

## **BOARD OF APPEALS OPINIONS**

### **LANDON SCHOOL SPECIAL EXCEPTION**

1. Case No. 927  
Effective Date: 6/2/50  
(approval to continue as school)
2. Case No. 118  
Effective Date: 10/19/53  
(construction of headmaster's house)
3. Case No. 211  
Effective Date: 8/16/54  
(construction of rifle range)
4. Case No. 540  
Effective Date: 7/16/57  
(construction of Middle School;  
construction of new wing of gym)
5. Case No. 1118  
Effective Date: 9/5/61  
(construct third floor and new wing  
to middle school)
6. Case No. S-398  
Effective Date: 5/14/75  
(additional classroom wing to Banfield)
7. Case No. S-398  
Effective Date: 7/19/78  
(construction of greenhouse)
8. Case No. S-686  
Effective Date: 5/2/79  
(addition to gymnasium)
9. Case No. S-686-A  
Effective Date: 8/26/86  
(construction of activities building)

**BOARD OF APPEALS OPINIONS**

[continued]

10. Case No. S-686  
Effective Date: 5/29/91  
(canopy over gymnasium steps)
11. Case No. S-686  
Effective Date: 6/30/92  
(Torrey Hall exit stair addition)
12. Case No. S-686  
Effective Date: 4/7/93  
(Banfield Academic Center enclosure of exterior stair)
13. Case No. S-398  
Effective Date: 3/4/96  
(replace outdoor swimming pool)
14. Case No. S-398  
Effective Date: 2/20/98  
(roofed storage shed)
15. Case No. S-398  
Effective Date: 2/20/98  
(security booth)
16. Case No. S-686-B  
Effective Date: 7/26/99  
(construction of new Middle School)
17. Case No. S-686-C  
Effective Date: 8/27/02  
(installation of new security kiosk)
18. Case No. S-686-C  
Effective Date: 11/18/02  
(construction of Lower School; addition of Grades Kindergarten through second; Renovation of athletic field; renovation of Amphitheater; continuation of summer camp; Revisions to campus roadway system)

## **BOARD OF APPEALS OPINIONS**

[continued]

19. Case No. S-686-C  
Effective Date: 1/16/03  
(construction of Crittenberger House)
20. Case No. S-686-C  
Effective Date: 5/10/07  
(expansion of gymnasium)
21. Case No. S-686-C  
Effective Date: 6/15/09  
(installation of two baseball dugouts)
22. Case No. S-686-C  
Effective Date: 5/20/10  
(permit seasonal tennis bubble, and small  
restrooms next to athletic field)
23. Case No. S-686-C  
Effective Date: 1/6/11  
(allow relocation of small restrooms approved  
in 2010)

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The Chairman thereupon called for hearing Case #927, the same being the application of the LONDON SCHOOL CORPORATION, requesting permission, under the provisions of Section XII, Part 2, 3a(1) of the Zoning Ordinance, as amended, to continue to use as a private school the premises known as the Landon School Tract, of approximately 65 acres, the same being located on Wilson Lane, Bethesda, Maryland.

Mr. W. H. Triplett, representing the School, appeared before the Board and stated that the school was incorporated under the Laws of the State of Maryland in 1934; that the school was started in 1929; that the supplement filed with the application is a true and correct statement of facts, which by this reference, is hereby made a part of the record; that the school meets all the requirements of Section XII, Part 2, 3a(2) of the Zoning Ordinance, as amended; that all the property to the west, with the exception of one house, is undeveloped, being owned by Woodhaven Properties, Inc.; that on only one occasion were court damages awarded for destruction of property by the students; that the proposed Whittier Boulevard is not properly dedicated; and that the fence was erected to keep the student body within the premises; and that he has been with the school for 16 years, living on the premises.

Mr. Philip Dean, representing Woodhaven Properties, Inc., next appeared before the Board and stated he was the previous owner of the property involved, that he has no objection to the character of the school, but that his property has been jeopardized for about 10 years because of damage caused by the boys; that his property was subdivided, laid out and platted long before the school purchased its property, but he has been hampered in developing his property because of the fence on the proposed Whittier Boulevard, which boulevard would have to be completed before development of the property can be accomplished.

There followed a general discussion on the boundary line dispute. Mr. Dean further stated, in answer to the Board's question, that the location of the school does adversely affect the development of the neighboring properties.

Mr. Nathan Levin, also representing Woodhaven Properties, Inc., next appeared before the Board and stated that he corroborated all the statements made by Mr. Dean; that the basic and fundamental objection is that their right to use the proposed street has been denied, that the noise creates a nuisance, as well as the physical activity of the student body; that if the street was developed for public use, the student body would be forced to use said street, and obey the police laws; and that this school would adversely affect the residential nature of neighboring properties.

Mr. Robert MacCartee, owner of Lot 1, adjoining the Landon School Tract, next appeared before the Board, and stated his lot is undeveloped at the present time, that he has never seen any difficulty with the students; that they have never created a nuisance at any time in any manner; and that his property is enhanced in value by the nearness of the school.

Mr. Milo Perkins of Wilson Lane, submitted in writing his approval of the granting of the application, and which letter, by this reference, is hereby made a part of the record.

It appeared to the Board that an occupancy permit was applied for and rejected by the Office of the Building Inspector for the reason that the operation of a private school in a Residential "A" area would contravene Section III of the Zoning Ordinance.

Thereupon, by the Board, the following resolution was adopted:

WHEREAS, the applicant, LONDON SCHOOL CORPORATION, has applied to the office of the Building Inspector for Montgomery County, Maryland, for an occupancy permit to continue to use as a private school the premises known as the Landon School Tract, of approximately 65 acres, the same being located on Wilson Lane, Bethesda, Maryland; and

WHEREAS, the office of the said Building Inspector has denied applicant the issuance of such a permit for the reason that the use of the said property now designated as Residential "A" on the zone map, without the approval of this Board, would contravene Section III of the existing Zoning Ordinance; and

WHEREAS, the applicant has now appealed to this Board for authorization to so use the said property, in accordance with Section XII, Part 2, Para. 3a(1) of the Zoning Ordinance, as amended on April 25, 1950; and

WHEREAS, upon such appeal the Board finds from the testimony presented that the project meets the requirements of Section XII, Part 2, 3a(1)C3 of the existing ordinance, as amended; and that the location of the school, as proposed, would not contravene any of the conditions set forth in Section XII, Part 2, 3a(1) of the said ordinance, as amended, and that its location as aforesaid would not impair the intent, purpose and integrity of the zone plan as embodied therein nor tend to adversely affect the use and development of neighboring properties and the general neighborhood; it is therefore

RESOLVED, that the said application of the LONDON SCHOOL CORPORATION be, and the same hereby is granted, and the requested use of the said land and premises be and the same hereby is permitted, subject, however, to its future termination by this Board in the manner provided by Section XII, Part 2, 3a(5) of the existing ordinance should the use of the said land and premises as herein granted cease at any time hereafter to conform to any of the conditions aforesaid or to any conditions set forth in the existing ordinance for the granting of such use.

The foregoing resolution was proposed by the Chairman, Sidney M. Oliver, and concurred in by the Vice Chairman, Louis A. Gravelle, and Mr. John D. Sadler, constituting all the members of the Board.

*Edweta B. Hough*  
Secretary to the Board

I do hereby certify that the foregoing minutes were officially entered upon the Minute Book of the Board of Zoning Appeals this 2nd day of June, 1950.

*Edweta B. Hough*  
Secretary

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Case No. 118

## APPLICATION OF LONDON SCHOOL CORPORATION

(Hearing held October 7, 1953; case decided October 15, 1953)

OPINION

This is an application by the Landon School Corporation, Wilson Lane, Bethesda, Maryland, requesting permission under the provisions of Section XII, Part 2, (3)A(1)C(3) of the Zoning Ordinance (Sec. 176-13, g (3) Mont. Co. Code, 1950) to erect and use an additional building for a schoolmaster's dwelling on a tract of land containing about 65 acres, known as the Landon School Tract on Wilson Lane, Bethesda, Maryland. The case comes before the Board as an appeal from a denial on September 15, 1953, of an application for a building permit by the office of the Building Inspector. Detailed data concerning the type of school and its operations are set forth in Case No. 927, decided in June, 1950, by our predecessor Board of Zoning Appeals.

The Landon School desires to erect and use as a home for a full-time teacher and his family a detached house in the northeastern portion of the school property in the vicinity of Bradley Boulevard. The proposed dwelling is two stories in height with a width of 26 ft. 4 in. and a depth of 38 ft., with a full basement, constructed of brick and frame. A set of blueprints (Exhibit No. 8) disclose plans for a dwelling substantial in character and attractive in appearance. The proposed dwelling is to be located adjacent to other similar dwellings owned by applicant, at a distance of about 200 feet from Bradley Boulevard and about 35 feet from the side line of applicant's property. It is to front on a private road leading into applicant's property from Bradley Boulevard.

Nobody expressed any objection to the application. One adjacent property owner filed a letter with the Board approving the application.

The Board has arrived at the conclusion that the application should be and it is hereby approved.

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 application."

The foregoing Resolution was proposed by Mr. James J. Hayden, Chairman, and was concurred in by Mr. William A. Quinlan, Vice Chairman, and Mr. Milton A. Smith, constituting all the members of the Board.

I do hereby certify that the foregoing Minutes were officially entered upon the Minute Book of the County Board of Appeals this 19th day of October, 1953.

*Edwina B. Barber*  
Secretary to the Board

*Edwina B. Barber*  
Secretary

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## Case No. 211

(Hearing held June 29, 1954; hearing continued and concluded on July 29, 1954; case decided August 13, 1954)

OPINION

This is a petition by the Landon School Corporation, Wilson Lane, Bethesda, Maryland, requesting permission under the provisions of Section 176-28k(1)c(3) of the Zoning Ordinance to erect and use a .22 caliber rifle range in connection with school activities on a tract of land containing about 65 acres known as the Landon School Tract on Wilson Lane, Bethesda, Maryland.

At the hearing on June 29, 1954, the petition was amended to include Section 176-28v as an additional basis upon which relief might be granted. At that hearing it developed also that some of the property owners entitled to notice of the hearing had not been sent such notice. The case was continued and new notices were sent to property owners entitled to such notice stating that a hearing would be held on July 29, 1954.

The Board finds that the petitioner desires to erect a structure about 10 feet high 40 feet wide and 85 feet long to be used as an indoor rifle range; that the building would be cinder block, and located in a ravine with the nearest point of the structure about 200 feet from the property line; that the building would be at least partly hidden from the street and surrounding residential area by trees, foliage, and the fact that it would be located on low ground; that petitioner's plans for the construction and operation of the proposed range were approved by the Range Approval Committee of Montgomery County; that the sound of firing will not be heard more than about 40 feet from such a building.

The owners of some of the residential properties near the Landon School approve the project while others who own homes near the school disapprove the project on the grounds principally that the presence of the proposed building and its appearance would depreciate property values in the neighborhood, that it was a cinder block building and unsightly and that it would be visible from many of the nearby homes.

At the close of the hearing it was agreed between petitioner and the objecting property owners (with the approval of the Board) that they would try to get together for a discussion of the problems involved, and that on or before August 9, 1954, both parties would file with the Board statements indicating agreement or disagreement concerning the petition, and that both sides could file written statements expressing their views on the matters involved.

On August 9, 1954, petitioner filed considerable data in support of its petition and opposing property owners likewise filed data in opposition to the petition, thereby indicating that no satisfactory agreement had been reached.

We find that the proposed indoor non-commercial rifle range will be constructed in such a manner as to eliminate any danger whatever to persons or property from flying projectiles as required by Section 176-28w; 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; that the petitioner has by a preponderance of the evidence established the facts upon which the above findings are based. In accordance with the provisions of Section 176-27a we grant the petition, subject to the requirement that petitioner shall keep the proposed indoor rifle range building painted with a good quality heavy paint so that the appearance of the cinder block may be made as attractive as possible.

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. James J. Hayden, Chairman, and was concurred in by Mr. William A. Quinlan, Vice Chairman, and Mr. Milton A. Smith; constituting all the members of the Board.

Edw. B. Barber  
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 16th day of August, 1954.

Edw. B. Barber  
Clerk

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## Case No. 540

## PETITION OF LONDON SCHOOL CORPORATION

(Hearing held July 11, 1957; case decided July 15, 1957)

OPINION OF THE BOARD

This proceeding is for a special exception under Section 176-28k(1)(c)(5) of the Zoning Ordinance (Chap. 107, Mont. Co. Code 1955, as amended) permitting the construction and use of a building for educational and instructional purposes, and an addition to the gymnasium, on 62½ acres of land in tracts known as "Honesty" and "Contention" on Wilson Lane, Bethesda, Maryland, in an R-90 zone. (This is the same property which was before the Board in Case No. 211, granted August 11, 1954; Case No. 118, granted October 15, 1953; and Board of Zoning Appeals Case No. 927, granted June 2, 1950).

The Landon School has been established at its present location since 1934, and at the present time it has an enrollment of approximately 450 students. It was testified at the public hearing that in the next few years the total enrollment is expected to reach a limit of 500.

It is proposed to erect a wing, 60 feet by 55 feet, on the southerly side of the gymnasium, to provide additional locker space and sanitary facilities, which will correspond in appearance to the northern wing of the building. The petition also involves the first stage of construction of a new educational building, to be known as the "Middle School." It was brought out at the hearing that the completed building will be erected over a period of approximately 3 years and that this petition applies only to the construction of the ground floor.

