

## Case No. 916

## PETITION OF UNITED STATES PUBLIC HEALTH SERVICE COMMISSIONED OFFICERS CLUB, INC., AND THE EQUITABLE TRUST COMPANY AS TRUSTEE FOR THE ESTATE OF JAMES B. REESIDE

(Hearing held April 28, 1960; case decided May 12, 1960)

OPINION OF THE BOARD

This proceeding is on a petition for a special exception under Section 107-28n of the Zoning Ordinance (Chap. 107, Mont. Co. Code 1955, as amended) to permit the use for a private club of Lot 36, containing 1.851 acres, which are part of a tract called "Contention", Bethesda, Maryland, known as 9101 Old Georgetown Road, in an R-60 zone.

At the hearing, petitioner, without objection, moved to include the present fee owner, The Equitable Trust Company as Trustee for the Estate of James B. Reeside, as co-petitioner. Petitioner is the contract purchaser of the property here involved. The vendor being the Equitable Trust Company.

The land is situated on Old Georgetown Road and the intersection of Cedar Lane and contains 1.851 acres which are part of a tract called "Contention".

Petitioner proposes a private club to be used by Professional Commissioned Officers of the Public Health Service and the membership is to be limited to club members only with the maximum membership of 400. Petitioner also agreed that no more than 100 people would be in attendance at the club at any one time.

The petitioner proposes to use the present structure as a gathering place for social activities, i.e., meetings, monthly parties, teenage dances, and bridge parties, and further proposes that the use shall not be open to the general public and not available for rental purposes to others than club members.

Petitioner also proposes that refreshments will be served on the premises but that no alcoholic beverages will be sold. Petitioner stated that the average age of the club members would be from 30-35 years, and that hours of operation would be seven days per week with a closing time of 12:00 p.m. except on special occasions when the Club will be open until around 2:00 a.m.

Petitioner has provided parking for 45 cars on the Old Georgetown Road side of the property and assures the Board, in this connection, that the provisions of Section 107-18e will be strictly complied with including screened planting along the side of the property facing Mrs. Day's property.

Petitioner also proposes a tennis court, social hall, and other recreation areas to be located in the rear of the present structure.

Pursuant to the authority granted the Board in Section 107-27a of the

Ordinance, the Board imposes the following conditions to the grant of this special exception:

1. The side of the subject property facing the property of Mrs. Day shall be adequately screened with planting.
2. No flood lighting shall be located so as to direct any reflection on the property of Mrs. Day and should petitioner, at a later time, construct a swimming pool, proper screening will be a requisite before such pool is built.
3. The special exception is granted to petitioner only and does not run with the land. (This condition was consented to by petitioner).
4. The special exception is granted for only the present facilities and not for the proposed tennis court, social hall and the other recreational facilities which are not now in existence.

The Board finds that this proposed use will not constitute a nuisance because of noise, traffic, number of persons or type of physical activity and also finds that the proposed use will not adversely affect the General Plan for the physical development of the District and that the proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood, and that the requirements of Section 107-28n of the Ordinance have been complied with.

Subject to the above-stated conditions, the special exception for the proposed use, in the manner proposed in the exhibits and testimony, is granted.

The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law, as its decision on the above-entitled petition."

The foregoing Resolution was proposed by Mr. Edwin L. Bright, Chairman, and concurred in by Mrs. Mary A. Hepburn, Vice Chairman, Mrs. Rita C. Davidson and Mr. Everett R. Jones. Mr. William A. Quinlan did not participate in this proceeding.

Edwenta B. Baber  
Clerk to the Board

I do hereby certify that the foregoing Minutes were officially entered upon the Minute Book of the County Board of Appeals this 13th day of May, 1960.

