

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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Rockville, Maryland 20850  
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(240) 777-6600

**Case No. CBA-734 [S-125]  
PETITION OF WILDWOOD MANOR SWIMMING POOL ASSOCIATION**

**RESOLUTION TO MODIFY SPECIAL EXCEPTION**

(Worksession Date: March 22, 2023)  
(Effective Date of Resolution: March 29, 2023)

The Board of Appeals granted Case No. CBA-734 to Wildwood Manor Swimming Pool Association, Inc. on March 25, 1959, to permit a community swimming pool. In Case No. S-125, effective September 5, 1972, the Board granted a modification of the special exception to permit two paddle tennis courts. Effective September 11, 2006, the Board granted a modification to allow construction of a new 10' x 18'4" building, and a 6' x 31' addition to the existing bathhouse, as well as upgrades to the facilities in order to comply with the Americans with Disabilities Act. Effective August 31, 2015, the Board granted a modification to allow an open picnic shelter adjacent to the existing snack building.

The subject property is located on Parcels A and B, Wildwood Manor Subdivision, at Hatherleigh and Cheshire Drives, with an address of 10235 Hatherleigh Drive, Bethesda, Maryland, in the R-90 Zone.

The Board of Appeals has received a letter, dated March 2, 2023, from Toni Lewis, President of Wildwood Manor Swim Club. Ms. Lewis states in her letter that the Club's swimming pools, which were built in the 1960s, are at the end of their useful life. Her letter requests an administrative modification of the special exception to allow (1) replacement of the existing six-lane, 25 meter pool with an eight-lane 25 meter pool with an attached section featuring a beach entry and toddler swim area, (2) an enlarged pavilion area at the rear of the pool enclosure, (3) an enlarged sports court area, and (4) a slightly enlarged entrance from Hatherleigh Drive, which she indicates is needed to meet current fire access requirements. Ms. Lewis' letter states that in conjunction with these improvements, the Club is working to establish a Forest Conservation Area and easement on the property. To illustrate her request, Ms. Lewis submits a Combined Storm Water Management/Site Development Concept SWM Plan, with DPS approval, that shows the proposed changes to the special exception property, as well as a Natural Resources Inventory & Forest Stand Delineation plan. Her letter states that the Club does not expect an increase in membership as a result of these improvements, and is not seeking any changes to its hours of operation.

The Board of Appeals considered the modification request at its Worksession on March 22, 2023. John Chadwick, the construction manager assisting with the planned renovations, appeared at the Worksession in support of the requested modification. Mr. Chadwick stated that the pool is a little over 60 years old, and summarized the proposed improvements for the Board members. He stated, in response to Board questions, that he did not think the Club would host more events as a result of the requested modification because the Montgomery County Swim League sets the meet schedules, and that there would be no change to the hours of operation. Because Case No. CBA-734 was approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this request must be reviewed under the standards and procedures in effect on October 29, 2014, unless the applicant elects otherwise. Section 59-G-1.3(c)(1) of the 2004 Zoning Ordinance provides:

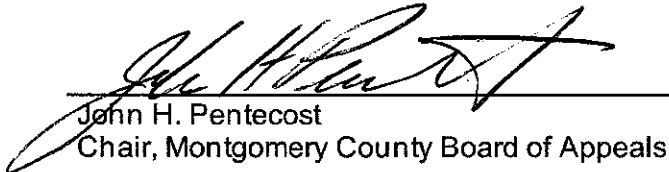
If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the board, without convening a public hearing to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

The Board finds that the proposed improvements will have little, if any 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. The Board notes in support of this that the proposed changes are internal to the site, and that no change to the Club's membership or hours of operation is requested. Therefore, on a motion by Richard Melnick, Vice Chair, seconded by Caryn Hines, with John H. Pentecost, Chair, Laura Seminario-Thornton, and Alan Sternstein in agreement:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-734 is re-opened to receive Toni Lewis' letter dated March 2, 2023, 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 in that letter and shown on the Combined Storm Water Management/Site Development Concept SWM Plan is granted; and

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



John H. Pentecost  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 29th day of March, 2023.

  
Barbara Jay  
Executive Director

**NOTE:**

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

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

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.