There was no opposition to the petition, and petitions signed by a number of adjacent property owners in support of the proposal were submitted at the public hearing.

The case presents no question requiring further detailed discussion and the evidence provides ample basis for the findings required by the Ordinance.

The Board finds that each of the relevant requirements of Sections 176-26 and 176-28k(1) of the Ordinance is satisfied.

The special exception for the proposed use, by this petitioner, 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. John P. Moore, Chairman, and concurred in by Mr. William A. Quinlan, Vice Chairman, and Mr. Henry J. Bison, Jr., constituting all the members of the Board.

Edweta B. Barber

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 16th day of July, 1957.

Edweta B. Barber

Clerk

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Case No. 1118

PETITION OF LANDON SCHOOL CORPORATION  
(Hearing held August 31, 1961; case decided August 31, 1961)

OPINION OF THE BOARD

This proceeding is on a petition for a special exception under Section 107-28m(5) of the Zoning Ordinance (Chap. 107, Mont. Co. Code 1955, as amended) to permit the continued use of an Educational Institution, private, and to permit the construction and use of a third floor and a new wing to the present Middle School Building for use as a library and other study facilities, on approximately 65 acres more or less, parcels and tracts called "Tranquil", "Bar", "Honesty", "Contention", etc., located west of Wilson Lane and south of Bradley Boulevard, Bethesda, Maryland, in an R-90 Zone.

At the public hearing, on motion of petitioner, and without objection, the records in Cases Nos. 118, 211, 540 and Board of Zoning Appeals Case No. 927 were incorporated herein by reference.

The petitioner testified that the proposed construction of a new wing would not increase the student body, but would add more adequate facilities for the present enrollment.

Petitioner further testified that the change in the neighborhood since the hearings in the previous cases had been one of considerable residential development which indicated no detrimental effect by the presence of the school, but in fact, indicated a favorable influence on the use or development of adjacent properties and on the general neighborhood.

The proposed new wing and third floor addition will add no additional noise or traffic hazards.

The case provides no further question requiring detailed discussion and the evidence provides ample basis for the findings required by the Ordinance.


We find that each of the requirements of Sections 107-26 and 107-28m(5) of the Ordinance is satisfied.

The special exception for the proposed use, in the manner set forth 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. Everett R. Jones, Chairman, and concurred in by Mrs. Rita C. Davidson and Mr. Edwin L. Bright. Mrs. Mary A. Hepburn and Mr. Philip M. Fairbanks, Vice Chairman, were necessarily absent and did not participate in this decision.

  
Acting 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 the 30 day of September, 1961.

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COUNTY BOARD OF APPEALS  
For  
MONTGOMERY COUNTY

Case No. S-398

PETITION OF LONDON SCHOOL CORPORATION  
(Hearing held May 1, 1975)

OPINION OF THE BOARD

Case No. S-398 is a petition for a Special Exception pursuant to Section 59-142 of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1972, as amended) to construct an addition for classrooms and faculty offices (no increase in enrollment is proposed). The subject property contains approximately 65 acres, in tracts and parcels called "Tranquil Bar," "Honesty," "Contention," etc., at 6101 Wilson Lane, Bethesda, Maryland, in an R-90 Zone. (Previous special exceptions: Cases Nos. 118, 211, 540 and 1118.)

Decision: Special Exception granted.

FINDINGS OF FACT:

The applicant, the Landon School Corporation, requests a special exception to permit an addition, a classroom wing, to the Banfield Academic Center, essentially to house grades 7 and 8. The school as a whole houses grades 3 through 12 and has a student population of 545.

The applicant indicated that since 1936, when the Landon School moved to its present location, the school has gradually built new facilities while continuing to use some of the buildings which already existed on the property. In 1973 the Middle States Association of Colleges and Secondary Schools informed the Landon School that they must replace their Middle School building, Torrey Hall, which houses grades 7 and 8. Torrey Hall was formerly a garage with servants' quarters, and its subsequent conversion to a school building is now considered inadequate by the above-named association. Thus, the planned new wing is not for the purpose of increasing the population of Landon School, but merely as a replacement for an inadequate classroom building.

The original campus plan for the school provided for a three-wing building (later named the Banfield Academic Center). Two of the three wings have been constructed and the proposed addition

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would complete the building as indicated in the campus plan.

The proposed addition will be three stories high, built of used red brick with a slate roof, and will match existing structures. The completed building, by its low profile and design in separate wings, will appear to be relatively small in scale, appropriate to its location in a residential neighborhood.

The proposed addition will be situated 150 feet from the nearest property line, and some 250 feet from the nearest adjoining residence.

The shape of the tract is irregular and is bounded on many sides by large well-maintained single-family residences. The periphery of the site is effectively screened by large existing trees. The school has planted more than 100 pine trees along the borders; these have now grown together providing a year-round screen about 35 feet high.

No increase in paved surfaces, other than the addition of a few walkways, is contemplated by the proposed construction. Storm water is, and will continue to be, absorbed on the property or channeled along the driveway swale to the public storm system.

There should be no increase in traffic since the school population is not intended to increase. All school traffic enters and leaves the site from Wilson Lane or Bradley Boulevard. There is no school traffic on local residential streets, and none is contemplated.

No additional parking will be required, and existing parking is well-screened from adjacent properties.

No extensive exterior lighting is used, nor will there be a significant increase in outside lighting resulting from the proposed addition.

No opposition witnesses appeared, and no opposition was entered into the record.

Based on the testimony and evidence of record, including the exhibits filed by the petitioner, the Board finds that the subject request is consistent with the Master Plan for the area (the Master Plan for the Bethesda-Chevy Chase Planning Area), and will be in

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harmony with the general character of the neighborhood, and will not be detrimental to the use and enjoyment of surrounding properties or the general neighborhood; and that the proposed use meets the particular requirements set forth in Section 59-142.

Accordingly, the requested special exception 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 Mrs. Doris Lipschitz and concurred in by Mrs. Marjorie H. Sonnenfeldt, Chairman, Mrs. Shirley S. Lynne and Mr. Sheldon P. Schuman. Mr. Joseph E. O'Brien, Jr., was necessarily absent and did not participate in the foregoing Resolution.

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 14th day of May, 1975.

Lollie H. Kyte  
Clerk to the Board

NOTE: See Section 59-6.(c) of the Zoning Ordinance regarding the 12-months' period within which the right granted by the Board must be exercised.

See also Section 59-122.(c) of the Montgomery County Zoning Ordinance 1972, as revised, regarding the annual certification of operations (sworn statement of compliance).

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COUNTY BOARD OF APPEALS  
For  
MONTGOMERY COUNTY

Case No. S-398

PETITION OF LONDON SCHOOL CORPORATION

RESOLUTION TO AMEND OPINION OF THE BOARD  
(Resolution adopted July 13, 1978)

The Board has received a letter dated June 30, 1978, from Hugh C. Riddleberger, Headmaster, Landon School, requesting permission for the special exception holder to construct a minor addition (greenhouse) to the existing facilities at the school. The property is located at 6101 Wilson Lane, Bethesda, Maryland, in an R-90 Zone.

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that the record of this case shall be, and hereby is re-opened to receive the aforementioned letter and its attachments, said letter and attachments shall be entered in the record of Case No. S-398 as Exhibit Nos. 20(a) through 20(d) as follows:

- Exhibit No. 20.(a) Letter dated June 30, 1978, from  
Hugh C. Riddleberger
- Exhibit No. 20.(b) Site plan showing size, elevations  
and proposed location for greenhouse
- Exhibit No. 20.(c) General over-all site plan of the  
school
- Exhibit No. 20.(d) Catalog of greenhouses

The aforementioned letter requests permission to construct a greenhouse on the Landon School property. The use of the greenhouse would primarily be for student instruction, experimental propagation and related studies. There would be no night-time activity, and no additional traffic would be anticipated. The proposed location for the greenhouse is near the Banfield Academic Center and the wildflower garden, and is more than 100 feet from a property line which is screened by trees and cedar fence.

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After reviewing the letters and the exhibits, the Board finds that the proposed addition of a greenhouse is such that the construction would not substantially change the nature, character, or intensity of the use, and would not substantially change the effect on traffic, or upon the immediate area. Therefore, pursuant to the authority granted in Section 59-124A(c) (1) of the Zoning Ordinance (Ordinance No. 8-61, adopted January 31, 1978), the Board finds that the request to add a greenhouse is approved by the terms of this Resolution, and subject to the following condition:

1. Construction shall be according to representation by Exhibit Nos. 20(a) through 20(c).

The foregoing Resolution was proposed by Mrs. Marjorie H. Sonnenfeldt, Chairman, and concurred in by Mrs. Doris Lipschitz, Mrs. Shirley S. Lynne, Mr. Sheldon P. Schuman and Mr. Joseph E. O'Brien, Jr.

Entered in the Minute Book of  
the County Board of Appeals  
this 19th day of July, 1978.

Dollie H. Korte  
Clerk to the Board

Note: Section 59-124A(c) (1) of the Zoning Ordinance requires the Board to include in any Resolution of approval for modification of a special exception taken in executive session, the following information:

"...Any party may, within fifteen 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 particular action taken."

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COUNTY BOARD OF APPEALS  
For  
MONTGOMERY COUNTY

Case No. S-686

PETITION OF LONDON SCHOOL CORPORATION  
(Hearing held April 19, 1979)

OPINION OF THE BOARD

This proceeding is on the petition filed for a special exception pursuant to Section 59-G-2.19 of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1977, as amended) to permit construction of an addition to the gymnasium of an existing private educational institution. The subject property consists of approximately 76 acres, located at 6101 Wilson Lane, Bethesda, Maryland, in an R-90 Zone.

Decision of the Board: Special exception granted,  
as conditioned herein.

Background

The petitioner seeks a special exception to construct an addition to an already existing gymnasium. Furthermore, the school seeks to renovate the second floor of a stone house (known as the "Andrews House") located on the campus in which some faculty members reside.

The present gymnasium and associated facilities have been in use for over twenty years. In 1973 the Middle State Association of Colleges and Secondary Schools (the accrediting association) reported that the indoor athletic facilities were inadequate for a school whose policy is to have all students involved in athletics each day. It was apparent that the existing gym is especially overcrowded during the winter sports season. The single basketball court is inadequate for the number of students, even though the groups are scheduled to avoid interference as much as possible. The old lockers are not large enough to allow football gear to be well ventilated, nor will lacrosse sticks fit into the lockers. The wrestling room is a former classroom, smaller than a regulation wrestling mat. Storage space is inadequate, as is room for visiting teams to dress. Finally, the school band now practices in a Lower School classroom adjoining two others.

The proposed addition is planned to provide needed space for the school's athletic program and to eliminate overcrowded conditions as heretofore described. A new gymnasium floor is proposed, large enough to contain two basketball courts, which

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can be separated by a net curtain (thereby allowing several teams and classes to use the gym at the same time without interfering with each other). A lobby connecting the old and new gyms will provide space for restrooms and a meeting room. On the lower floor, new locker rooms are planned for Upper and Middle School students, large enough to allow a full height locker for each boy. Showers, drying and faculty changing rooms are also planned in this area. The athletic store and weight training room would be given larger spaces and the new wrestling and band room would complete the proposed additional facilities.

Existing spaces would be used for the Lower School locker room, visiting team rooms and a larger store room for uniforms and equipment.

#### Exterior Appearance

The addition is designed to conform with the existing building and to minimize the bulk of the resulting structure. A pitched roof over the new gym will be lower than the peak of the existing gym roof by continuing the existing eave height. Slate roof and brick walls are planned to match the old structure and maintain a scale consistent with the surroundings as much as possible.

On the west side where the grade falls to the lower floor level, the wrestling and band room are of reduced scale (in comparison with the gymnasium area) which will reduce the height and the bulk on that side of the building.

The new addition would be at least 360 feet from the closest property line to the west side of the school.

#### Landscaping and Screening

Between the gym and the west property line is a densely wooded area containing numerous mature deciduous trees as shown in photographs entered into the record. This buffer area varies in width from 250 to 300 feet and will remain undisturbed.

Several large trees are located near the gymnasium. Because of the addition and the relocation of the access road south and west of it a small group of trees (mostly pines) must be removed as is shown on the site plan (Exhibit No. 5). Other trees will be protected and preserved in accordance with the school's desire to maintain campus landscaping.

#### Traffic

Because there will be no increase in school population (the current number of students being approximately 575) there

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would be no increase in traffic caused by the proposed addition. All school traffic enters and leaves the site via access at Wilson Lane or Bradley Boulevard, which are main thoroughfares. There is no school traffic on local residential streets, and none will be produced by the proposed addition.

#### After-Hours Use

The school occasionally holds athletic and other events on Saturdays and/or during evening hours. This situation would continue but would be unaffected by construction of the proposed addition.

#### Exterior Illumination

The school has some lighting mounted on poles or trees along campus roads and in the parking areas. No extensive floodlighting is used nor is any proposed.

#### Andrews House

Andrews House is a stone structure built about 1900 as a residence, and occupied by the school since 1936 for a combination of classrooms and residential uses. Since 1971, the second floor has been used by a few teachers as living quarters. The school, in an effort to make the arrangements more attractive to some faculty members (who have difficulty affording residences in this part of Montgomery County), made plans for some minor modifications which would include a kitchenette for each of the three apartments. The plans were filed with the Department of Environmental Protection and a building permit obtained. The work is now finished but an occupancy permit has been denied because there is no record of prior approval by the Board of Appeals for accommodating faculty members in apartments in this structure.