Edwenta B. Baber  
Clerk

COUNTY BOARD OF APPEALS  
For  
MONTGOMERY COUNTY

Case No. S-615

PETITION OF FOUNDATION FOR ADVANCED  
EDUCATION IN THE SCIENCES, INC.  
(Formerly The Public Health Service Club, Inc.)  
(Hearing held May 11, 1978)

OPINION OF THE BOARD

This proceeding is on a petition to amend a special exception (Case 916) pursuant to Section 59-G-2.24 of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1977, as amended) to change the name of the special exception holder to include the Foundation for Advanced Education in the Sciences, Inc., and to permit the private club to sell alcoholic beverages on the premises. The subject property is approximately 1.61 acres in the Alta Vista Subdivision, located at 9101 Old Georgetown Road, Bethesda, Maryland, in an R-60 Zone. (Previous Case No. 916.)

Decision of the Board: Request amendment to change the name of the special exception holder to include the Foundation for Advanced Education in the Sciences, Inc., and permission to sell alcoholic beverages is granted, subject to conditions enumerated herein.

The Petitioner requested that the record of Case No. 916 be incorporated into the record of the instant case by Reference.

Proposals and Testimony

Petitioner testified and agreed to be bound by his own testimony and evidence of record, as follows:

Additional Special Exception Holder:

On May 13, 1960 the County Board of Appeals granted a special exception to permit operation of a private club on 1.851 acres located at Old Georgetown Road and the intersection of Cedar Lane (Case No. 916). On or about January 2, 1968, the United States Public Health Service Commissioned Officers Club, Inc. (a Maryland corporation) changed its name to the Public Health Service Club, Inc., by filing an amendment for that purpose with the appropriate State Authorities.

Since 1960 the premises have been utilized and operated as a private club in strict compliance with the terms and conditions

\*Foundation for Advanced Education in the Sciences, Inc. (FAES)  
\*\*Public Health Service Club, Inc. (PHS)

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of the special exception. In order to assure the continued use of the subject property as a private club in accordance with the special exception, the Public Health Service Club, Inc., conveyed that title to said property to the Foundation for Advanced Education in the Sciences which was financially capable of performing some much needed repairs and maintenance. After the conveyance of said property (by Articles of Transfer and by a conformatory deed dated November 25, 1975 recorded December 17, 1975 in Liber 4728 at Folio 560 among the Land Records of Montgomery County, Maryland), the Public Health Service Club, Inc., leased back said property from the Foundation for Advanced Education in the Sciences, said lease subject to annual renewal (Exhibit No. 4), and it has since continued to be used as a private club. Due to the close association between the two organizations (all members of the Public Health Service Club, Inc., are also members of the Foundation for Advanced Education in the Sciences, Inc.), and the desire of both organizations to continue the use of the subject property as a private club for the mutual interest of all members, this petition is filed for the amendment of special exception Case No. 916 to add the Foundation for Advanced Education in the Sciences, Inc., as a co-petitioner to said special exception.

#### Sale of Alcoholic Beverages:

The Board's opinion in Case No. 916 related petitioner's testimony that refreshments would be served but that no alcoholic beverages would be sold on the premises. The petitioners wish to amend the present special exception to permit the sale of alcoholic beverages on the premises, provided the Board of Liquor License Commissioners grants them the necessary license.

Dr. Robert Goldberger, President of the Foundation for Advanced Education in the Sciences, Inc., testified that the Foundation has a membership of approximately 800 members, of which 400 are in the Washington area. The membership committee can limit number of members in each category but 80% of membership must be NIH employees, guests and alumni. There is no limit on total membership.

The club is envisioned as analogous to a University Faculty Club with its membership consisting of physicians, research scientists and other professionals. As provided in Case No. 916, the petitioners propose the continued use of the premises as a gathering place for social activities (i.e., meetings, parties, dances, bridge parties, and related social functions) for the enjoyment of its members and guests only. The club would not be open to or used by the general public, although the facilities could be rented to bona fide members for private parties or functions. It is anticipated that food will be served on the premises at some social gatherings. Facilities for warming up foods for large groups are available; however no facilities are available for preparing or

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cooking food for such groups and a catering service would be utilized.

