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**RE: 16650 Georgia Avenue**

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**From** Wolford, Patricia <Patricia.Wolford@montgomerycountymd.gov>

**Date** Thu 2/20/2025 12:01 PM

**To** Beall, Mark <Mark.Beall@montgomeryplanning.org>

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Mark,

Yes, I concur and the existing antique store is a legal non-conforming structure.

Let me know if you need anything further.

### Patricia D. Wolford

Section Manager for Zoning Review

Department of Permitting Services

2425 Reedie Drive, 7<sup>th</sup> Floor

Wheaton, Maryland 20902

240-777-6245

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**From:** Beall, Mark <Mark.Beall@montgomeryplanning.org>

**Sent:** Thursday, February 20, 2025 10:47 AM

**To:** Wolford, Patricia <Patricia.Wolford@montgomerycountymd.gov>

**Subject:** 16650 Georgia Avenue

**[EXTERNAL EMAIL]**

Good Afternoon Patricia,

The subject address is the location for a proposed child day care facility which is going through the Conditional Use and Preliminary Plan process at this time. The Department of Permitting Services (DPS) has a Nonconforming Use Certificate on record for the subject address. We wanted to confirm DPS agrees the use and the existing building were both legal nonconforming since the building was built in 1900 according to the State Tax records which was prior to the 1928 Zoning Ordinance. Please confirm you agree the existing antique store is a legal nonconforming structure.

Thank you for your help and please let us know if you have any questions or concerns.

**Thank you,  
Mark Beall**  
**Zoning, Public Projects & Ag Initiatives Section**  
**Zoning Planner | Upcounty Division**  
Montgomery County Planning Department  
2425 Reedie Drive, 13<sup>th</sup> Floor, Wheaton, MD 20902  
[mark.beall@montgomeryplanning.org](mailto:mark.beall@montgomeryplanning.org)  
o: 301-495-1330

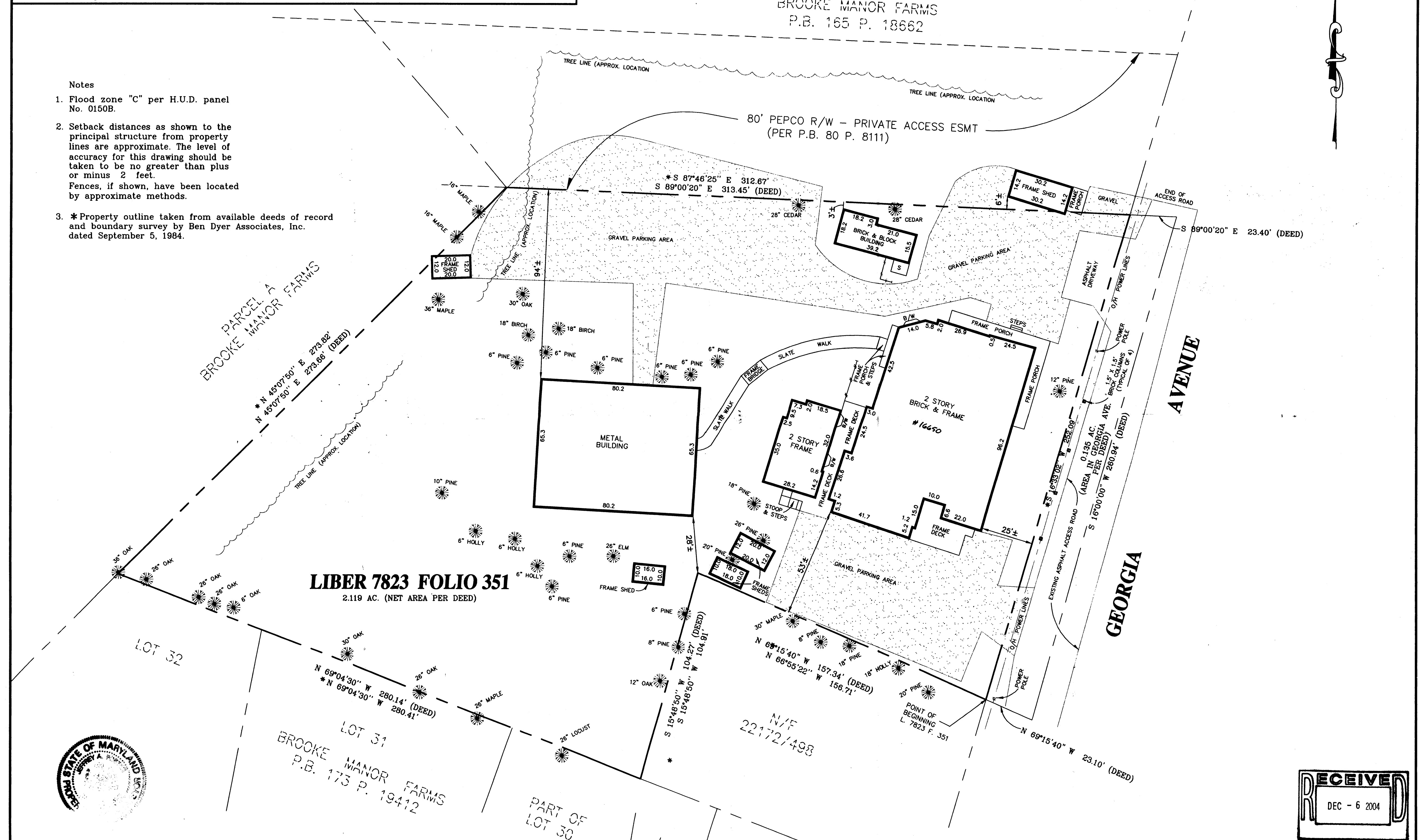
**For more helpful Cybersecurity Resources, visit:**  
<https://www.montgomerycountymd.gov/cybersecurity>