#### Maryland-National Capital Park and Planning Commission Advisory Report

The Maryland-National Capital Park and Planning Commission by memorandum of April 5, 1979 recommended approval, which recommendation was unanimously adopted by the Montgomery County Planning Board.

#### Opposition

No opposition to the proposed construction or use of Andrews House has been noted either in the form of letters in the record or persons appearing at the public hearing.

Findings of the Board

The proposed addition to the gymnasium and renovation and use of Andrews House will have no effect on the Master Plan for the area nor on the peaceful use and enjoyment of adjacent residential properties. Since no change is anticipated in the number of students or faculty members or in the operation of the school, there will be no adverse effect on public facilities such as police, fire protection, sewer, water and the like (see Appendix I).

Therefore, the Board finds that the requested special exception for the addition and renovation as proposed shall be and is hereby granted, subject to the following conditions:

1. Proposed addition to the gymnasium shall be constructed according to plans entered into the record.
2. Renovation and use of Andrews House shall be according to exhibits and testimony of 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 Mr. Joseph E. O'Brien, Jr., and concurred in by Mrs. Marjorie H. Sonnenfeldt, Chairman, Mrs. Shirley S. Lynne, and Mrs. Doris Lipschitz. Mr. Sheldon P. Schuman was necessarily absent and did not participate in the foregoing Resolution.

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 May, 1979.

*Dollie N. Kyte*  
Clerk to the Board

NOTE: See Section 59-A-4.53 of the Zoning Ordinance regarding the twelve-months' period within which the right granted by the Board must be exercised.

See Section 59-A-3.2 of the Zoning Ordinance regarding use and occupancy permit.

Case No. S-686

- 5 -

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.

Case No. S-686

Appendix I

## Section 59-G-1.21. Prerequisites to granting.

(a) A special exception may be granted when the Board, or the director, as the case may be, finds from a preponderance of the evidence that the proposed use:

(1) Will be consistent with the general plan for the physical development of the district, including any master plan or portion thereof adopted by the commission;

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

(3) Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity;

(4) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;

(5) Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements. In making this determination the Board, or the director, as the case may be, shall take into consideration existing development in the area, the proposed use, uses that have valid building permits and development reasonably probable of fruition in the foreseeable future. The Board, or director, as the case may be, shall also take into consideration planned improvements or additions to public services and facilities including those shown in public capital improvement programs and the Montgomery County Ten Year Water and Sewerage Plan. Documentation of the adequacy of water and sewerage facilities and services shall be provided by the applicant.

With regard to findings relating to facilities for the transmission and treatment of sewage generated by the use: the Board or the director as the case may be, shall further consider estimates of sewage flow anticipated to be generated by the proposed use; data regarding sewage generated by existing development using public sewer facilities in the sewer basin serving the

Case No. S-686

Appendix I  
Page 2

project; estimates of flow in the sewer basin serving the project to which WSSC has committed public sewer service; and local, state and regional plans, programs and policies. A project for which the WSSC has made a sewer commitment in accordance with the Montgomery County Ten Year Water and Sewerage Plan and other applicable regulations shall be deemed to have satisfied the requirement of this section regarding adequate sewerage facilities.

With regard to findings relating to public roads, the Board or the director as the case may be, shall further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.

Nothing herein shall be construed as relieving the applicant from the necessity of complying with all requirements for obtaining a building permit or any other authorization or approval required by law, nor shall the Board's finding of facts regarding sewerage facilities be binding on any other governmental agency or department responsible for making a determination relevant to the authorization, approval, or licensing of the project.

(6) Meets the definition and specific standards set forth elsewhere in this chapter for such use.

(b) The applicant for a special exception shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Board or the director.

(c) The provisions of this ordinance shall not apply to petitions for special exceptions for which public hearings by the Board of Appeals have begun as of August 12, 1975.

Ordinance No. 8-8; adopted 8-12-75

Amended by Ordinance No. 8-19; adopted 12-9-75

9

COUNTY BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Telephone  
Area Code 301  
279-1226

Case No. S-686-A

PETITION OF LANDON SCHOOL CORPORATION  
(Hearing held July 17, 1986)

OPINION OF THE BOARD

This proceeding is on the petition filed for a modification of the special exception of Landon School Corporation pursuant to Section 59-G-2.19 of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1984) to permit modifications to the existing private educational institution, i.e., to permit the construction of an activities building for a dining hall, cafeteria, kitchen, auditorium, meeting rooms, music rooms and general educational use. ✓

The subject property is approximately 72 acres in tracts and parcels called "Tranquil Bar", "Honesty", "Contention", etc., located at 6101 Wilson Lane, Bethesda, Maryland, in an R-90 Zone.

Decision of the Board: Special exception modification granted, . . .  
to petitioner only, subject to the  
conditions enumerated herein.

Petitioner and witnesses for the petitioner appeared and presented binding testimony and evidence as follows:

Petitioner's Proposal

The applicant, Landon School Corporation, requests a special exception to permit modifications to previously granted special exceptions. Starting in 1936, the school has expanded over the fifty years with buildings and facilities to its present enrollment of 590 students. Landon proposes to build a new activities building to house an auditorium for the school and also to be used as a stage and meeting area, a new dining room and cafeteria, kitchen, meeting rooms and music and choral rooms on a 4.5 acre parcel purchased in 1980 for this purpose. This parcel is located in the northwest portion of the Landon campus, adjoining single-family residences which front on Whittier Boulevard and Alcott Road, Bethesda, Maryland. There are two small residences owned by Landon School on this property which will be razed for construction of the new activities building. ✓

The Landon School is a private school which operates its general academic program from 8:00 a.m. to 5:00 p.m., Monday through Friday, during the academic year which is from early September until mid-June. There are evening and weekend activities for school-related functions during the year. School holidays are roughly parallel to the public school system holidays.

Landon School proposes virtually no changes in its existing operations after the activities building is constructed. The number of students, faculty and other personnel, with the exception of several new employees, will not exceed previous levels.

The property in question consists of approximately 72 acres, is located at 6101 Wilson Lane, Bethesda, and has frontage on Wilson Lane and Bradley Boulevard. The property is partially developed by academic buildings, a field house/gymnasium, tennis courts, storage buildings, other athletic areas, parking lots, all as shown on the Campus Plan (Exhibit No. 22). The remainder of the tract is undeveloped.

Mr. Malcom Coates, Landon School Corporation President and Head Master, testified that the new building will cause no increase in traffic entering or leaving the school. Musical and dramatic performances will be held in the auditorium as well as lectures and meetings. After school hours, there will be evening performances to which parents and friends as well as students will come primarily by automobile. He further testified that one-to-three new employees might be needed and that there is a night watchman to oversee security. He also testified that he had spoken with the owner of 6300 Alcott Road, property to the north of the proposed building, who stated that he had no objection to the proposed building, parking area and lights as shown on the revised site plan (Exhibit No. 20). Mr. Coates said that there is a need for the new building so as to provide adequate and necessary dining and cooking areas, as well as the auditorium and meeting rooms.

John Parker, AIA, Project Architect, testified that the building will be 344 feet from the nearest property line to the west and 133 from the nearest property line to the north. He testified from the revised site plan (Exhibit No. 20) that the area to the west and north is heavily wooded with many large trees 60-to-70 feet in height with several trees being 44 inches in circumference. The revised site plan does indicate many trees that are 12 inches or more in circumference and the land immediately to the west, although not shown on the site plan with trees, is heavily treed. Mr. Parker used the aerial photograph (Exhibit No. 23) and the small pictures (Exhibit Nos. 24(a) to (d)) to show the heavy tree coverage and underbrush coverage to the west and to the north and testified that the building would have no visual effect to the neighbors to the west and north. He stated that the roof would be in a gray color so as to blend in with the trees that give a general gray color during the winter time and that the building would be practically unseen during the tree-growing season. The design and exterior materials used would be compatible with existing buildings.

Further, he testified that the revised site plan (Exhibit No. 20) includes a driveway completely around the proposed building for needed circulation, showed the landscape plan, and indicated that it would have 22 white pine trees, 8 to 10 feet in height, planted at the northwest corner of the new driveway area which would circle the building so as to prevent any car lights from being seen by properties to the west. He also stated that a six-foot high fence backed by 15 white pine trees, 8-to-10 foot in height, would be planted immediately to the north at the end of the driveway coming into the new building to prevent any lights being seen by the home on 6300 Alcott Road directly to the north of the property.

Mr. Parker also testified that the building would fit into site topography with little disruption of the natural grade. Also, at the request of the Maryland-National Capital Park and Planning Commission Staff and Mr. Tanenbaum, owner of 8307 Whittier Boulevard, the proposed building was moved more to the south and slightly further away from the properties on Alcott Road. Also, as shown on the revised site plan (Exhibit No. 20), the original proposed parking to the west was completely eliminated as was much of the vertical parking behind the building facing to the north. The eliminated parking was moved to the east of the building, to the south and elsewhere on the Landon campus. He testified that there are 162 parking spaces within 500 feet of the front entrance of the proposed building. There will be six handicap parking spaces near the building.

Mr. Parker further testified that limited lighting is proposed for the new building which would consist of three lights on poles of no more than 9 feet in height (Exhibit No. 25) on the west side of the driveway, 4 lights to the north and 3 lights to the east. These driveway lights would be four-sided glass with the lens being opaque as it faces the rear property lines. All such lights will be shielded or otherwise designed so that they will not shine towards neighboring houses and property. There will also be incandescent lights similar to residential fixtures at the building doorways.

Mr. Parker testified as to the size and height of the proposed building as shown on Exhibit Nos. 6(c) and (d) and that the proposed building is in accordance with the height limitations.

Further testimony revealed that there is adequate provision for storm water management and storm water retention which will be installed in accordance with Montgomery County requirements and will flow through an existing storm sewer which has been on Landon property since 1980. The exhibits further show the general location of the storm water sewer as well as the sanitary sewer and Mr. Parker testified that these were available and adequate. He testified that runoff from rain water, which has been a problem to neighbors on Alcott Road, will be drastically reduced by this project because a large portion of the land area which contributes to the natural runoff to the north and northwest will be controlled by the new storm water management system.

James Crawford, expert land planner, testified that the use of the activities building will be consistent with the general plan for the physical development of the District including the Bethesda master plan and is a permissible use in the R-90 Zone. He further testified that in his opinion it would create no additional traffic either entering or leaving the school and that it would be adequately served by public services and facilities. He testified that the use can and will be developed in conformity with applicable area, density, building coverage, frontage, setback, access and screening requirements.

Robert Williams, expert real estate appraiser, testified that from the research that he had done and pursuant to the report which he submitted (Exhibit No. 26), he found that buildings of this size or larger on school properties would not have any detrimental economic effect on surrounding residential properties and that specifically the Landon School proposed building and use would have no adverse economic effect on surrounding properties on Whittier Boulevard and Alcott Road. Mr. Williams compared various school sites in the nearby area to Landon School and, as stated in his report, these properties were not effected by being near school properties nor near school parking areas.

It was the witnesses' expert opinions that the proposed use would be in harmony with the general character of the neighborhood, would not be detrimental to the peaceful enjoyment of the neighborhood and that the existing and proposed buildings would be consistent and compatible with other structures in the area. The expert witnesses further testified that the use would be in harmony with the general character of the neighborhood; that it would not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood and that it would cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity; that it will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area; and that it would be architecturally compatible with other buildings in the surrounding neighborhood and on the Landon School property.

#### Opposition

No opposition witnesses appeared although two neighbors, Mr. and Mrs. Tanenbaum and Mr. and Mrs. Goldberg, had written to the Board of Appeals expressing their concern as to the modification request. Mr. and Mrs. Tanenbaum, through their attorney, Harry W. Lerch, did submit a letter to the Board of Appeals dated July 16, 1986 indicating that they were pleased to withdraw their opposition to the special exception application in view of the amendments made to the site plan by Landon School Corporation which were encompassed in the revised site plan (Exhibit No. 20).

Maryland-National Capital Park and  
Planning Commission, Staff Report  
and Planning Board Recommendation

Both the Technical Staff and the Planning Board recommended conditional approval (Exhibit Nos. 13(a) and (b)) of the subject petition. The Staff report (Exhibit No. 13(a)) noted the following comments:

The Community Plans Division stated:

"The new building has been designed to blend architecturally with the appearance of existing school structures. Because of the layout of the campus, the siting of the new facility appears to be logical and in harmony with the contemporary needs of the School for space.

The Development Review Division stated:

"The staff agrees that the proposed activities building provides needed space for dining, assembly and the music/drama program essential to the school's operation at its current roll level. The use of the building for school needs is appropriate; it reduces congestion in existing facilities and does not alter the student enrollment or significantly increase staff/traffic levels. Thus, the proposal requires assessment of the impact of this development on the surrounding residential area, due to the proximity to private residences. The school has proved to be a compatible neighbor in this area and its proposal from the outset was to retain the vegetation and trees to provide as much of a buffer as possible, in order to protect their neighbors' view of the building and the associated activity...

"As the land owners of the predominate, undeveloped wooded section of this neighborhood, the school has taken a responsible attitude towards protecting a majority amenity. However, their development of the site is essential to the school's operation and the necessity for an activities building is not disputed...

"Therefore, Staff recommends that the parking lot on the west side be removed completely and the 48 spaces be relocated elsewhere on the site. . .