The PHS Club activities normally attract from 15 to 50 attendees. Attendance at seminars runs from about 10 to 35. Meetings of the FAES are attended by 5 to 40 persons. Evening activities are usually PHS Club functions. Dr. Chamberlayne, who monitors PHS Club functions closely, stated that all of these events ended at approximately 11:00 p.m., although the current special exception permits the facility to be open until midnight daily and 2:00 a.m. on special occasions. During a four months period there were very few rentals. (See Exhibit No. 18 for a typical month's calendar of regularly scheduled events. It was noted that PHS Club functions are exactly the same in type, number and attendance as they have been for years.)

The day-to-day operations of the club will be under the direct supervision and control of the Executive Secretary of the Foundation. At present there is one full time custodial employee. Part-time help will be engaged to provide necessary services required for parties and other social gatherings. It is anticipated that not more than 100 to 150 people would be in attendance at any one time.

The Foundation has served to its members alcoholic beverages on open afternoons for about 18 months. Although there is a charge for snacks, the alcoholic beverages are served free of charge. For receptions and private parties, the policy of "bring your own bottle" is in effect.

The proposed sale and dispensing of alcoholic beverages would be under the direct supervision and control of the Executive Secretary of the Foundation, who would engage help as is required.

It is not anticipated that a bar would be maintained on a full time basis, but would be opened on appropriate occasions (i.e. during open afternoons and Saturday affairs) for the use and enjoyment of members and their guests. It is not anticipated that alcohol would be sold to guests at private parties. However, if the County liquor laws permit, the petitioner would like the option of selling alcoholic beverages to guests on special occasions.

There is off street parking space for 45 cars. However, 70 cars can be accommodated if cars are carefully arranged. For special occasions a nearby NIH parking lot accommodating 165 cars can be used upon request. Some on-street parking is also available. Petitioner believes that parking is adequate, and access to Old Georgetown Road involves no hazard or traffic problems. Ways to improve attractiveness of parking lot for subject use are being considered.

A large increase in numbers of people attending functions

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at any one time is not anticipated. Members who wish to arrange private parties must indicate in advance the number of attendees expected and take responsibility for compliance with Club rules. Private parties are held infrequently with a total of fewer than 50 in the last year. Limit on number of guests at private parties was believed to be about 100; however, there is no written rule in this regard.

The capacity of the building was believed to be approximately 100 persons; after the hearing, the Fire Marshal submitted a Capacity Certificate permitting occupancy by a maximum of 140 persons (Exhibit No. 19(b)).

Trash is deposited in plastic bags in large cans and collected by a private collection service.

### Opposition

Expressions of concern or outright opposition (both written and oral) from area citizens associations (Exhibit No. 11(a)-(e)) focused primarily on the request for sale of alcoholic beverages which many felt would not be in harmony with the general neighborhood, may cause a nuisance and could make the use commercial in nature. It was pointed out that the appearance of the subject building and the interior design is of a single-family residential character and in harmony with the residential neighborhood; that the use created no traffic problems; that operation by the FAES would be in keeping with a strictly private club nature, and would be especially appropriate considering its proximity to the NIH campus.

The attorney for one resident whose home is located directly opposite the subject site expressed concern that on-site sale of alcoholic beverages would increase traffic to the Club and on or near her property. She complained that she is bothered by lights when club functions extend late at night; that she has been bothered by noise as late as 4:00 a.m. on occasion; that people park on-street when Club parking lot is filled; that she is opposed to sale of alcoholic beverages and felt it may adversely affect youth in the neighborhood.