- CONSUMER INFORMATION NOTES:**
1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
  2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
  3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
  4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
  5. No Title Report furnished.

**Notes**

1. Flood zone "C" per H.U.D. panel No. 0150B.
2. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet.  
Fences, if shown, have been located by approximate methods.
3. \*Property outline taken from available deeds of record and boundary survey by Ben Dyer Associates, Inc. dated September 5, 1984.

PARCEL D  
BROOKE MANOR FARMS  
P.B. 165 P. 18662



**LIBER 7823 FOLIO 351**  
2.119 AC. (NET AREA PER DEED)

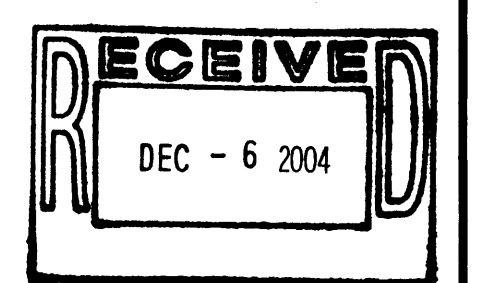


**SURVEYOR'S CERTIFICATE**  
THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.  
*Jeffrey A. Foster*  
MARYLAND PROPERTY LINE SURVEYOR REG. NO. 287

REFERENCES	
LIBER	7823
FOLIO	351

**SNIDER & ASSOCIATES**  
SURVEYORS - ENGINEERS  
LAND PLANNING CONSULTANTS  
2 Professional Drive, Suite 216  
Gaithersburg, Maryland 20879  
301/948-5100, Fax 301/948-1286

DATE OF LOCATIONS	SCALE: 1" = 30'
WALL CHECK:	DRAWN BY: M.A.S.
HSE. LOC.: 11-19-04	JOB NO.: 87-4602



LOCATION DRAWING  
#16650 GEORGIA AVENUE  
J. & S. ROGERS AND H.F. & B.H. BAKER PROPERTY

**LIBER 7823 FOLIO 351**  
Attachment No. 3 - to Brandon Development LLC Application for Non-Conforming Use - Olney Antique Village



## Application for Non-Conforming Use

**LOCATION OF NON-CONFORMING USE**

House Number 16650 Street Georgia Avenue  
 Town/City Olney Zip 20832  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Parcel Tax Parcel 10; MHPHS53  
 Nearest Cross Street Tavenner Court (south); Emory Church Lane (north)

**OWNER INFORMATION**

Property Owner/Contract Purchaser Brandon Development c/o Daytime Phone # 301 961 1829  
 Address 21304 Zion Road City Drew Romans, Jr. Brookville State MD Zip 20833