"In conclusion, the Staff finds the proposed special exception with conditions will not constitute a nuisance because of number of students, traffic or physical activity resulting from the use of the proposed activities building, and that the placement of the building and retention of undisturbed wooded portions of the property supplemented by additional landscaping will not affect adversely or change the present character of the adjoining residential community."

Findings of the Board

After reviewing and upon consideration of all testimony, evidence and exhibits in the record, the Board finds that the proposed modification of the existing special exception will continue to meet all the general standards found in Section 59-G-1.21 and the particular standards set forth in Section 59-G-2.19.

Accordingly, the subject request for modification of the special exception is granted, to petitioner only, subject to the following conditions:

1. Petitioner shall be bound by all testimony and evidence in the record.
2. That site development, parking, landscaping, driveway, lighting and construction shall be in accordance with the plans entered into the record as Exhibit Nos. 6(a) to (h), 20 and 25 as revised.
3. That the applicant need not submit a plan for subdivision and need not obtain a subdivision of this property for the purposes of obtaining a building permit for the purposes of constructing the building approved herein.
4. The time for implementing the special exception shall be extended for two years from the date this Resolution is entered in the Minute Book of the County Board of Appeals.

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 Joseph E. O'Brien, Jr. and concurred in by Thomas S. Israel, Howard Jenkins, Jr. and Max H. Novinsky. Doris Lipschitz, Chairman, was necessarily absent and did not participate in the foregoing Resolution.

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 26<sup>th</sup> day of August, 1986.

  
Irene H. Gurman  
Clerk to the Board

Case No. S-686-A

Page 7.

NOTE: See Section 59-A-4.53 of the Zoning Ordinance regarding the twelve-months' period within which the right granted by the Board must be exercised.

See Section 59-A-3.2 of the Zoning Ordinance regarding Use and Occupancy Permit.

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.

# 10

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Telephone  
Area Code 301  
217-6600

Case No. S-686

PETITION OF LONDON SCHOOL CORPORATION

RESOLUTION TO MODIFY SPECIAL EXCEPTION  
(Resolution adopted May 29, 1991)

The Board is in receipt of correspondence dated May 23, 1991, from John W. Parker, AIA, which states, in part:

"Landon School has applied for a building permit to renovate three existing classrooms, a rest room and corridor in the classroom wing of their gymnasium building. No change in use is involved.

"The gymnasium was built in 1938, enlarged in 1945 and again in 1979. ... The County Fire Safety Code now requires exterior exit steps to be covered to prevent the accumulation of ice and snow. To comply with this code, plans for the renovation include an exterior canopy, 5' x 10' in area, to provide a cover for existing exterior exit steps. ✓

"Mr. Denis Canavan at the Park & Planning Commission ... agrees that the canopy is a minor addition ...

"We request a minor modification ... for this canopy, to be built as shown in attached Exhibits ... dated May 23, 1991." ✓

Based on the foregoing information, the Board is of the opinion that petitioner's request to construct a 5' x 10' canopy over the existing exterior gymnasium steps is a minor modification to the special exception and can be granted without changing the nature, character or intensity of the use of the property, and without 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 Board of Appeals for Montgomery County, Maryland, that Case No. S-686, Petition of Landon School Corporation, shall be and hereby is re-opened to receive Mr. Parker's May 23, 1991, letter; Site Plan showing campus plan and gymnasium with proposed canopy; and front and side views of proposed canopy; and ✓

Case No. S-686

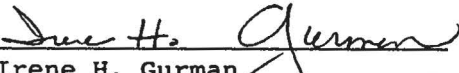
Page 2.

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may construct a 5' x 10' canopy over the existing exterior gymnasium steps at the location shown on the site plan. The new construction shall be in accordance with the construction plans entered in the record, as noted above.

The subject property consists of approximately 76 acres, located at 6101 Wilson Lane, Bethesda, Maryland, in the R-90 Zone.

The foregoing Resolution was proposed by Helen Strang and concurred in by Howard Jenkins, Jr., Helen Strang, William Green and Judith Heimann, Chairman.

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland,  
this 7<sup>th</sup> day of June, 1991.

  
Irene H. Gurman  
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 objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

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BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Telephone  
Area Code 301  
217-6600

Case No. S-686

PETITION OF LANDON SCHOOL CORPORATION

RESOLUTION TO MODIFY SPECIAL EXCEPTION  
(Resolution adopted June 30, 1992)

The Board is in receipt of correspondence dated June 18, 1992, from John W. Parker, which states, in part:

"Landon School plans to add a second stair to their building known as Torrey Hall, a two-story structure used since 1940 as a classroom building. No change in use is involved. ...

"The County Fire Safety Code now requires two stairs from upper floors of existing school buildings. In order to fit the stair into this small building, a one-story shed-roofed addition 6 feet by 6 feet is proposed to make room for the bottom landing.

"The Landon School property is approximately 76 acres ... and has been used by the School since 1936.

"The proposed addition will be invisible from any neighboring property, will cause no increase in traffic or intensity of use, nor will it change the nature or character of the use of the property. We request a minor modification ... in accordance with Section 59-G-1.3(c)(1) ... to permit this small addition ..."

The Board, after careful consideration of Mr. Parker's correspondence and a review of the record in Case No. S-686, finds that the addition of a second stair to Torrey Hall to meet County Fire Safety Code requirements can be granted without the necessity of a public hearing. The Board further finds that the proposed modification will not change 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 Board of Appeals for Montgomery County, Maryland, that Case No. S-686, shall be and hereby is re-opened to receive the following exhibits: Mr. Parker's letter dated June 18, 1992; partial Campus Plan indicating location of proposed new exit stair addition; Elevations and construction plan of proposed addition; photocopied photographs; and

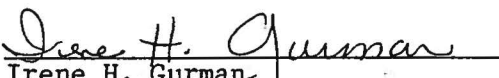
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may construct a second stair to their building known as Torrey Hall, the bottom landing to be enclosed in a one-story, 6' x 6', shed-roofed addition. The proposed stair shall be constructed in the location shown on the partial site plan and in accordance with the plans/construction notes entered in the record; and

BE IT FURTHER RESOLVED that all terms and conditions of the original special exception and any modifications thereto, except as modified herein, shall remain in full force and effect.

The subject property consists of approximately 76 acres, located at 6101 Wilson Lane, Bethesda, Maryland, in the R-90 Zone.

The foregoing Resolution was proposed by Helen R. Strang, and concurred in by William Green, Howard Jenkins, Jr., K. Lindsay Raufaste and Judith Heimann, Chairman.

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland,  
this 15th day of July, 1992.

  
Irene H. Gurman  
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 objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

**12**

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Telephone  
Area Code 301  
217-6600

Case No. S-686

PETITION OF LONDON SCHOOL

RESOLUTION TO MODIFY SPECIAL EXCEPTION  
(Resolution adopted April 7, 1993)

The Board is in receipt of correspondence dated April 2, 1993, from John W. Parker, AIA Architect, on behalf of Landon School, which states, in part:

"Landon School plans to enclose an existing exterior stair at their Banfield Academic Center. The stair is concrete, supported by brick walls, extending from the second floor library down to the ground. It was built in 1963 as part of the library wing ... As designed and built, its use is mainly that of a fire escape from the library ...

"The School would like to use the first floor study hall as an annex to the second floor library. The exterior stair is in a good location for this, and enclosing it with walls and a roof would make it function well for everyday circulation between floors.

"The existing brick and concrete stair structure is 18'5" long and 12'6" wide, with an additional three steps to the ground which are 9'4" wide and project 2'6". The proposed enclosure would enlarge the existing stair structure by 4 inches on three sides, making it 19'1" long by 12'10" wide. To provide a landing outside the new exterior door which must swing out, the projecting flight would be replaced with a small porch covering the landing and the steps. The porch would be 9'4" wide (same as the existing steps), but 7'0" deep instead of the present 2'6".

"... The proposed two-story stair enclosure will be a minor addition to the large three-story Academic Center, and will be 113' from the nearest property line. No change in use, traffic or other School activities will result. ...

"We request a minor modification of Special Exception S-686 in accordance with Section 59-G-1.3(c)(1) of the Zoning Ordinance, to permit this small addition ..."

The Board, after careful consideration of the correspondence and a review of the record in the above-referenced case, finds that the request to modify the special exception to permit the enclosure of an existing exterior stair can be granted without the necessity of a public hearing. The Board further finds that the proposed modification will have no effect on traffic or on the immediate neighborhood. Therefore, in accordance with the provisions of Section 59-G-3.1(c)(1) of the Zoning Ordinance,

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case No. S-686, Petition of Landon School, shall be and hereby is re-opened to receive Mr. Parker's April 2, 1993, letter, site plan, photographs, elevations and construction plans; and

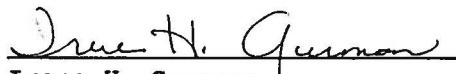
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may enclose an existing exterior stair at their Banfield Academic Center, as outlined in Mr. Parker's letter and shown on the site plan, and in accordance with the plans entered in the record; and

BE IT FURTHER RESOLVED that, except as modified herein, all terms and conditions of the original special exception and any modifications thereto, shall remain in full force and effect.

The subject property contains 76 acres, located at 6101 Wilson Lane, Bethesda, Maryland, in the R-90 Zone.

The foregoing Resolution was proposed by Howard Jenkins, Jr., and concurred in by Helen Strang, K. Lindsay Raufaste and Judith Heimann, Chairman, and William Green.

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland,  
this 26th day of April, 1993.

  
Irene H. Gurman  
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 objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

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BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Telephone  
Area Code 301  
217-6600

Case No. S-398

PETITION OF LONDON SCHOOL CORPORATION

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution adopted November 28, 1995  
(Effective date of Resolution, March 4, 1996)

The Board is in receipt of correspondence dated November 13, 1995, from Damon F. Bradley, Headmaster, Landon School, which states, in part:

"We would like to replace the outdoor swimming pool used by our summer day camp. We have operated the summer camp since the late forties, the existing pool was built in 1952. Being over 40 years old, the pool is still usable ... but the filter and recirculation system are primitive by today's standards and require increasing repair and maintenance work. ... ✓

"We do not intend to enlarge the enrollment of the camp. But, the summer program has grown ... so the time available for swimming is less, and therefore there are more children at any one time using the pool. For this reason, we would like the new pool to be larger than at present. The existing pool is 68' by 32'. We would like to lengthen it by 7 feet to make it 25 yards long, and widen it by 13 feet to provide more water surface area. Also, because the staff teaches non-swimmers how to swim, we would like to have a small ell area of shallow water for swimming instruction out of the way of the main pool. ✓

"Although the pool itself would be somewhat larger than at present, and the fenced enclosure would be slightly shifted, the enclosed area would be the same size as it has been for 43 years. There would be no buildings involved; we have adequate dressing rooms and showers in the gymnasium, which the Health Department has approved for the pool's needs. The filter and equipment room would be concealed under the pool deck, as it is now. ✓

"Pool use is only recreational swimming for the summer campers, from mid-June to mid-August, and an occasional weekend alumni picnic in June. We have no intention of ever making this an indoor pool, nor of using it at night, nor during the school year, when it is covered to prevent its use. ✓

"There would also be no impact or adverse effect on the surrounding residential property. The pool area's appearance will change but little from its present state, and it is invisible from any neighboring houses, being separated from those on Whittier Boulevard by a heavily wooded natural buffer. No new or increased auto traffic would be caused, inasmuch as the summer camp operates only during non-school months.

Case No. S-398

Page 2.

"We are enclosing plans and a photograph of the pool area, a letter from our architects describing the physical details, and letters from County agencies indicating their preliminary approval. ..."

The Board, after careful consideration of the correspondence and a review of the record in the above-referenced case, finds that the request to permit replacement of the existing outdoor pool can be granted without the necessity of a public hearing. The Board further finds that the request will have no effect on traffic and on the immediate neighborhood.

THEREFORE, in accordance with the provisions of Section 59-G-3.1(c)(1) of the Zoning Ordinance, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case S-398, shall be and hereby is reopened to receive the following exhibits: Damon F. Bradley's November 13, 1995, letter; John W. Parker, A.I.A., November 15, 1995, letter; Richard R. Brush, Manager, Permitting and Plan Review Section, DEP, September 8, 1995, letter; Robin D. Ziek, Historic Preservation Planner, M-NCPPC, November 13, 1995, letter; site and topographic plans; photograph and rendering of enlarged pool; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may replace the existing outdoor swimming pool with a larger pool in the location shown on the site plan and as described in Mr. Bradley's November 13, 1995, and Mr. Parker's letter describing the physical details; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner shall obtain all required permits from the Health Department and the Department of Environmental Protection; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that, except as modified herein, all terms and conditions of the original special exception and all modifications thereto, except as modified by this Resolution, shall remain in full force and effect.

The subject property contains approximately 65 acres, in tracts and parcels called "Tranquil Bar," "Honesty," "Contention," etc., located at 6101 Wilson Lane, Bethesda, Maryland, in the R-90 Zone.

On a motion by William S. Green, seconded by Allison Bryant, with Helen Strang in agreement, the Board adopted the foregoing Resolution. Judith B. Heimann and K. Lindsay Raufaste, who were members of the Board at the time of the decision, concurred in the foregoing Resolution. Susan Turnbull and Judy Clark, who were not members of the Board at the time of the decision, did not participate in the foregoing Resolution.

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland,  
this 4th day of March, 1996.

*Tedi S. Osias*

Tedi S. Osias  
Executive Secretary to the Board

Case No. S-398

Page 3.