The Ayrilawn Citizens Association asked the Board to consider the following matters (Exhibit No. 11(c)): clarification of policy concerning rental of facilities to outside groups for any purpose whatsoever, as long as the group has a sponsor who is a member of FAES; restrictions that overflow parking be directed to Cedar Lane and NIH lots and not on-street; possible nighttime noise and vandalism and daytime increase of congestion and danger to neighborhood children crossing streets; alteration of the present driveway on Old Georgetown Road in conformation with present highway standards so as to permit a "Y" driveway and thus prevent car headlights from shining

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directly on area residences; improved landscaping and parking lot plan to assure the maintenance of the aesthetic quality of the neighborhood; restriction of hours of operation to Monday through Thursday until 10:00 p.m., Friday through Sunday until 12 midnight, with no exception for special occasions; up-grading of trash storage facilities and trash pick-up both on the property and on sidewalks immediately bordering the property; redirection of security and parking lot lighting toward building or ground so that light will not shine beyond property line; that the interior capacity limit for the house should conform with requirements of Fire Marshal or 100 persons (whichever number is smaller) because of limited available on-site parking; replacement of unattractive parking control signs; and that the special exception if granted not run with the land. The Ayrilawn Citizens Association agreed not to approve or oppose the sale of alcoholic beverages if the Board favorably considered the above recommendations.

The Technical Staff of the Maryland-National Capital Park and Planning Commission issued no recommendation to the Board as the subject petition did not involve land use considerations.

#### Findings of the Board

The Board finds after reviewing all testimony and evidence in the record, including the binding testimony, evidence and exhibits submitted by the petitioner, that the requested amendments as conditioned herein meet the particular requirements specified in Section 59-G-2.24 in that:

"Golf courses and country clubs. The Board may authorize a golf course, country club, private club or service organization including community buildings, upon a finding that the proposed use will not adversely affect surrounding residential uses because of noise, traffic, number of people or type of physical activity, providing that the following standards and requirements can be met:

(a) The provision of food, refreshments, and entertainment for club or organization members and their guests may be allowed in connection with such use, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.

(b) All buildings shall conform to the height, coverage, and setback regulations of the zone in which they are located; and all facilities shall be so located as to conform to other special exception standards.

(c) All outdoor lighting shall be located, shielded, landscaped or otherwise buffered so that no direct light shall constitute an intrusion into any residential area."

and the general requirements for a special exception set forth in Section 59-G-1.21 of the Zoning Ordinance (Appendix I).

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Therefore, the proposed amendment of Special Exception No. 916 for a private club to permit the sale of alcoholic beverages, and to change the name of the Special Exception Holder to include The Foundation for Advanced Education in the Sciences, Inc., shall be, and is hereby granted, subject to the following conditions:

1. The name of the special exception holder shall be The Public Health Service Club, Inc., and The Foundation for Advanced Education in the Sciences, Inc.
2. Rules shall be modified to include a directive that members and guests shall park only on the club parking area and shall not park on nearby public street or private properties. Arrangements shall be made for overflow parking to use the NIH parking lot. A copy of the amended rules shall be submitted to the Board of Appeals.
3. A landscape plan for the perimeter of the property (with special attention to that portion of the property fronting on Old Georgetown Road) and a screening plan for the parking area shall be submitted to the Board. This plan shall be subject to approval by the Technical Staff of the Maryland-National Capital Park and Planning Commission. Plantings shall be installed by December 1, 1978.
4. All exterior lighting shall be shielded and directed downward.
5. Signs shall be maintained, clean and in good condition.
6. Hours of operation shall be limited as follows:  
Sunday through Thursday until 11:00 p.m. with the premises and parking lot to be vacated by 11:00 p.m.;  
Friday and Saturday, liquor service to be stopped by 12 midnight and premises and parking lot vacated by 1:00 a.m.
7. Occupancy of the building shall be limited to a maximum of 100 persons, including staff, employees of caterers or others, or fewer, if Fire Marshal so orders.
8. Facilities for rental for private parties, social events and exhibitions shall be available only to bona fide active members of the club, who shall personally sponsor and be present at the events as hosts (host members shall sign an affidavit utilizing Appendix A as a guideline). They shall be given a copy of the rules, with special attention to rules regulating parking and closing hours.
9. The special exception is granted to the petitioners only who shall be responsible for compliance.