**USE**

Type of Use See Attachment No. 2 Date Use Began Attach. 2 Date(s) of Construction Attach. 2  
 Property Description: Lot Size Approx. 2.2 ac. Dimensions Attach. 3 (survey)  
 Improvements (Describe) Attach. 1 and Attach. 3  
 Present/Former Trade Names of Commercial Use Olney Antique Village

**NAMES/ADDRESSES OF ADJOINING/CONFRONTING PROPERTY OWNERS:** (Identify locations of property on location map)

NAME	ADDRESS
<u>Peter &amp; Susan Kopperman</u>	<u>16644 Georgia Ave, Parcel 164 (south)</u>
<u>Michele Mitchell</u>	<u>3501 Tavenner Ct., Block 2 lot 29 (south)</u>
<u>Michael McDonald</u>	<u>3503 Tavenner Ct., Block 2 lot 30 (south)</u>
<u>Margarita Petrosyan</u>	<u>3505 Tavenner Ct., Block 2 lot 31 (south)</u>
<u>BF Breighner</u>	<u>3507 Tavenner Ct., Block 2 lot 32 (south)</u>
<u>PEPCO R.O.W.</u>	<u>L 3305 F 250; P.B. 80, P 8111 (north)</u>
<u>Brooke Manor Farms</u>	<u>Parcel A.P.B. 165; plat no. 18661 (west) (HOA Parcel) (west)</u>

Application Reviewed By: <u>MARK MORAN</u>	Date: <u>8-25-05</u>
Present Zoning Classification: <u>R-200 RE-1</u>	Zoning Atlas Page <u>222 NW 4</u>
Non-Conforming Use Approved <u>YES</u>	Non-Conforming Use Disapproved _____
Reason for Disapproval: _____	_____



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

March 17, 2005

Norman G. Knopf, Esq.  
Knopf & Brown  
401 East Jefferson Street  
Suite 206  
Rockville, Maryland 20850

RE: Olney Antique Village Special Exception

Dear Mr. Knopf:

I have reviewed your letter of March 2, 2005 regarding the special exception which currently governs the property.

I concur with your findings that changes in the special exception laws without providing for a "grandfathering" provision has converted the use to a non-conforming one subject to those sections found in 59-G-4., Nonconforming, Uses, Buildings, and Structures of the Montgomery County Zoning Ordinance.

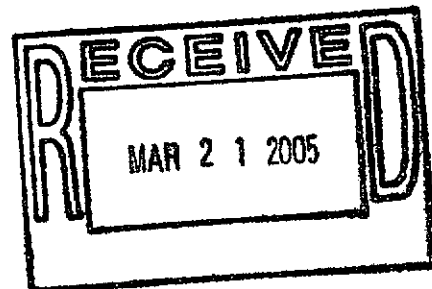
I understand that someone will submit an application for a Nonconforming Use Certificate. I have enclosed a copy of the application for you convenience.

If you have further questions, please contact me at 240-777-6255.

Sincerely,

Susan Scala-Demby  
Permitting Services Manager  
Zoning

cc: Malcolm Spicer, Esq.  
Stanley Garber  
Barbara Piczac



Attachment No. 1 – to Brandon  
Development LLC Application for  
Non-Conforming Use – Olney  
Antique Village

**ATTACHMENT NO. 2  
TO BRANDON DEVELOPMENT LLC  
APPLICATION FOR NON-CONFORMING USE  
OLNEY ANTIQUE VILLAGE  
16650 GEORGIA AVENUE  
OLNEY, MARYLAND 20832**

**USE AND WHEN BEGAN:**

- 1954 - Board of Appeals granted special exception for "antique shop" to Jacob and Jeanette Trater (Case No. 235)
- 1987 - Board of Appeals approved transfer of special exception to Rogers & Baker, Inc. trading as Olney Antique Village (Case Nos. CBA 235, CBA 336, CBA 1336)
- 1988 - Statement of Operations submitted by the special exception holder's attorney, William Chen, in support of a modification request to add a new "barn" building. Notes "a total of 22 to 25 dealers" sell antiques as part of the special exception and "the maximum number of dealers usually present on the premises at any given time is only 12 to 15". (Exhibit 7a, p.1; Case Nos. CBA 235, CBA 335, CBA 1336)
- 2005 - May 13 - Rogers & Baker, Inc. sold property to Brandon Development, LLC