**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.

3239:6-8

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BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
301 217-6600

Case No. S-398

PETITION OF LANDON SCHOOL CORPORATION

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution adopted October 15, 1997)

(Effective date of Resolution, February 20, 1998)

The Board has received correspondence dated September 30, 1997, from Donald H. Miller, Director of Operations, Landon School, which states, in part:

"We are writing to request an administrative modification to our Special Exceptions, in order to obtain a building permit for a structure which we built last year without a permit. ✓

"The structure is a roofed storage shed, 16' x 20', with three walls (one side is open) and a gable roof 12' high at the peak. It is located behind our maintenance shops in a part of the school grounds reserved for repair and storage of buildings and grounds equipment. Previously this site had been used for temporary stockpiling of sand, chips, and/or soil to meet campus requirements. The site is not visible from the public areas of the school, and is approximately 360 feet from the nearest property line, screened from neighboring streets and properties by woods. It has no plumbing, heating, or electricity, and is occupied only by our stockpile of sand which is used for treatment of the icy campus roads in winter. ✓

"We used to stockpile sand in an outdoor pile covered by tarpaulins, but the covers would either come loose in the wind or be difficult to remove when covered with snow. The shed with its concrete floor allows us to scoop the sand out easily in winter weather with a tractor-mounted loader bucket. ✓

"We built the shed last winter ... No variance is involved and the shed does not create any increase in traffic, number of occupants, or school activities.

"... Landon's property is approximately 72 acres in the R-90 zone ... It has been the School's home since 1936. ..."

Included with Mr. Miller's correspondence are a school site plan showing the shed's location and a photograph of the existing shed. ✓

The Board, after careful consideration of the correspondence and a review of the record in the above-referenced case, finds that the request to modify the special exception can be granted without the necessity of a public hearing. The Board further finds that the request will have no effect on traffic and on the immediate neighborhood.

THEREFORE, in accordance with the provisions of Section 59-G-3.1(c)(1) of the Zoning Ordinance, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case No. S-398, Petition of Landon School, shall be and hereby is reopened to receive the following exhibits: Mr. Miller's September 30, 1997, letter; a school site plan showing the location of the existing shed; photographs of the existing shed; and an updated list of adjoining/confronting property owners; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may retain the existing 16' x 20' shed, used to stockpile sand, in the location shown on the site plan; and

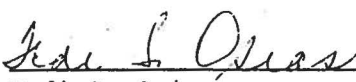
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that all future modifications on the special exception property must be approved by the Board prior to going forward with any construction; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that, all terms and conditions of the original special exception and any modifications thereto, except as modified herein, shall remain in full force and effect.

The subject property consists of tracts and parcels called "Tranquil Bar", "Honesty", "Contention", etc., located at 6101 Wilson Lane, Bethesda, Maryland, in the R-90 Zone.

On a motion by Allison Bryant, seconded by William S. Green, with Donna L. Barron, Wendell Holloway and Susan W. Turnbull, Chair, in agreement, the Board adopted the foregoing Resolution.

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland,  
this 20th day of February, 1998.

  
Tedi S. Osias  
Executive Secretary 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 objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

3239/41-2

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BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
301 217-6600

Case No. S-398

PETITION OF LANDON SCHOOL CORPORATION

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution adopted February 11, 1998)

(Effective date of Resolution, February 20, 1998)

The Board has received correspondence dated January 28, 1998, from Donald H. Miller, Director of Operations, Landon School, which states, in part:

"Landon School would like to have an administrative modification to its Special Exceptions in order to have installed a booth to be used for a security guard at our Wilson Lane driveway entrance. It would be used primarily late at night and during the early morning hours as a place to control access to the campus.

"The night watchman and faculty have noticed an increasing number of cars entering the campus grounds late at night. With the school grounds not being brightly lit, the buildings being dispersed about the seventy-two acres, and the considerable areas of woods, there is concern over the security posture of the buildings and the safety of the campus residents. ... Our security system has relied on alarms in the buildings and a night watchman patrolling the grounds. ... there are more and more visitors to our campus and this corresponds to a decrease in our overall security posture. The providing of a place to control entrance to the campus grounds would be a good step toward improving the safety and security posture of Landon School.

"The booth would be occupied by a security guard late at night. Coupled with gates, the guard would be better able to control the access to the campus and thus reduce the number of unwanted visitors prior to their actual entrance onto our campus. The booth would be 4' x 8', prefabricated, factory-painted steel and placed on a concrete slab ... the roof would be standing-seam metal ... There would be an electric heater, lights, telephone, and an air conditioner in the booth but ... no plumbing. A guard and a watchman would alternate duty time and be allowed to use rest room facilities in other buildings. ...

"... The booth would be approximately 15 feet in back of our front entrance sign and approximately 75 feet from the Wilson Lane property line; no variance would be needed. ..."

Included with Mr. Miller's letter are a site plan showing the booth location, photographs of the entrance driveway, a brochure which shows the proposed security booth and elevations and construction notes.

The Board, after careful consideration of the correspondence and a review of the record in the above-referenced case, finds that the request to modify the special exception can be granted without the necessity of a public hearing. The Board further finds that the request will have no effect on traffic and on the immediate neighborhood.

THEREFORE, in accordance with the provisions of Section 59-G-3.1(c)(1) of the Zoning Ordinance, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case No. S-398, Petition of Landon School, shall be and hereby is reopened to receive the following exhibits: Mr. Miller's January 28, 1998, letter; a site plan showing the location of the proposed security booth; photographs of the front entrance; a page from a brochure depicting security booths; elevations and construction notes; and an updated list of adjoining/confronting property owners; and

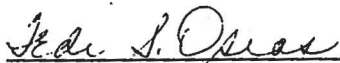
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may construct a 4' x 8' security booth as described in the correspondence to the Board and the submitted plans. The security booth shall be located at the school's Wilson Lane entrance, in the location shown on the site plan; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that, all terms and conditions of the original special exception and any modifications thereto, except as modified herein, shall remain in full force and effect.

The subject property consists of tracts and parcels called "Tranquil Bar", "Honesty", "Contention", etc., located at 6101 Wilson Lane, Bethesda, Maryland, in the -90 Zone.

On a motion by Donna L. Barron, seconded by Wendell M. Holloway, Louise L. Mayer, Angelo Cupato and Susan W. Turnbull, Chair, in agreement, the Board adopted the foregoing Resolution.

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland,  
this 20th day of February, 1998.



Tedi S. Osias

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

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BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
240-777-6600

Case No.S-686-B

PETITION OF LANDON SCHOOL CORPORATION

OPINION OF THE BOARD

(Hearing Held June 9, 1999)  
(Effective Date of Opinion: July 26, 1999)

Case No. S-686-B is the application for a modification to an existing special exception pursuant to Section 59-G-2.19 of the Montgomery County Zoning Ordinance, to permit a private educational institution. The proposed modification is for construction of a new middle school building, renovation of the existing Banfield Academic Center, addition of two staff members, and to increase enrollment by approximately 20 students.

The subject property is Parcels P485, N432, P618, N406, P521, located at 6101 Wilson Lane, Bethesda, Maryland in the R-90 Zone.

Decision of the Board:      Modification **granted**, subject to  
conditions enumerated below.

Cindy Bar, Esquire, appeared on behalf of the Petitioner. She called as witnesses Damon Bradley, Headmaster of the Landon School and Alan De Haan, an architect with the firm of Tappe Associates.

PETITIONER'S CASE

In her letter to the Board of Appeals dated March 22, 1999, introducing the modification request, Cindy Bar, Esquire, states:

"The school has been operating in harmony with the surrounding neighborhood since the grant of the special exception. However, due to changes in school demographics, and a need for updated facilities, the school is requesting approval of a new middle school building. The proposed location, depicted on the enclosed site plan, is adjacent to the existing Banfield Academic Center. This building will also undergo a renovation, but will not be enlarged" [Exhibit No. 4].

According to Petitioner's Statement of Operation [Exhibit No. 3]:

"The new middle school building will allow Landon to: implement a reorganization of its academic divisions in order to provide a discreet and optimal learning and developmental environment for boys in grades 6 through 8; consolidate students currently dispersed throughout the campus and make better use of its faculty, staff, resources and schedule; and realign itself with the changing grade level patterns of other schools in the community."

"The renovation of Landon's Banfield Academic Center will provide boys in the Upper School, grades 9 through 12, with state of art science laboratories, enhanced studio art space, improved library and technology facilities, updated classrooms and on-campus gathering space. The renovation will also provide improved faculty, advising and counseling space."

"Both the new and renovated facilities will be used for general academic purposes and include classrooms, libraries, technology-related space, science laboratories, art studios, gallery and exhibit space, academic administrative offices, faculty rooms, student lounges and support space. Equipment would be of the standard academic variety including computers, audio-visual and duplicating machines. The facilities are not intended, nor have provisions been made, for performance or major social events. No food service is planned although the facilities would include kitchenettes for faculty and uncooked snack items."

"As currently is the case, the facilities would operate from approximately 7:45AM to 4:00PM, Monday through Friday. No significant regular outside activities are anticipated."

"The new construction and renovation would not alter Landon's practice of providing free and easy access to the campus grounds and outside facilities (fields, trails, running track, playgrounds) to members of the surrounding community."

"The new and renovated facilities, in conjunction with the reorganization of Landon's academic divisions, would result in an increase of two additional professionals and 19 additional students (from a current population of 641); the overall increase would, therefore, be minimal. Increases in traffic and parking also should be minimal for

several reasons. Although two additional professional positions would be added, two others recently have taken residence in single family homes contiguous to the Scholl and walk to campus. Further, of the additional 19 students, three to five will likely utilize School or public bus transportation, three to four would come from current families and four to five would be involved in a car pooling arrangement."

At the hearing, Alan B. De Haan of Tappe Associates, architects for the proposal, and Damon Bradley, the headmaster of the school gave testimony consistent with the statement of operation [Exhibit No. 3].

Plans depicting the proposed renovations and construction were submitted into the record at Exhibit No. 4 and Exhibit No. 6.

The Board heard no testimony in opposition to the modification, and no evidence of opposition was received into the record.

#### FINDINGS OF THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Both the M-NCPPC Technical Staff and the Planning Board recommended approval [Exhibit Nos. 16a and 16b] of the petition, with conditions. The Petitioner to the Planning Board's recommended conditions at the public hearing.

#### FINDINGS OF THE BOARD

Based on the testimony, evidence and exhibits of record, the Board finds that the existing special exception, modified as proposed in this petition, will continue to meet all of the general standards for special exceptions found in Section 59-G-1.21 of the Zoning Ordinance, together with the specific standards for private educational institutions Section 59-G-2.19. In making these findings, the Board adopts the findings in the M-NCPPC Technical Staff report [Exhibit No. 16a, pp. 8-11].

In particular:

The Board concurs with the M-NCPPC finding that the proposed modification continues the use's consistency with the Bethesda-Chevy Chase Master Plan [Exhibit No. 16, pp. 4-5].

The Board finds that the proposed modification will not change the school's harmony with the general character of the neighborhood, nor will it make the school detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties. The existing Banfield Academic Center will be renovated, but not enlarged. The new middle school building will be located adjacent to the Banfield

Center. Both buildings, located 300-350 feet away from the nearest neighboring home, are well screened by trees. The Board finds therefore, that the proposed construction will have minimal impact on nearby properties.

With respect to the traffic impacts of increases in enrollment by 20 students and in staffing by 2, the Board concurs with the M-NCPPC Technical Staff evaluation that there will be no significant effect on critical lane volumes at nearby intersections [Exhibit No. 16, pp. 5-6]. Thus, the impact of these slight operational changes at the school will also be minimal to the surrounding neighborhood.

Accordingly, the Board grants the requested modification of the special exception, subject to the following conditions:

1. The petitioner shall be bound by all of its testimony and exhibits of record, the testimony of its witnesses and representations of its attorneys, to the extent that such evidence and representations are identified in the board's opinion granting the special exception modification.
2. The site development and construction shall be in accordance with plans entered into the record as Exhibit Nos. 4, 5, 6, and 14.
3. The applicant shall contribute to the cost of a flashing warning light at the Wilson Lance entrance (if such a light is approved by the State Highway Administration [SHA]).
4. The applicant shall coordinate with SHA to upgrade the existing Wilson Lane entrance in accordance with a mutually agreeable plan with explicit consideration of the impact to the character of the campus and its historic environmental setting.
5. Compliance with the Montgomery County Department of Permitting Services requirements for stormwater management prior to release of sediment and erosion Control permits.
6. Approval of a landscape plan by the M-NCPPC technical staff. Use of native trees and plants to fulfill landscaping requirements is encouraged.
7. All terms and conditions of the original special exception and any subsequent modifications remain in full force and effect unless altered by the Board of Appeals.

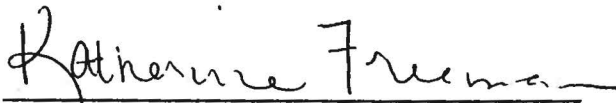
Case No. S-686-B

Page 5

On a motion by Donna L. Barron, seconded by Louise L. Mayer, with Angelo M. Caputo, Donald H. Spence, Jr. and Susan W. Turnbull, Chair in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 26<sup>th</sup> day of July, 1999.



Katherine Freeman  
Executive Secretary to the Board

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twelve-month period within which the right granted by the Board must be exercised.

