

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue, Suite 217
Rockville, Maryland 20850
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(240) 777-6600

Case No. CBA-1174-E

PETITION OF THE HOLTON ARMS SCHOOL

**RESOLUTION TO REFER MAJOR MODIFICATION
TO THE HEARING EXAMINER TO CONDUCT A PUBLIC HEARING AND
ISSUE A REPORT AND RECOMMENDATION**
(Resolution Adopted December 18, 2024)
(Effective Date of Resolution: January 15, 2025)

Case No. CBA-1174 is a special exception granted to the Holton Arms School on November 29, 1961. The special exception has been modified on numerous occasions since that time, most recently in 2023.

The subject property is Lot N-624, Parcel 2, and Part of Lots 6 and 7, Outlot A, Block B, Burning Tree Valley Subdivision, located at 7303 River Road in Bethesda, Maryland, in the R-90 and R-200 Zones.

The Board of Appeals has received an Application and a Statement in Support of Special Exception Modification Application, dated December 13, 2024, from Patrick O'Neil, Esquire, on behalf of The Holton Arms School. The School is seeking a major modification of its special exception. Under the Board's standard procedures for designating cases, this modification would be Board of Appeals' Case No. CBA-1174-E.

Because Case No. CBA-1174 was approved prior to October 30, 2014, under Section 59.7.7.1.B of the current Zoning Ordinance, this modification request must be reviewed under the standards and procedures in effect on October 29, 2014, unless the applicant elects otherwise. Section 59-G-1.3(c)(2) of the Montgomery County Zoning Ordinance (2004) provides that the Board "must convene a public hearing" to consider a proposed major modification, and that the request is subject to the requirements of Sections 59-A-4.2 and 59-A-4.4 of that Ordinance, which pertain to filing and scheduling requirements. Section 59-A-4.125(a) of that Ordinance states that:

(a) The Hearing Examiner's Office has the functions and duties of scheduling and conducting public hearings and rendering written reports and recommendations to the County Board of Appeals on the following matters:

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- (1) any petition for a special exception; and
- (2) upon request of the Board and with approval of 3 of its members, any other matter pending before the Board.

The Board of Appeals considered Mr. O'Neil's submission at a Worksession held on December 18, 2024. At the Worksession, the Board voted to refer this major modification request to the Office of Zoning and Administrative Hearings for a public hearing and the issuance of a report and recommendation, in accordance with Section 59-A-4.125(a) of the Zoning Ordinance (2004).¹ Accordingly, on a motion by Caryn L. Hines, Chair, seconded by Donald Silverstein, with Alan Sternstein and Amit Sharma in agreement, and with Richard Melnick, Vice Chair, necessarily absent:

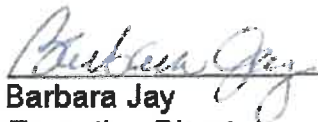
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that, pursuant to the authority granted in Section 59-A-4.125 of the Montgomery County Zoning Ordinance (2004), the Board refers the above-described major modification to the Hearing Examiner for Montgomery County to schedule and conduct a public hearing, and for the issuance of a written report and recommendation to the Board of Appeals.



Caryn L. Hines

Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 15th day of January, 2025.


Barbara Jay
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. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

¹ The Board notes that similar authority exists under Section 59.7.6.2.B.2 of the current Zoning Ordinance, which states in relevant part that "The Hearing Examiner may schedule and conduct a hearing or write a report and recommendation for any other matter pending before the Board of Appeals upon request of the Board of Appeals and with approval of 3 of its members."