**IMPROVEMENTS - See also Attachment No. 3 - [survey]**

Main Building - Circa 1900 with 1962 addition

Two Story Framed Building (Immediate rear of main building) - Circa 1900(?) with small addition about 1989-90

Metal Building - 1989-90

Brick & Block Building - Pre-1987 with addition about 1990-91

Pre-Fab Framed Storage Shed (South of Two Story Framed Building) - 2003

Pre-Fab Framed Storage Shed (Near western property line) - 2003

Pre-Fab Framed Storage Shed (Near southern property line) - 1990-91

Pre-Fab Framed Storage Shed (South of Metal Building) - 1987-88

Pre-Fab Framed Storage Shed (Near Georgia Avenue) - 1987-88

**Attachment No. 2 - to Brandon  
Development LLC Application for  
Non-Conforming Use - Olney  
Antique Village**

copy

LAW OFFICES OF  
**KNOPF & BROWN**  
401 EAST JEFFERSON STREET  
SUITE 206  
ROCKVILLE, MARYLAND 20850  
(301) 545-6100

FAX: (301) 545-6103  
E-MAIL KNOPF@KNOPF-BROWN.COM  
WRITER'S DIRECT DIAL  
(301) 545-6104

NORMAN G. KNOPF

November 7, 2005

Via Facsimile  
240-777-6262

Susan Scala-Demby, Permitting Services Manager  
Department of Permitting Services  
255 Rockville Pike  
2<sup>nd</sup> Floor  
Rockville, MD 20850

RE: **Olney Antique Village**  
**Application for Non-Conforming Use**

Dear Susan Scala-Demby:

I am writing to inquire about the status of our pending Application for Non-Conforming Use for Olney Antique Village, 16665 Georgia Avenue.

As you know, Olney Antique Village has been operating pursuant to a special exception. (Board of Appeals Case Nos. CBA-235, CBA-236, CBA-1336). By your letter to me of March 17, 2005, you concurred in this firm's analysis that due to a change in law, Olney Antique Village was a non-conforming use and no longer needed to maintain its special exception status. In that letter, you requested that we submit an application for a Non-Conforming Use Certificate. That application was submitted to you on July 29, 2005. In subsequent conversations with you, I understand that there is no problem with the application and the Certificate would be issued shortly. To date, it has not been issued.

Stan Garber, of your office, has advised that because Olney Antique Village has not asked moved the Board of Appeals to removed the special exception classification, he will be forced shortly to file a show cause request before the Board. I have asked that he delay such a request for a week, so that I may obtain the Certificate of Non-Conforming Use from your office, and then I would be in a position to ask the Board of Appeals to remove Olney Antique Village from the special exception classification. Please advise me if it will not be possible for your office to issue such a Certificate by the end of the week.

I thank you for your attention to this matter.

Sincerely yours,



Norman G. Knopf

cc: Brandon Development, c/o Drew Romans  
Stan Garber, DPS



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
*County Executive*

Robert C. Hubbard  
*Director*

NON-CONFORMING-USE  
CERTIFICATE

Issue Date: 8/25/2005

Expires: NONE

Certificate No.: 238733

This certifies that a Nonconforming Use Certificate has been granted to:

16650 GEORGIA AVE  
OLNEY MD 20832-2418

This Certificate is limited to the following use(s):

ANTIQUUE SHOP  
Antique shop

Lot:  
Block:

Subdivision:  
Owner's Name:

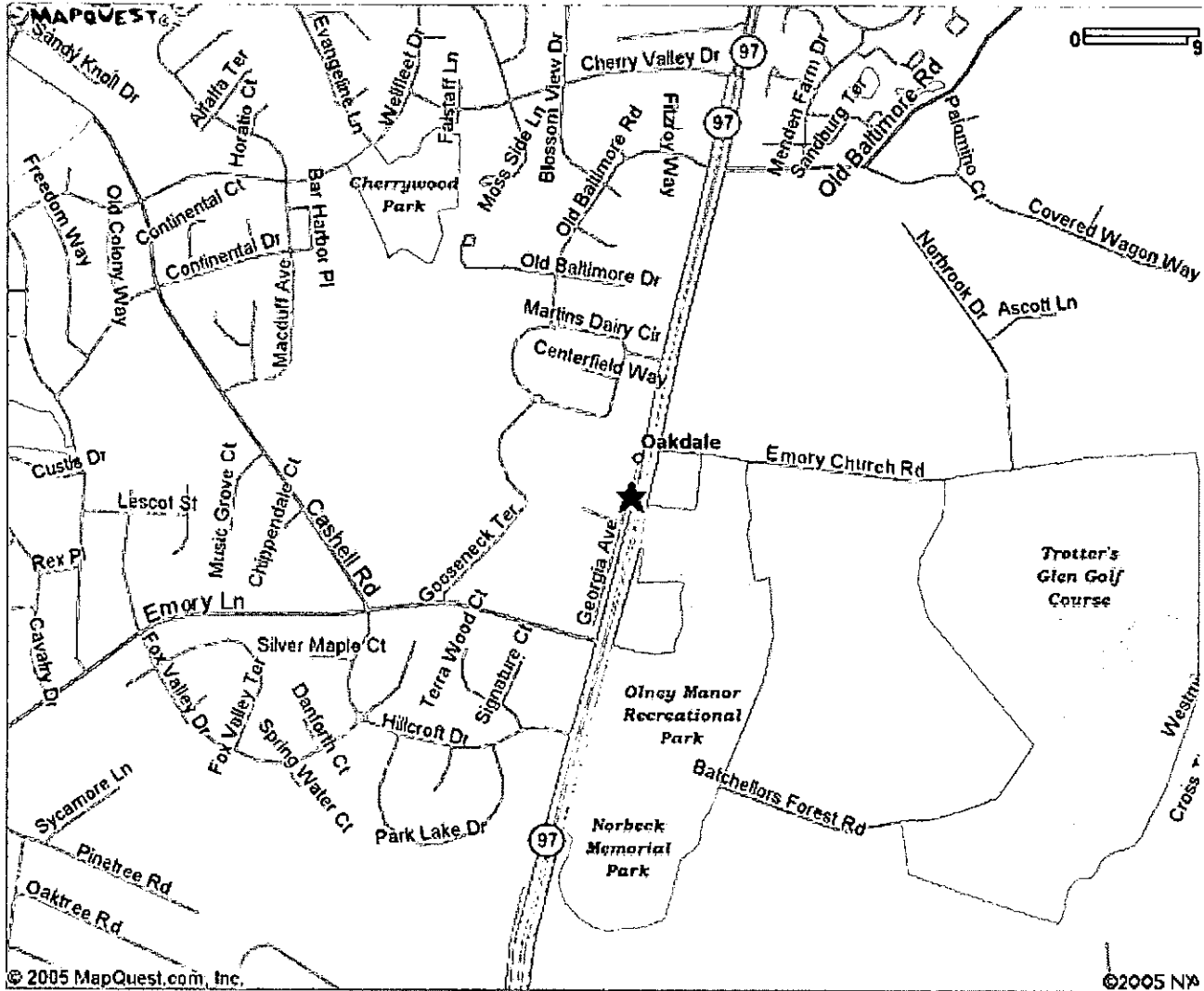
This Certificate is issued subject to the Chapter 59 of the Montgomery County Code. Any changes to this use must be in compliance with Section 59-G-4. Any changes in ownership of the use must be reported in writing to this Department.

This certificate applies only to the above described residence or building and is valid until the permitted use changes. Changes in use require recertification or new registration, pursuant to the Zoning Ordinance.