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(301) 217-6600**

**Case No. S-686-B**

**PETITION OF LANDON SCHOOL CORPORATION**

**Please take notice that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, Second Floor Davidson Memorial Hearing Room, on Wednesday, the 9th day of June, 1999, at 1:30 p.m. or as soon thereafter as this matter can be heard, on the application filed for a modification to the existing special exception pursuant to Section 59-G-2.19 (Educational institutions, private) of the Zoning Ordinance to permit construction of a new middle school building; renovation of the existing Banfield Academic Center; add two additional staff members; and increase enrollment by 19 for a maximum of 609 students.**

**The subject property is Parcels P485, N432, P618, N406, and P521, located at 6101 Wilson Lane, Bethesda, Maryland, in the R-90 Zone.**

**Notices forwarded this 30th day of March, 1999, to:**

**The Landon School  
Cindy M. Bar, Esquire  
County Attorney  
Denis Canavan, M-NCPPC, Development Review Division  
Director, Department of Environmental Protection  
Director, Department of Permitting Services  
Chief, Division of Development Services and  
Regulation, Department of Environmental Protection  
Director, Department of Public Works and Transportation  
State Highway Administration  
Fire Marshal  
Board of Education  
Washington Suburban Sanitary Commission  
Property Owner: The Landon School  
Members, County Board of Appeals  
Contiguous and confronting property owners  
Bradmoor Citizens Association  
Huntington Terrace Citizens Association  
Bethesda Coalition**

**County Board of Appeals**

**by: Katherine Freeman  
Katherine Freeman  
Acting Executive Secretary to the Board**

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(301) 217-6600**

**Case No. S-686-B**

**PETITION OF LANDON SCHOOL CORPORATION**

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The subject property is Parcels P485, N432, P618, N406, and P521, located at 6101 Wilson Lane, Bethesda, Maryland, in the R-90 Zone.

Notices forwarded this 30th day of March, 1999, to:

The Landon School  
Cindy M. Bar, Esquire  
County Attorney  
Denis Canavan, M-NCPPC, Development Review Division  
Director, Department of Environmental Protection  
Director, Department of Permitting Services  
Chief, Division of Development Services and  
Regulation, Department of Environmental Protection  
Director, Department of Public Works and Transportation  
State Highway Administration  
Fire Marshal  
Board of Education  
Washington Suburban Sanitary Commission  
Property Owner: The Landon School  
Members, County Board of Appeals  
Contiguous and confronting property owners  
Bradmoor Citizens Association  
Huntington Terrace Citizens Association  
Bethesda Coalition

County Board of Appeals

by: Katherine Freeman  
Katherine Freeman  
Acting Executive Secretary to the Board

**BOARD OF APPEALS  
For  
MONTGOMERY COUNTY**

**REGARDING SPECIAL EXCEPTION AND VARIANCE CASES**

A copy of the applicant's complete submission has been referred to the Montgomery County Planning Board for review and recommendation. For further information about the hearing which may be scheduled in special exception cases, please call (301) 495-4595.

The file containing the applicant's submission for a special exception or a variance may be reviewed and copied in the Board's office.

Upon request, the Board of Appeals will mail a copy of the Board's rules of procedures. The Montgomery County Zoning Ordinance is available for reference in the reference section of the Montgomery County Libraries, the Office of the Montgomery County Board of Appeals, the Department of Permitting Services and the Montgomery County Planning Board.

For information about purchasing a copy of the Montgomery County Zoning Ordinance, contact the Office of the County Attorney, 101 Monroe Street, Third Floor, Rockville, MD 20850 (301-217-2600).

Groups and organizations, whether or not they are represented by counsel, and citizens represented by counsel, who wish to testify at the hearing, must file two (2) copies of their statement at least ten (10) days before the scheduled hearing date, indicating what they expect to prove, the names of witnesses, the estimated time for presentation of their case, and such other materials as may be required. The statement must be accompanied by copies of documentary evidence and resumes and summaries of the testimony of expert witnesses. An individual may testify on his or her own behalf without prior notice either in favor of, or in opposition, to the special exception or variance. (No prior filing of an opposition statement is required in cases heard on less than thirty (30) days notice.) See the Board's Rules of Procedure, available at the Office of the Board of Appeals, or request a copy of the Board's brochure.

**NOTE:** The applicant's file may be examined in Room 217, Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, **prior to the day of the hearing**, from 8:30 a.m. to 4:30 p.m., Monday through Friday.

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville MD 20850  
(301) 217-6600**

**HEARING AGENDA \*  
(\*Subject to change)**

**Wednesday, June 9, 1999**

**9:30 a.m.**

<b>A-5169</b>	<b>Petition of Chevy Chase Recreation Association</b>	<b>Action :</b>
	<b>Variances: a swimming pool</b>	<b>Motion:</b>
	<b>(rear and side lot line setbacks)</b>	<b>Yea :</b>
		<b>Nay :</b>
		<b>Other :</b>
	<b>8922 Spring Valley Road, Chevy Chase</b>	

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<b>A-5170</b>	<b>Petition of Thomas and Deborah Holcomb</b>	<b>Action :</b>
	<b>Variance: a one-story addition</b>	<b>Motion:</b>
	<b>(side lot line setback)</b>	<b>Yea :</b>
		<b>Nay :</b>
		<b>Other :</b>
	<b>4207 Leland Street, Chevy Chase</b>	

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<b>A-5172</b>	<b>Petition of Bernice Holveland Hardy</b>	<b>Action :</b>
	<b>Variance: a one-story addition</b>	<b>Motion:</b>
	<b>(rear lot line setback)</b>	<b>Yea :</b>
		<b>Nay :</b>
		<b>Other :</b>
	<b>7601 Marbury Road, Bethesda</b>	

\*\*\*\*\*

<b>A-5173</b>	<b>Petition of Ali Sohrab, Tadeo A. and L. A. Grodzki</b>	<b>Action :</b>
	<b>Variance: a second-story addition</b>	<b>Motion:</b>
	<b>(side lot line setback)</b>	<b>Yea :</b>
		<b>Nay :</b>
		<b>Other :</b>
	<b>8931 Colesville Road, Silver Spring</b>	

\*\*\*\*\*

<b>A-5174</b>	<b>Petition of Kent A. Mason and Susan P. Adams</b>	<b>Action :</b>
	<b>Variance: a second-story addition</b>	<b>Motion:</b>
	<b>(sum of both side yards requirement)</b>	<b>Yea :</b>
		<b>Nay :</b>
		<b>Other :</b>
	<b>6712 Kenhill Road, Bethesda</b>	

\*\*\*\*\*

**Board of Appeals Hearing Agenda, Wednesday, June 9, 1999****Page 2**

\*\*\*\*\*

**10:30 a.m.**

**S-2385**      Petition of Olney Boys and Girls Club  
 Special Exception: to permit the construction and operation  
 of a service organization which will provide indoor and  
 outdoor athletic facilities for young people

Action :  
 Motion:  
 Yea :  
 Nay :  
 Other :

4501 Olney-Laytonsville Road, Olney

\*\*\*\*\*

**1:30 p.m.**

**S-2378**      Petition of Marvin R. Mark  
 Special Exception: to permit an accessory apartment

Action :  
 Motion:  
 Yea :  
 Nay :  
 Other :

13160 River Road, Potomac

\*\*\*\*\*

**S-686-B**      Petition of Landon School Corporation  
 Special Exception: to permit construction of a new middle  
 school building; renovation of the existing Banfield Academic  
 Center; add two additional staff members. Enrollment is  
 anticipated to increase by approximately 20 students

Action :  
 Motion:  
 Yea :  
 Nay :  
 Other :

6101 Wilson Lane, Bethesda

\*\*\*\*\*

**A-5181**      Appeal of Allen Manesh  
 Administrative Appeal: Department of Permitting Services  
 Building Permit Denial

Action :  
 Motion:  
 Yea :  
 Nay :  
 Other :

14932 Kelly Farm Drive, Darnestown

\*\*\*\*\*

**Board Members**

Susan W. Turnbull, Chair  
 Donna L. Barron  
 Louise L. Mayer  
 Angelo M. Caputo  
 Donald H. Spence, Jr.

**Staff**

Katherine Freeman, Acting Executive Secretary to the Board  
 Hermene B. Jones, Administrative Specialist  
 Court Reporter: Deposition Services

**17**

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600

**Case No. S-686-C**

**PETITION OF LONDON SCHOOL CORPORATION**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Resolution Adopted June 26, 2002) --

(Effective Date of Resolution: August 27, 2002)

The Board of Appeals has received correspondence from Harry W. Lerch, Esquire on behalf of the Landon School. Mr. Lerch's June 4, 2002 and June 20, 2002 letters request administrative modification of the school's special exception to allow installation of a new security kiosk just inside the Bradley Lane entrance, relocation of the existing security kiosk just inside the Wilson Lane entrance, relocation of the existing anchor fence along the eastern border of the property facing Wilson Lane and construction of a public sidewalk along MD Route 188.

The subject property is Parcels P485, N432, P618, N406 and P521 located at 6101 Wilson Lane, Bethesda, Maryland in the R-90 Zone.

The Board of Appeals considered the modification request at its Worksession on June 26, 2002. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides:

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

The Board finds that the requested modifications will not change the nature, character or intensity of the use and will not substantially change its effect on traffic or on the immediate neighborhood. Therefore,

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

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-686-C, Petition of Landon School Corporation, is re-


Case No. S-686-C

Page 2.


opened to receive Harry W. Lerch's letters of June 4, 2002 and June 20, 2002, with attachments; and

**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County Maryland that the request to modify the special exception as described herein 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.

  
\_\_\_\_\_  
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 27<sup>th</sup> day of August, 2002.

  
\_\_\_\_\_  
Katherine Freeman  
Executive Secretary 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 objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

**Case No. S-686-C**

**Page 3.**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

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**BOARD OF APPEALS**  
for  
**MONTGOMERY COUNTY**  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240)-777-6700

Case No. S-686-C

**PETITION OF THE LANDON SCHOOL**

**OPINION OF THE BOARD**  
(Hearing date: September 11, 2002)  
(Opinion Adopted: October 2, 2002)  
(Effective date of Opinion: November 18, 2002)

Case No. S-686-C is a petition by The Landon School ("Landon") for a modification to an existing special exception for a private educational institution pursuant to Section 59-G-2.19 of the Zoning Ordinance. This modification proposes: (1) construction of a new Lower School building; (2) addition of grades kindergarten through second; (3) renovation of main athletic field and seating; (4) renovations to the Amphitheatre; (5) continuation of the existing summer camp program as an accessory use; and (6) revisions to the existing campus roadway system, all on its campus located at 6101 Wilson Lane, Bethesda, Maryland (the "Campus").

Pursuant to Section 59-A-4.11(a) of the Montgomery County Zoning Ordinance, the Board of Appeals held a public hearing on this petition on September 11, 2002. Harry W. Lerch, Esquire, appeared on behalf of the Petitioner. Testifying on behalf of the Petitioner were Damon Bradley, Headmaster of Landon, David Wahl, Assistant Headmaster of Landon, Peter Winebrenner, an architect with the firm of Cochran, Stephenson & Donkervoet, Inc., David Weber, an engineer and land planner with the firm of Gutschick, Little and Weber PA, Leon Chatelain, an architect with the firm of Chatelain and Associates, and Craig Hedberg, a transportation planner with the firm of Integrated Transportation Solutions, Inc.

No one appeared in opposition to the requested modification. Two letters in support of the application were submitted by neighbors (Exhibit No. 25 and Exhibit No. 28). There were no letters of opposition. Martin Klauber, Esquire, the People's Counsel of Montgomery County, Maryland, participated in the hearing in support of the requested modification as conditioned below.

The subject property is comprised of Parcels P485, N432, P618, N406 and P521, located at 6101 Wilson Lane, Bethesda, Maryland, in the R-90 and R-90/TDR Zones.

Decision of the Board:

Special Exception Modification  
**GRANTED**, subject to conditions  
enumerated below.

EVIDENCE PRESENTED TO THE BOARD:

1. The Petitioner requests a modification to the existing special exception for a general modernization of the campus to address the need to redesign classrooms and academic support spaces, the need to renovate existing facilities, and the need to reconfigure roads to provide safer, smoother modes of pedestrian and vehicular movement.

2. Mr. Damon Bradley provided a brief history of the School, and testified that Landon enjoys a good relationship with its neighbors, who often utilize the School's fields, scenic trails, and playgrounds. Mr. Bradley further testified regarding the need for a new lower school, stating that the Wilson Building, which currently houses grades three through five, was never intended for elementary school use. The proposed new Lower School will consist of approximately 32,000 gross square feet. It will provide larger classrooms, better library resources, a computer lab, reading rooms, and an online resource center. A multi-purpose room and a small administrative space are also contemplated by the plans (Exhibits 31 F and 31 H).

3. Landon's current enrollment is 660 students in grades three through twelve. The requested modification provides enough classroom space for the school to consider adding kindergarten through second grade to its current enrollment, which would add seven faculty members and one administrator to its current staff of 150, and increase enrollment by approximately 76 students. The revised statement of operations states that if these changes are made, they would be phased in over a three-year period, no sooner than the 2003-2004 academic year. [Exhibit No. 31(c)].

4. Mr. Bradley further testified that the hours of the Lower School will be 8:00 am to 3:40 pm. After school daycare will also be provided for approximately 3-5% of the Lower School student population beginning at 3:40 pm and continuing as late as 6:00 pm. Mr. Bradley stated that the School hopes that the new Lower School will be ready for occupancy by the fall of 2004.