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10. Copy of any approval by the Board of Liquor License Commissioners to sell liquor shall be filed with the Board of Appeals for the record.

The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition."

The foregoing Resolution was proposed by Mrs. Doris Lipschitz.

Board Members Mrs. Marjorie H. Sonnenfeldt, Chairman, Mrs. Doris Lipschitz and Mrs. Shirley S. Lynne participated in the public hearing. Board Members Mr. Joseph E. O'Brien, Jr., and Mr. Sheldon P. Schuman were unavoidably absent. In order to vote in this case, Mr. Joseph E. O'Brien, Jr., read and initialed the transcript and studied the entire record in accordance with the requirements of the Montgomery County Zoning Ordinance, Section 59-A-4.123, as amended, and concurs with the majority in the grant of the above-entitled petition.

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 2nd day of August, 1978.

Sollie H. Korte  
Clerk to the Board

Any decision by the County Board of Appeals may, within thirty 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.

**COUNTY BOARD OF APPEALS  
FOR  
MONTGOMERY COUNTY**

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Case Nos. CBA-916 and S-615

PETITION OF THE FOUNDATION FOR ADVANCED  
EDUCATION IN THE SCIENCES, INC.

RESOLUTION TO MODIFY SPECIAL EXCEPTION  
(Resolution adopted September 26, 1985)

The Board has received a letter dated September 12, 1985, from Lois W. Kochanski, Executive Secretary, of The Foundation for Advanced Education in the Sciences, Inc., which states, in part:

"The FAES has applied for a modification against existing exemption S615 in order to build a small powder room onto an existing club room within the confines of the existing building lines. ..."

Based on the foregoing, the Board is of the opinion that The Foundation for the Advanced Education in the Sciences, Inc.'s request represents a minor modification to the special exception and can be granted without changing the nature, character or intensity of the use of the property, nor changing the effect on traffic or on the immediate neighborhood. Therefore, in accordance with the provisions of Section 59-G-1.3(c) (1) of the Zoning Ordinance,

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that Case Nos. CBA-916 and S-615, Petitions of The Foundation for Advanced Education in the Sciences, Inc., shall be and hereby are re-opened, to receive the following exhibits, to be entered in the record of Case No. S-615: Letter dated September 12, 1985, from Lois W. Kochanski, Exhibit No. 25; site plan showing location of proposed construction, Exhibit No. 25(a); elevations and construction drawings/notes, Exhibit No. 25(b); and an updated list of adjoining/confronting property owners, Exhibit No. 25(c); and

BE IT FURTHER RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that construction of the powder room shall be in accordance with plans submitted into the record as Exhibit Nos. 25(a) and (b).

All other terms and conditions of the original special exception and any modifications thereto shall remain in full force and effect.

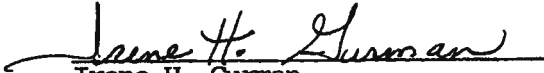
The subject property contains approximately 1.61 acres in the Alta Vista Subdivision, located at 9101 Old Georgetown Road, Bethesda, Maryland, in an R-60 Zone.

The foregoing Resolution was proposed by Doris Lipschitz, Chairman, and concurred in by Joseph E. O'Brien, Jr., Harry M. Leet, Thomas S. Israel, Howard Jenkins, Jr. was necessarily absent and did not participate in the foregoing Resolution.

Case Nos. CBA-916 and S-615

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Entered in the Minute Book of  
the County Board of Appeals for  
Montgomery County, Maryland,  
this 27th day of September, 1985.

A handwritten signature in cursive script, reading "Irene H. Guman", written over a horizontal line.

Irene H. Guman  
Clerk to the Board



## Montgomery County Government

Case Nos. CBA-916 and S-615

PETITIONS OF THE FOUNDATION FOR ADVANCED  
EDUCATION IN THE SCIENCES, INC.

