	Tulip Tree	<i>Liriodendron tulipifera</i>	32	7235	0	0%	Poor	Remove
575	Atlantic White Cedar	<i>Chamaecyparis thyoides</i>	39	10746	10746	100%	Good	Remove
576	Tulip Tree	<i>Liriodendron tulipifera</i>	42	12463	6528	52%	Very Poor	Remove
579	Black Walnut	<i>Juglans nigra</i>	46	14950	14950	100%	Poor	Remove
700	Southern Red Oak	<i>Quercus falcata</i>	56	22167	6167	28%	Poor	Remove
685	Tulip Poplar	<i>Liriodendron tulipifera</i>	35	10386	5400	52%	Good	Remove

## CRZ impacts

The Critical Root Zone (CRZ) of the three (3) trees listed here are being impacted by the construction activities and grading around the site, all are less than 30% with a very good chance of survival. **Tree 694, Tree 695, Tree 699** are shown to be impacted by 1-2% and all expected to survive the construction activity impacts.

Tree #	Common Name	Latin Name	DBH	CRZ	CRZ Impact	% CRZ Impact	Condition	Save/Remove
694	Northern Red Oak	<i>Quercus rubra</i>	54	20,602	134	1%	Fair	Save
695	Black Oak	<i>Quercus velutina</i>	72	36,625	698	2%	Fair	Save
699	Post Oak	<i>Quercus stellata</i>	54	20,602	288	1%	Fair	Save



**IV. SATISFACTION OF THE CRITERIA LISTED IN SECTION 22A-21(b) OF THE MONTGOMERY COUNTY CODE**

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. This Forest Conservation Plan variance request are for eight (8) on-site specimen trees to being removed.

*“(1) describe the special conditions peculiar to the property which caused the unwarranted hardship.”*

The location of the training facility and its relation to the proposed driving range and practice area is strategically chosen based on the newly renovation design of the blue course. In order to gain safe and effective practice, the teeing ground must provide 300 yards of space from one end to the other. This places the expanded north tee in a position that impacts the existing trees (and critical root zones). Furthermore, the development of a performance center will utilize additional space on the northern portion of the practice area. This indoor hitting building must link to the practice tee and driving range at a safe distance and alignment. To accommodate the necessary space and program requirements the building needs to rest in the proposed position. This facility has six bays that open, and function in relation with the outdoor amenities of the site, the location and the alignment of the facility is ultimately dictated by the overall golf course design. This alignment will impact the variance trees present at the site whether directly or by impacting their CRZs beyond a possibility for survival.

In addition to the facts stated above, the circulation is very important to functionality of the training facility since the users will travel to the facility by golf carts. The circulation of the site could not be completed without impacting the CRZs of variance trees.

Due to proposed construction activity and removal of the existing structures, to provide enough space for circulation and proposed facility, six (6) variance trees are impacted and requested to be removed. One additional tree is requested to be removed due to the construction impact of the stream restoration.

Additionally, one tree was identified on the site with severe damage, and imposed danger to the users, this tree is being requested to be removed as part of this variance request and is being mitigated in place and within the Arrival area.

Along the stream bank where the stream restoration task is proposed, one specimen tree is very close to the eroded stream bank with exposed root, this tree could endanger the user as it is leaning toward the fairway with no stable support.

*“(2) Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas.”*

Without the allowance of variance tree removals, the intent of this facility which is to consolidate all the training activities under one structure and facilitate the circulation of the users with the newly designed PGA rated golf course could not be fulfilled. The proximity of Cat II easement to the existing structures is preventing any construction activity, including the removal of the existing structure without disturbing the easement and/or the CRZ of the trees within the easements. The two trees requested to be removed outside the performance center area are imposing danger to their surrounding environment and denial of the request could endanger the safety of the users.

Denial of this request would also deprive this development of rights commonly enjoyed by others with similar properties where tree variances have been granted for the purposes and intent provided above.

*“(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 stream restoration portion of this amendment is located within stream valley buffer with a highly eroded banks. The intent of this restoration is to improve the stream banks and restore the stream to a better, safer and more stable condition. The improvements proposed as part of the Performance Center and the Arrival area, treat the storm water and water runoff onsite. The proposed stormwater management design will meet current State and Local stormwater management standards. The state water quality standards will not be violated. A measurable degradation in water quality will not occur as a result of the granting of the variance. The Cat I forest along Bradley Blvd and River Rd is not disturbed and preserved to protect natural vegetation and slow the runoff.

*“(4) Provide any other information appropriate to support the request.”*

The Applicant believes the information set forth above is adequate to justify the requested variance to remove the 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 configuration of the existing facilities and the need for the proposed facilities drive the proposed configuration of the site elements. The location of the subject trees to be removed is not the result of actions by the Applicant, but rather is a pre-existing condition of the property whereby these trees cannot be sufficiently protected and preserved, thus necessitating the tree’s removal.
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property, and
4. Removal of the impacted trees will not violate State water quality standards or cause measurable degradation in water quality in fact the design intent is to enhance the water quality by Stormwater management practices proposed on site.

For these reasons listed above, we believe it is appropriate to grant this request for a variance. Should you have any questions or require additional information, please do not hesitate to contact us.

Respectfully submitted,

Soltesz, Inc.  
Zoha Niazi  
Landscape Architect



STRATEGIES FOR TODAY. INSIGHT FOR TOMORROW.

cc:

Dan Pino (Soltesz)

Daniel Park (Soltesz)