5. Mr. David Wahl testified regarding the renovation of the main athletic field as well as the construction of new seating on the field. Mr. Wahl stated that the renovations will include improved drainage from the field, but will not affect the overall contours of the field or the surrounding area. Additionally, Mr. Wahl testified that the improved seating will provide easy access for the elderly and physically challenged.

The proposed renovations provide for increased seating to the extent necessary to better accommodate Landon's usual number of guests. Mr. Wahl testified that the proposed renovations include seating capacity for 819 on the home side of the field and 280 on the visitor side. He stated that the School does not foresee an increase in overall attendance or in the size or number of events conducted at the field; and, no change is proposed with regard to lighting or the sound system.

6. Mr. Wahl also testified regarding the proposed change to the amphitheatre. Mr. Wahl stated that the amphitheatre is in need of restoration after more than 25 years of use. The amphitheatre is natural in appearance and blends in well with the surrounding area. The proposed renovations include new wood or vinyl seating surfaces, and repairs to, and a minor enlargement of, the low stage area. Mr. Wahl testified that the School does not intend to increase seating capacity.

7. Mr. Wahl also testified regarding the School's request for acknowledgement from the Board that the School's summer camp constitutes an accessory use. Mr. Wahl stated that Landon's summer camp has operated for approximately 40 years and runs for eight weeks over the course of the summer. Mr. Wahl further testified that the School offers a wide range of selections for the prospective camper, ranging from academic programs (algebra, writing, chemistry, computer skills, learning and study skills) to arts programs (band, ensemble, painting, photography, ceramics) and athletics (lacrosse, baseball, tennis, weight and strength training). The camp is designed for boys and girls ages 4 through 18. The total number of campers in all of the summer programs offered by Landon is equal to 520 full time equivalents. Mr. Wahl testified that the School seeks permission for a maximum number of 700 campers at any one time.

8. Mr. Wahl also testified regarding the changes to the campus road system. Mr. Wahl stated that the current road system impedes the natural flow of traffic and forces the students to cross roadways while traveling from class to class. Landon proposes a revised plan that would divert traffic from areas with high volumes of student pedestrian traffic and provide drop off/pick up inlets and greater stacking distances.

9. Peter Winebrenner provided the Board with an overview of the architectural details of the proposed Lower School as well as the proposed gate for Wilson Lane (Exhibit 31F). Mr. Winebrenner also showed the Board plans of the security kiosks and gates that were previously approved by the Board of Appeals at a minor modification hearing (Exhibit 31A).

10. Mr. Winebrenner testified that the requested modification was in compliance with the following sections of the Montgomery County Zoning Ordinance ("Zoning Ordinance"): 59(g)1.2.1, 59-G-1.23(g) and (h), 59-G-1.26, and 59-G-2.19(a)(1)-(4) (Exhibit 31F).

11. In response to questions raised by Board Member Allison Ishihara Fultz, Mr. David Weber testified that the primary stormwater management will occur around the proposed Lower School, and that the protections around the School included super silt fencing. Mr. Weber also stated that because the drains were slightly elevated, they acted as a sediment trap so that no grading would be required (Exhibit 31F).

12. When questioned by Mr. Klauber about the grading for the internal roadways, Mr. Weber testified that the only grading required generally was a stripping of the topsoil, but that minor grading would occur adjacent to the playing field.

13. Mr. Weber further testified that the requested modification is in compliance with Sections 59-G-1.21(a) and 59-G-1.23(a), (b), (d) and (f) of the Zoning Ordinance (Exhibit 31F).

14. Mr. Craig Hedberg stated that the requested modification, as it relates to transportation, is in compliance with Sections 59-G-1.21(a)(4) and (9), Section 59-G-2.19(a)1) and 59-G-2.19(2) of the Zoning Ordinance (Exhibits 4 and 7).

15. When questioned by Chairman Spence regarding the State Highway Administration ("SHA") improvements that are being constructed, Mr. Lerch stated that the improvements are still under design, but are expected to begin this year. Mr. Lerch further stated that the SHA is currently planning to widen a portion of Wilson Lane. The frontage of Landon, along with the Wilson Lane entrance, will be affected by this construction, and Landon intends to cooperate with the SHA to promote safer, more efficient travel along this road. Mr. Hedberg testified that the improvements are being designed to include separate left turn lanes on Wilson Lane at the School's driveway and at Whittier Boulevard (eastbound and westbound).

16. Mr. Hedberg also testified regarding the Transportation Management Plan. Mr. Hedberg stated that the implementation of the Transportation Management Plan will manage traffic flow in and out of the School, particularly during peak traffic hours (Exhibit 39).

17. Mr. Leon Chatelain testified the home side of the enhanced seating would include 819 seats for visitors, and the visitor side would include 280 seats. Mr. Chatelain further testified regarding the use of existing and proposed hedging as well as proposed trees to create an appropriate landscaped environment and shield for the enhanced seating as well as the field (Exhibit 11, Exhibit 31 D and Exhibit 31 F).

18. When questioned by Mr. Klauber about the method used for planning the enhanced seating, Mr. Chatelain testified that the seating was designed for 700 people,

but by the calculations of the Technical Staff of Maryland-National Capital Park and Planning ("MNCPPC"), the enhanced seating would actually fit 819.

19. Mr. Chatelain stated that the requested modification relating to the football field and enhanced seating is compatible with Section 58-G-2.19(a)1 and (2) of the Zoning Ordinance.

20. Mr. Klauber expressed his support for the proposed modification, however, he did state his concern relating to the amount of seating at the football field.

21. Chairman Spence inquired about the requirements that campus signs receive the approval of the Sign Review Board. Mr. Lerch responded that signs not visible from outside the property were exempt from the permitting requirements of the Sign Review Board. Upon the request of Chairman Spence, Mr. Lerch later submitted a letter dated September 13, 2002 (Exhibit 37), citing Section 59-F-8.1(b) of the Montgomery County Code, which states that such signs are exempt.

22. Additionally, at the request of Chairman Spence, a revised landscaping plan for the new Lower School Building (Exhibit 38) was submitted, along with an approved stormwater management concept plan (Exhibit 40). Both plans were subsequently approved by the Board.

### FINDINGS OF THE BOARD

The Board finds that the requested modifications comply with the specific standards and requirements set forth for the proposed modified use in Section 59-G-2.31, specifically:

#### *Section 59-G-2.19. Educational Institutions, Private.*

*(a) Generally. A lot, tract or parcel of land may be allowed to be used for a private educational institution if the board finds that:*

- (1) the private educational institutional use will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood;*

The requested modification is to an existing special exception use. The requested modification will not constitute a nuisance because of the location of the proposed changes and type of physical activity associated with it.

- (2) *except for buildings and additions completed, or for which a building permit has been obtained before April 2, 2002, the private educational institution must be in a building architecturally compatible with other buildings in the surrounding neighborhood, and, if the private educational institution will be located on a lot, tract, or parcel of land of 2 acres or less, in either an undeveloped area or an area substantially developed with single-family homes, the exterior architecture of the building must be similar to a single-family home design, and at least comparable to any existing homes in the immediate neighborhood;*

The requested modification will be housed in buildings architecturally compatible with buildings in the surrounding neighborhood.

- (3) *the private educational institution will not, in and of itself or in combination with other existing uses, affect adversely or change the present character or future development of the surrounding residential community;*

The requested modification will not adversely affect or change the present character or future development of the surrounding residential community.

- (4) *the private educational institution must conform with the following standards in addition to the general development standards as specified in Section G-1.23:*

- a. **Density**—*The allowable number of pupils per acre permitted to occupy the premises at any one time must be specified by the Board considering the factors set forth in Section G-1.23(a)(1) through (a)(5) of the Zoning Ordinance.*

The requested density is appropriate considering those factors set forth in Section 59G-1.23(a)1-(5), including traffic patterns, noise and type of physical activity, and topography.

- b. **Buffer**—*All outdoor sports and recreation facilities must be located, landscaped or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facility must be designed and sited to protect adjacent properties from noise, spill light, stray balls and other objectionable impacts by providing appropriate screening measures, such as sufficient setbacks, evergreen landscaping, solid fences and walls.*

The proposed modification will not constitute an intrusion into adjacent residential properties because appropriate screening measures are contemplated in the proposed plans.

(b) *If a private educational institution operates or allows its facilities by lease or other arrangement to be used for: (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, the Board must find, in addition to the other required findings for the grant of a private educational institution special exception, that the activities in combination with other activities of the institution, will not have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, or parking, or the intensity, frequency, or duration of activities. In evaluating traffic impacts on the community, the Board must take into consideration the total cumulative number of expected car trips generated by the regular academic program and the after school or summer programs, whether or not the traffic exceeds the capacity of the road. A transportation management plan that identifies measures for reducing demand for road capacity must be approved by the Board. The Board may limit the number of participants and frequency of events authorized in this section*

The requested modification does not relate to any activities for which the School would lease out its facilities. The Landon Summer Camp will not have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, parking, or the intensity, frequency or duration of activities.

*(c) Programs Existing before April 22, 2002*

(1) *Where previously approved by the Board, a private educational institution may continue the operation of (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, whether such programs include students or non-students of the school, if the number of participants and frequency of events for programs authorized in 59-G-2.19(b) are established in the Board's approval.*

(2) *Where not previously approved by the Board, such programs may continue until April 22, 2004. Before April 22, 2004, the underlying special exception must be modified to operate such programs, whether such programs include students or non-students of the school. The Board may establish a limit on the number of participants and frequency of events for authorized programs*

The Board approves the continuation of the existing summer day camp as an accessory use to the existing special exception.

**STANDARD FOR EVALUATION (SECTION 59-G-1.2.1)**

Section 59-G-1.2.1 sets forth the standard by which the Board must evaluate a special exception. That standard requires that a special exception be evaluated based on its inherent and non-inherent adverse effects at the particular location proposed, irrespective of adverse effects if elsewhere established in the zone (Zoning Text Amendment No. 99004, Opinion, page 4). Section 59-G-1.2.1 states:

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

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

- (1) Make a determination as to the general neighborhood affected by the proposed use.
- (2) Establish those inherent, generic physical and operational characteristics associated with a given use, in this case a private educational institution, to create an evaluation standard. The evaluation standard does not include the actual physical size and scale of operations of the use proposed.
- (3) Determine separately the physical and operational characteristics of the use proposed, in this case, the use as proposed by the Landon School.
- (4) Compare the generic characteristics of the evaluation standard with the particular characteristics of the use proposed. Inherent adverse effects are those caused by characteristics of the use proposed consistent with the generic characteristics of the evaluation standard. Non-inherent adverse effects are those caused by characteristics of the use proposed that are not found in the evaluation standard.

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

(1) The General Neighborhood

The Board adopts the MNCPPC technical staff's definition of the neighborhood: the properties located within or adjacent to Bradley Boulevard to the north and east, Aberdeen Road and Kirby Lane to the south, and Springer Road and Woodhaven Boulevard to the west. [Exhibit 30].

(2) Evaluation Standard - Physical and Operational Characteristics

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

The Board finds that typical of a public or private school in Montgomery County is a substantially sized building in terms of square footage. These buildings are generally one to two stories in height. Operationally, the Board finds that a private or public elementary school can be expected to have anywhere between 100 to 500 students. The Board finds that a certain degree of outdoor lighting for security purposes is inherent at such schools, that noise from outdoor recess or sports gatherings on outdoor fields is to be expected, and that special events such as Back-to-School nights or other post school hour activities will take place on occasion. The expected hours of operation would generally be between 8:00 A.M. and 3:00 P.M. Bus and automobile traffic are expected to be associated with a private or public elementary school. Finally, impacts on the environment, such as runoff from the school building and the parking facility, are to be expected.

(3) Proposed Use Physical and Operational Characteristics.

The Board adopts technical staff's finding that the impact of the size, scale and institutional design of the new lower School Building and other facilities will be minimal. The new Lower School building, together with the design of the seating improvements for the main athletic field, the renovation of the amphitheatre, and the proposed security kiosks will be compatible with existing buildings on campus and well-buffered from the surrounding neighborhood. Lighting will only be added to the Lower School building, and will be limited to what is needed for safety and security.

The Board adopts technical staff's finding that there will be minimal environmental, noise or traffic impacts associated with the modification. An increase in enrollment can potentially increase noise, but the campus is well buffered from surrounding properties. Traffic impacts will be mitigated by the proposed improvements to the on-campus roadway system, and the Transportation Management Plan. [Exhibits 30, 39]

(4) Comparison of Characteristics.

(1) Inherent Adverse Effects.

After considering the generic characteristics of the use and comparing them with the physical and operational characteristics of Landon School as modified by the instant request, the Board finds that, all of the physical and operational characteristics of the school associated with the requested modification will be inherent adverse effects.

(2) Non-Inherent Adverse Effects.

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

59-G-1.21. *General Conditions.*

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

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

The property is in the R-90 and R-90/TDR zones, which permit a private educational institution by special exception and thus the requested modifications are a permissible special exception in the applicable zones.

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

The requested modification complies with the specific standards for private educational institutions set forth in 59-G-2.19.

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

The requested modification is consistent with the General Plan for the physical development of Montgomery County. The existing special exception use is covered by the Bethesda Chevy Chase Master Plan which specifically recommends the continued use, within the existing zoning, of large land users like private schools.

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

The requested modification will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses. Most of the changes proposed in the modification request are an attempt to modernize the existing campus facilities.

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

The requested modification would not result in the School being detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

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

The requested modification would not have a detrimental effect for any of these reasons given the size, scale, and scope of what is proposed, the size of the subject property, and the substantial buffering provided.