RESOLUTION TO MODIFY SPECIAL EXCEPTION  
(Resolution adopted October 5, 1988)

The Board is in receipt of a letter dated September 2, 1988, from Lois W. Kochanski, Executive Officer, The Foundation for Advanced Education in the Sciences (FAES), which states, in part:

"The Foundation for Advanced Education in the Sciences (FAES) requests that the Special Exception it holds for its Social and Academic Center located at 9101 Old Georgetown Road, Bethesda, MD 20814, be amended to include permission to lease 20 parking spaces for limited week-day use to the Suburban Hospital until such time as their parking crisis has been resolved.

"Two years ago we were requested by Suburban Hospital to assist them in leasing 20 parking spaces for their satellite parking program. As a community service and a neighborly gesture, the FAES agreed to this arrangement for a one year period. The spaces in question (bordering Cedar Lane) are not used by us during the limited week-day period, and as none of the surrounding properties is of a residential nature, it seemed to us to be a reasonable endeavor. As Suburban Hospital's parking problems have not been solved as soon as they had expected we would like to continue to permit them to use the 20 spaces. ..."

Based on the foregoing information, the Board is of the opinion that Ms. Kochanski's request on behalf of FAES, represents a minor modification to the special exception and can be granted without substantially changing the nature, character or intensity of the use of the property, nor changing the affect on traffic or on the immediate neighborhood. Therefore, in accordance with the provisions of Section 59-G-1.3(c) (1) of the Zoning Ordinance,

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that Case Nos. CBA-916 and S-615, shall be and hereby are re-opened to receive Ms. Kochanski's letter as Exhibit No. 27 in Case No. S-615; and

BE IT FURTHER RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that FAES may lease twenty (20) parking spaces bordering Cedar Lane to Suburban Hospital for week-day use for their satellite parking program;

All other terms and conditions of the special exception, except as modified, shall remain in full force and effect.

**County Board of Appeals**

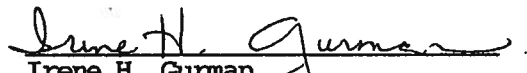
Case Nos. CBA-916 and S-615

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The subject property contains approximately 1.61 acres, Alta Vista Subdivision, located at 9101 Old Georgetown Road, Bethesda, Maryland, in an R-60 Zone.

The foregoing Resolution was proposed by Judith B. Heimann, Chairman, and concurred in by Howard Jenkins, Jr., Max H. Novinsky, Helen R. Strang and K. Lindsay Raufaste.

Entered in the Minute Book of  
the County Board of Appeals for  
Montgomery County, Maryland,  
this 14th day of October, 1988.

  
Irene H. Guzman  
Clerk to the Board

**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 obions and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

...

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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Rockville, MD  
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[www.montgomerycountymd.gov/mc/council/board.html](http://www.montgomerycountymd.gov/mc/council/board.html)

**CASE NO. CBA-916 [S-615]**

**PETITION OF THE PUBLIC HEALTH SERVICE CLUB  
AND THE FOUNDATION FOR ADVANCED EDUCATION IN THE SCIENCES  
[NEW HOLDER: FOUNDATION FOR ADVANCED EDUCATION IN THE SCIENCES]**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Resolution Adopted October 15, 2003)

(Effective Date of Resolution: March 2, 2004)

The Board of Appeals has received correspondence, dated February 25, 2003 and September 29, 2003, from Lois W. Kochanski, Executive Director of The Foundation for Advanced Education in the Sciences, Inc. (FAES) Ms. Kochanski requests modification of the captioned special exception to 1) change the lessee of 20 parking spaces from Suburban Hospital to the National Institutes of Health (NIH), and 2) remove the Public Health Service Club as a holder of the special exception. The Board of Appeals granted Case No. CBA-916 to The Public Health Service Club and The Foundation for Advanced Education in the Sciences on May 12, 1960, to permit a private club. The Board granted Case No. S-615, as a modification to Case No. CBA-916, to The Foundation for Advanced Education in the Sciences, Inc., on August 2, 1978. The Board granted modifications September 27, 1985, to permit construction of a small powder room, and October 14, 1988, to permit leasing of 20 parking spaces to Suburban Hospital.

