

COUNTY BOARD OF APPEALS  
For  
MONTGOMERY COUNTY

Cases No. 1838 & No. 1849

PETITION OF SERUCH F. KIMBLE, BLAIN T. EIG, JOHN J. CURRY,  
KENNETH CRUGE, JOHN B. BRACH, THOMAS L. KOURY, HAROLD S.  
TIDLER, KENNETH W. PRENTICE AND JOHN HABERLIN  
(Hearing held September 9, 1965)

OPINION OF THE BOARD

This proceeding is a consolidation of petitions filed in Cases No. 1838 and No. 1849 for a Special Exception under Section 104-29 q-1 of the Zoning Ordinance (Chap. 104, Mont. Co. Code 1960, as amended) to permit the operation of a medical and dental clinic. The subject property consists of Lots 1 through 13, plus an unsubdivided portion fronting on Georgia Avenue, on Block 1, Section 1, on Forest Grove, located at the corner of Georgia Avenue and Forest Glen Road, Silver Spring, Maryland, in an R-60 Zone.

The petitioners propose to erect upon the site a three-level building which would have a gross floor area of approximately 31,000 square feet containing offices for medical practitioners. In addition, it is proposed that there be an apothecary located on the ground floor with sole access from the inside of the building. The apothecary will not be open for business except during the doctors' office hours. Part of the site to be included in this Special Exception is a heavily wooded area located at the northern end, and it is proposed that this portion of the tract be left in its natural state.

Access to the parking areas is to be provided by two driveways, one on Forest Glen Road and the other on Georgia Avenue. The parking area contains 155 spaces which is in excess of the minimum number required under the Ordinance as amended on July 27, 1965. The parking area will be illuminated by four-foot high dome lights and there will be no lights or lighted signs on the building. The Woodland Drive side of the property will be screened by a five-foot high fence and plantings.

The requirements of Section 104-20 q-1 with regard to minimum area, minimum frontage, minimum setback, maximum building height, maximum building coverage and location of access have all been met. The Board finds that the proposed use will not constitute a nuisance because of traffic, noise or physical activity and that such use will not affect adversely the present character or future development of the surrounding residential community. The Board further finds that the proposed use will not affect adversely the General Plan for the physical development of the District, nor will it affect adversely the health and safety of residents or workers in the area.

Pursuant to the authority contained in Section 104-28 a of the Ordinance, the following conditions are hereby attached to the grant herein:

1. There shall be no ingress or egress to and from the medical clinic from Woodland Drive.
2. Lots 1 through 3, located at the northern end of the tract, shall be kept substantially in its natural state.

3. The apothecary located in the building shall be open for business only during those hours normally utilized by the tenants for the receiving of patients, and access to the apothecary shall be only from within the building.
4. There shall be no sign advertising the provision of apothecary services visible from outside the building.

Subject to the above conditions, the Special Exception for the proposed use, in the manner set forth in the testimony and exhibits, 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 petitions."

The foregoing Resolution was proposed by Mr. Calvin R. Sanders, Chairman, and concurred in by Messrs. Walter Bucher, Vice Chairman, and Charles R. Richey. Mrs. Elaine Lady and Mr. Bernard D. Gladhill were necessarily <sup>absent</sup> from the hearing in this case and did not participate in this decision.

I do hereby certify that the foregoing Minutes were officially entered upon the Minute Book of the County Board of Appeals this 27th day of September, 1965.

NOTE: Please see Section 104-24 c. of the Ordinance regarding the 12-months' period within which the right granted by the Board must be exercised.

(Mrs.) Sollie H. Kyte  
Clerk to the Board

This opinion sent to all persons who received notice of the hearing.