  
\_\_\_\_\_  
Director, Department of Permitting Services



★ 16650 Georgia Ave Olney, MD 20832-2418, US



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This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

222  
223  
3NW

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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

[www.montgomerycountymd.gov/content/council/boa/board.asp](http://www.montgomerycountymd.gov/content/council/boa/board.asp)

**Case No. CBA-235, CBA-336, CBA-1336**

**PETITION OF ROGERS AND BAKER, INC., t/a OLNEY ANTIQUE SHOP**

**RESOLUTION TO REVOKE SPECIAL EXCEPTION**

(Resolution Adopted December 7, 2005)

(Effective Date of Resolution: March 29, 2006)

The Board of Appeals has received a letter, dated November 21, 2005, from Norman G. Knopf, Esquire, on behalf of Jay Rogers and Harold Baker d/b/a Olney Antique Village and of Brandon Development, LLC. Mr. Knopf requests revocation of the special exceptions because the use has been certified by the Department of Permitting Services (DPS) as a non-conforming use. He encloses a copy of the Non-Conforming Use Certificate issued by the Department of Permitting Services. Mr. Knopf informs the Board that the special exception was originally granted in 1954. He further states that subsequently the subject property's zoning changed from R-A to R-200, and that in April, 2002, the County Council enacted a zoning text amendment which revised the provisions governing antique shops to allow the use in the R-200 zone only if the property adjoins land in the RDT zone, which the subject site does not.

The Board of Appeals granted Case No. CBA-235 on September 22, 1954, to Jacob and Jeanette R. Traten, to permit the use of a building as an antique shop. In Case No. CBA-336, effective August 11, 1955, the Board granted permission for two signs, in connection with the special exception. In Case No. S-1336, effective December 18, 1962, the Board granted permission for the continued use of the antique shop and for construction of an addition. Effective October 21, 1988, the Board granted a modification of the special exception to permit improvements to the property, including construction of a storage barn.

The subject property contains approximately 2.5 acres, located at 16650 Georgia Avenue, Olney Maryland in the R-200 Zone.

The Board of Appeals considered Mr. Knopf's letter at its Worksession on December 7, 2005. The Board finds that the instant special exception has

become a non-conforming use by operation of law, because the statutory provisions in effect when it was granted were substantially revised in a zoning text amendment which became effective April, 2002. The Board finds that the use is now a non-conforming use and the special exception should be revoked. Therefore, on a motion by Caryn L. Hines, seconded by Donna L. Barron, with Angelo M. Caputo, Wendell M. Holloway and Allison Ishihara Fultz, Chair, in agreement:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the record in Case Nos. CBA-235, CBA-336 and CBA-1336 is re-opened to receive Norman G. Knopf's letter of November 21, 2005, with attachments; and

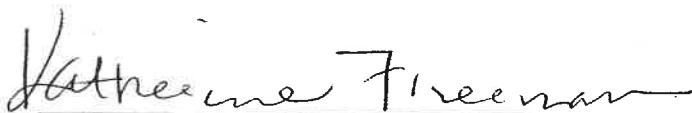
**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County, Maryland that Case Nos. CBA-235, CBA-336 and CBA-1336 are **revoked** because the use is certified as a non-conforming use.



Allison Ishihara Fultz

Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 29<sup>th</sup> day of March, 2006.



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 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.

COUNTY 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 Nos. CBA-235, CBA-336 and CBA-1336

PETITIONS OF ROGERS & BAKER, INC.  
(t/a Olney Antique Village)

RESOLUTION TO EXTEND TIME TO IMPLEMENT SPECIAL EXCEPTION

The Board has received a letter from William J. Chen, petitioner's attorney, which states, in part:

"... on October 21, 1988, the Board granted a modification of the above-referenced special exceptions which ... authorized the installation of a storage barn. The purpose of this letter is to request a twelve month extension of time to implement the Board's authorization.

"The reason for the aforesaid request is that certain matters and actions beyond the control of the special exception holder have frustrated full timely compliance with the Board's decision. Shortly after the Board's decision the special exception holder proceeded to implement the Board's authorization by undertaking appropriate contractual obligations to purchase and erect the authorized storage barn. ... a purchase contract was signed ... Borings for the barn's foundation were undertaken ... all architectural and engineering plans were prepared.

"... after all of the foregoing activity, the special exception holder attempted to submit a building permit application for the storage barn with the Department of Environmental Protection. ... the Department refused to accept the application because a stormwater management waiver had not been previously obtained. The holder had been earlier advised by its engineers that such a waiver, if needed, could be obtained during the processing of the building permit application. ... Inasmuch as a waiver had not been previously obtained, the Department refused to accept the building permit application ...