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

The requested modification is to a use that has existed on the subject property for over 60 years (more than 50 of those years by special exception).

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

The existing special exception has operated for many years without causing these effects. The requested modification will not cause any of such effects to arise.

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

The Board finds that the requested modification will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities. There is existing telephone, electric, natural gas, water and sanitary sewer services adjacent to and available to serve the School and the proposed modifications. Other public services and utilities are also available to the site, including police and fire services. The Board notes that adequate public services have served this site for many years and the modifications will not require additional services.

Accordingly, the Board grants the requested modification of this special exception, subject to the following conditions:

1. The Petitioner shall be bound by its testimony and exhibits of record, the testimony of its witnesses and representations of its attorney, to the extent that such evidence and representations are identified in the Board's opinion granting the special exception.

2. The Petitioner must implement the Transportation Management Plan. [Exhibit 39].

3. The Petitioner shall continue the operation of the existing summer day camp, as an accessory use. [EVIDENCE PRESENTED, paragraph 6].

4. For each phase relating to the construction of the new Lower School, the renovations to the amphitheatre, and the revisions to the existing campus roadway system, the Petitioner shall submit to MNCPPC a tree save plan, prepared by a certified arborist, before issuance of building and sedimentation and erosion control permits are issued.

5. Construction shall be according to Exhibit 31.

Case No. S-686-C

Page 13.

6. Landscaping shall be according to Exhibit 15, and lighting according to Exhibit 31(e).

7. The Petitioner must establish a neighborhood liaison committee, in which the People's Counsel shall serve ex-officio. The committee shall meet annually or more often if so requested by any of the existing neighborhood associations, or by the People's Counsel.

8. All prior terms and conditions of the special exception, together with any modifications granted by the Board of Appeals, remain in effect.


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

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled case.



Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 18<sup>th</sup> day of November, 2002.



Katherine Freeman  
Executive Secretary to the Board

**Case No. S-686-C****Page 14.****NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four month period within which the special exception granted by the Board must be exercised.

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**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240)-777-6700

Case No. S-686-C

**PETITION OF THE LANDON SCHOOL**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Resolution adopted January 8, 2003)

(Effective date of Resolution: January 16, 2003)

The Board of Appeals has received correspondence from Harry W. Lerch, Esquire on behalf of the Landon School. Mr. Lerch's December 13, 2002 letter requests an administrative modification of the school's special exception to allow the construction of a new residence (the "Crittenberger House") for the headmaster of the Upper School of Landon.

The subject property is Parcels P485, N432, P618, N406 and P521 located at 6101 Wilson Lane, Bethesda, Maryland in the R-90 zone.

The Board of Appeals considered the modification request at its Worksession on January 8, 2003. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides:

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

The Board finds that the requested modifications will not change the nature, character or intensity of the use and will not substantially change its effect on traffic or on the immediate neighborhood. Therefore,

On a motion by Allison Ishihara Fultz, seconded by Angelo M. Caputo, with Louise M. Mayer, Vice Chairwoman Donna L. Baron, and Chairman Donald H. Spence, Jr. in agreement:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland, that the record in Case No. S-686-C, Petition of the Landon School, is re-opened to receive Harry W. Lerch's letter of December 13, 2002, with attachments; and

Case No. S-686-C

Page 2.

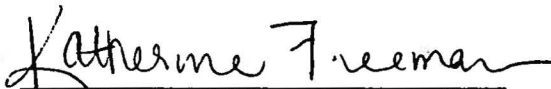
**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception as described herein is granted; and

**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.



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 16<sup>th</sup> day of January, 2003



Katherine Freeman  
Executive Secretary 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 objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

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**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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**CASE NO. S-686-C**

**PETITION OF THE LANDON SCHOOL**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Resolution Adopted May 2, 2007)

(Effective Date of Resolution: May 10, 2007)

The Board of Appeals has received a letter, dated April 24, 2007, from Harry W. Lerch, Esquire and Stuart Barr, Esquire. The letter requests an administrative modification to the above-captioned Special Exception to permit the modest expansion of the School's gymnasium building, as described on the plans. This administrative modification involves only a portion of the existing gymnasium building. The letter includes a description of the proposed project, together with a list of adjoining and confronting property owners and civic associations, photographs of existing property conditions, Architectural Plans, and a campus map.

The letter also states that, "On April 15, 2007 the School conducted an outreach meeting for its immediate neighbors. Fourteen neighbors representing eleven households were able to attend. The People's Zoning Counsel, Martin Klauber, Esq was also in attendance. The neighbors were appreciative of the meeting, and no opposition was expressed."

The subject property is Parcels P485, N432, P618, N406 and P521 located at 6101 Wilson Lane, Bethesda, Maryland in the R-90 zone.

The Board of Appeals considered the request of Mr. Lerch and Mr. Barr at its Worksession on May 2, 2007. 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.

Case No. S-686-C

Page 2.

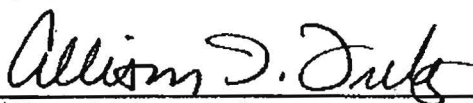
The Board finds that the requested changes pertain to a small portion of the existing gymnasium building. The number of students, faculty, or employees, hours of operation, traffic generation, parking spaces, or any other aspect of School operations will not change. The use and operation of the new building will be the same as the present building. The Board finds that the changes will have a positive, if any, impact off site and will not substantially change the nature, character, or intensity of the special exception or its effect on traffic or the immediate neighborhood.

Therefore, on a motion by Donna L. Barron, Vice-Chair, seconded by Wendell M. Holloway, with Caryn L. Hines, Catherine G. Titus and Allison Ishihara Fultz, Chair, in agreement:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-686-C is re-opened to receive the letter of April 24, 2007 with attachments, as Exhibit Nos. 44(a -n); and

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

**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.



Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 10<sup>th</sup> day of May, 2007.



Katherine Freeman  
Executive Director

**NOTE:**

Case No. S-686-C

Page 3.

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

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**BOARD OF APPEALS  
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**Case No. S-686-C**

**PETITION OF LANDON SCHOOL**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Resolution Adopted March 11, 2009)

(Effective Date of Resolution: June 15, 2009)

The Board of Appeals has received a letter, dated March 3, 2009, from Stuart Barr, Esquire, on behalf of Landon School. Mr. Barr requests administrative modification of the special exception to allow installation of two dugouts on the main baseball field. Mr. Barr submits plans and drawings to illustrate the requested changes.

Records of the Board of Appeals indicate that Landon School has existed in its current location since 1936. On June 2, 1950, the Board granted Case No. BZA-927 to the Landon School Corporation to permit the continued use of an existing private school. The Board then granted Case Nos. CBA-118 on October 19, 1953, CBA-211 on August 16, 1954, CBA-540 on July 16, 1957 and S-398 on May 14, 1975 to allow further construction and development of the school facilities. On May 2, 1979 the Board granted Case No. S-686 to permit construction of an addition to the gymnasium. On August 26, 1986, the Board granted Case No. S-686-A to permit construction of an activities building. On July 26, 1999, the Board granted Case No. S-686-B, allowing construction of a new middle school building, renovation of the existing Banfield Center, two additional staff members, and an increase in enrollment of 20 students. On November 18, 2002 in Case No. S-686-C, the Board allowed construction of a new Lower School building; addition of grades K-2; renovation of main athletic field and seating; renovations to the Amphitheatre; continuation of the existing summer camp program and revisions to the existing campus roadway system. Over the years, the Board has also granted administrative modifications on June 7, 1991, July 15, 1992 and April 16, 1993.

The subject property is Parcels P485, N432, N406 and P521 located at 6101 Wilson Lane, Bethesda, Maryland 20817, in the R-90 Zone.

The Board of Appeals considered Mr. Barr's letter at its Worksession on March 11, 2009. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:


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

The Board finds that installation of the dugouts as proposed will have no outward impact, and will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by Walter S. Booth, seconded by Carolyn J. Shawaker, with Stanley B. Boyd, David K. Perdue, Vice-Chair and Catherine G. Titus, Chair, in agreement:

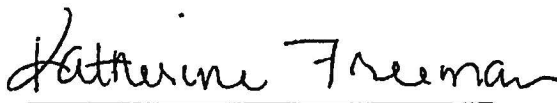
**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-686-C, Petition of The Landon School, is re-opened to receive Stuart Barr's letter of March 3, 2009, with attachments [Exhibit 45]; and

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

**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.

  
Catherine G. Titus  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 15<sup>th</sup> day of June, 2009.

  
Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section

**22**

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**Case No. S-686-C**

**PETITION OF LANDON SCHOOL**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Resolution Adopted April 21, 2010)

(Effective Date of Resolution: May 20, 2010)

The Board of Appeals has received a letter, dated April 13, 2010, from Stuart R. Barr, Esquire on behalf of Landon School. The letter requests an administrative modification to the above-captioned Special Exception to permit a seasonal tennis bubble over four of the school's tennis courts and to permit small restrooms next to the existing building adjacent to the athletic field on the east side of its campus. The letter includes a description of the proposed improvements, together with a list of adjoining and confronting property owners and civic associations, photographs showing the location of the proposed improvements, and elevations to illustrate the proposed restroom addition.

The letter states that the seasonal tennis bubble would be 36 feet in height and located over 600 feet from any nearby residence. The bubble also would be partly surrounded and shielded by existing buildings that are taller than 36 feet. The bubble would be opaque and would not create any off-site lighting impacts. Lighting within the bubble would be by directional down lamps on poles.

The bubble is proposed for seasonal winter use from approximately November 1<sup>st</sup> to March 31<sup>st</sup> each year. The hours of use would be from 6:00 a.m. to 11:00 p.m. daily to enable play for Landon students, faculty, parents and alumni, along with Landon's sister school, Holton-Arms.

The letter indicates that the small men's and women's restrooms would be an addition to the existing building next to Triplett Athletic Field, located on the east side of the campus. The restrooms would not be visible from the closest residences because they are proposed to be located on the west side of the field and would be shielded by the existing building. Each restroom would measure approximately 8 feet by 8 feet, and they would be similar in style and appearance to the existing building.

The subject property is Parcels P485, N432, P618, N406 and P521 located at 6101 Wilson Lane, Bethesda, Maryland in the R-90 zone.

The Board of Appeals considered Mr. Barr's letter at its Worksession on April 21, 2010. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:

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

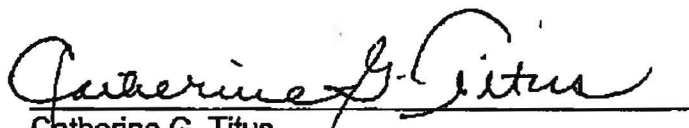
The Board finds that the requested improvements will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. The proposed two additions do not involve any change in the number of enrolled students or faculty members, any change in parking spaces, or any change in the number of tennis courts. The proposed tennis bubble is located in the central part of the campus and will not create any off-site impacts since the tennis activities will be contained within the bubble. The proposed hours of operation for the tennis bubble will be consistent with the general hours of activity at the school. When the bubble is not in place, use of the courts will be limited to daylight hours since no outdoor lights are proposed.

Therefore, on a motion by Stanley B. Boyd, seconded by Walter S. Booth, with Carolyn J. Shawaker, David K. Perdue, Vice-Chair, and Catherine G. Titus, Chair, in agreement:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-686-C, Petition of Landon School, is re-opened to receive the letter of April 13, 2010 with attachments, as Exhibit No. 47; and

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

**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.

  
Catherine G. Titus  
Chair, Montgomery County Board of Appeals

Case No. S-686-C

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Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 20<sup>th</sup> day of May, 2010.



Katherine Freeman  
Executive Director

**NOTE:**

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

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**BOARD OF APPEALS  
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(240) 777-6600

**Case No. S-686-C**

**PETITION OF LANDON SCHOOL**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Resolution Adopted November 3, 2010)  
(Effective Date of Resolution: January 6, 2011)

The Board of Appeals has received a letter, dated October 26, 2010, from Stuart R. Barr, Esquire, on behalf of Landon School. Mr. Barr requests administrative modification to allow relocation of the small restrooms approved by the Board of Appeals in its May 20, 2010 Resolution. Mr. Barr submits an aerial photograph to show the new proposed location: the south end of the existing tennis courts. Mr. Barr states that the school believes this change will 1) provide greater accessibility to the restrooms, by locating them more centrally on campus; 2) be more cost effective given the necessary plumbing connections; and 3) will not disturb the plaza area next to the athletic field.

The subject property is Parcels P485, N432, P618, N406 and P521 located at 6101 Wilson Lane, Bethesda, Maryland in the R-90 zone.

The Board of Appeals considered Mr. Barr's letter at its Worksession on November 3, 2010. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:

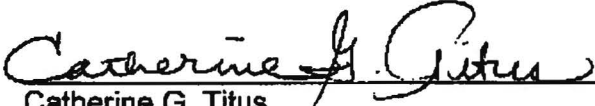
If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the board, without convening a public hearing to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

The Board finds that relocating the proposed restrooms within the campus of the school will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by David K. Perdue, Vice-Chair, seconded by Carolyn J. Shawaker, with Walter S. Booth, Stanley B. Boyd and Catherine G. Titus, Chair, in agreement:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the record in Case NO. S-686-C, Petition of Landon School, is re-opened to receive Stuart Barr's letter of October 26, 2010, 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.

  
Catherine G. Titus  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 6<sup>th</sup> day of January, 2011.

  
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.

**Case No. S-686-C****Page 3**

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.