The subject property contains approximately 1.61 acres, Alta Vista Subdivision, located at 9101 Old Georgetown Road, Bethesda, Maryland in the R-60 Zone.

The Board of Appeals considered the modification request at its Worksession on October 1, 2003. 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

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Page 2.

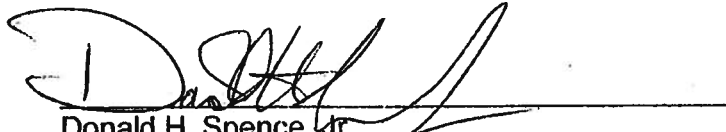
the effect on traffic or on the immediate neighborhood, the board, without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that changing the lessee for the same number of parking spaces and removing one holder of the special exception will have no impact on traffic or the neighborhood and will not change the intensity of the special exception. Therefore, on a motion by Allison Ishihara Fultz, seconded by Louise L. Mayer, with Angelo M. Caputo and Donald H. Spence, Jr., Chairman in agreement and Donna L. Barron necessarily absent:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the records in Case Nos. CBA-916 and S-615 are re-opened to receive Lois Kochanski's letters dated February 25, 2003 and September 29, 2003, with attachments; and

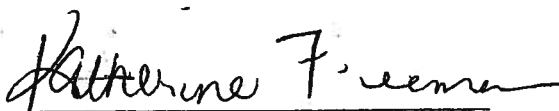
**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception is **granted**; and

**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, except as modified by the Board of Appeals, remain in effect.



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 2nd day of March, 2004.



Katherine Freeman  
Executive Secretary to the Board

**Case No. CBA-916 [S-615]**

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**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.



**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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**Case No. CBA-916 [S-615]**

**PETITION OF THE FOUNDATION FOR  
ADVANCED EDUCATION IN THE SCIENCES**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Resolution Adopted February 6, 2013)

(Effective Date of Resolution: March 18, 2013)

On January 29, 2013, the Board of Appeals received a letter, dated December 20, 2012, from Christina Farias, Executive Director of The Foundation for Advanced Education in the Sciences (FAES). Ms. Farias requests administrative modification of the special exception to allow the number of parking spaces leased to the National Institutes of Health (NIH) to be increased from 20 to 25. Her letter explains that NIH has continued need of additional parking spaces and that the employees who would utilize the parking are posted to 9030 Old Georgetown Road but may currently be parking on West Cedar lane, so that creating additional parking for them at the FAES location on Old Georgetown Road could reduce traffic impact to West Cedar Lane.

The Board of Appeals granted Case No. CBA-916 to The Public Health Service Club and The Foundation for Advanced Education in the Sciences on May 12, 1960, to permit a private club. The Board granted Case No. S-615, as a modification to Case No. CBA-916, to The Foundation for Advanced Education in the Sciences, Inc., on August 2, 1978. The Board granted modifications September 27, 1985, to permit construction of a small powder room, October 14, 1988, to permit leasing of 20 parking spaces to Suburban Hospital, and March 2, 2004 to change the lessee of the parking spaces to the National Institutes of Health (NIH).

The subject property contains approximately 1.61 acres, Alta Vista Subdivision, located at 9101 Old Georgetown Road, Bethesda, Maryland in the R-60 Zone.

The Board of Appeals considered the modification request at its Worksession on February 6, 2013. 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 addition of five parking spaces, for use by employees of NIH, will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. The Board agrees that providing parking on Old Georgetown Road for employees who work at 9030 Old Georgetown may, in fact, reduce the impact of the special exception on West Cedar Lane. Therefore, 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. CBA-916 [S-615] is re-opened to receive Christina Farias's letter, dated December 20, 2012, with attachments; 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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David K. Perdue  
Vice-Chair, Montgomery County Board of Appeals

Case No. CBA-916 [S-615]

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Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 18<sup>th</sup> day of March, 2013.



Katherine Freeman  
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.