"In light of the Department's position, the special exception holder applied for a stormwater management waiver ... Upon the issuance of the waiver, the building permit application will be promptly re-submitted to the Department ...

"... the time necessary to process building permit applications has become quite lengthy ... it is requested that the Board grant an extension of twelve months in order to implement its modification authorization of October 21, 1988. ..."

Based on the foregoing information, the Board finds that the request to extend the time to implement the special exception modification (permit construction of a 65' x 80' storage barn) can be granted without changing the original grant of the special exception modification. Therefore,

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the record of Case Nos. CBA-235, CBA-336 and CBA-1336, shall be, and hereby is re-opened to receive Mr. Chen's letter as Exhibit No. 9 in Case No. CBA-235; and

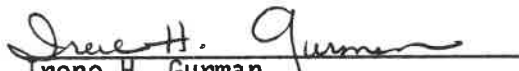
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the time for implementing special exception Case Nos. CBA-235, CBA-336 and CBA-1336, Petition of Rogers & Baker, Inc., shall be and hereby is extended nunc pro tunc to October 21, 1990.

All terms and conditions of the special exception modification granted the 21st day of October, 1988, shall remain in full force and effect.

The subject property contains approximately 2.25 acres, known as part of "Bradford's Rest" Subdivision, located at 16650 Georgia Avenue, Olney, Maryland, in the R-200 Zone.

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

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland,  
this 1st day of December, 1989.

  
Irene H. Gurman  
Clerk to the Board



# Montgomery County Government

Case Nos. CBA-235, CBA-336 and CBA-1336

PETITIONS OF ROGERS & BAKER, INC.  
t/a Olney Antique Village

## RESOLUTION TO MODIFY SPECIAL EXCEPTIONS

The Board is in receipt of correspondence from William Chen, Jr., attorney for the special exception holder. Mr. Chen's March 18, 1988, letter states, in part:

"On behalf of the holder of the above-referenced special exception, Rogers & Baker, Inc., t/a Olney Antique Village, this letter is to request a modification of the special exception pursuant to the provisions of Section 59-G-1.3(c) of the Montgomery County Zoning Ordinance. The referenced special exception is for an antique shop. The subject property contains approximately 2.25 acres, located at 16650 Georgia Avenue, Olney, Maryland, in the R-200 Zone. The modification requested is to construct a storage 'barn' on the site. No other modification is sought, and the modification will not involve any change in the use or operations of the special exception.

"The current operations of the special exception are located in a converted detached residential dwelling unit and two small out buildings. The operations involve antique dealers who occupy areas within the existing dwelling unit and outbuildings for their sales activities. The proposed storage barn will be accessory to the existing antique shop operations. It will be utilized to store antiques, including furniture antiques, in conjunction with the existing special exception operations. There will be no sales in the barn, and it is anticipated that there will be very little patron involvement with it.

"Attached ... are ... copies of a site plan of the special exception illustrating...site improvements, including...storage barn. The site plan contains notations that provide specific detail information including the dimensional distances of the proposed storage barn from the property boundary lines and other improvements. ... the barn will be positioned and installed as shown on the site plan. It has been positioned ... so as to be behind the existing improvements and screened from the public road upon which the property has access, Georgia Avenue.

"Also enclosed are ... a landscape plan for the barn and the immediate site area around it. The landscape plan has ... a 'key' that identifies all the plants and trees that will be planted ... the landscape improvements depicted on the plan will be installed as shown on the plan.

"... I have reviewed this matter with Denis Canavan of the Maryland-National Capital Park and Planning Commission ... the proposed improvement has been determined to be in accordance with applicable Zoning Ordinance standards by Mr. Canavan. ...

County Board of Appeals

---

Stella B. Werner Council Office Building  
100 Maryland Avenue, Rockville, Maryland 20850, 301/217-6600, TTY 217-6505

"... please find enclosed an updated list of abutting and confronting property owners. ..."

Mr. Chen's April 12, 1988 letter states, in part:

"This letter is to supplement my letter to the Board of March 18, 1988, ... and furnish the Board with additional information relative to the special exception modification requested ...

"... the storage barn ... will be a pre-engineered building with metal construction panels. The color of the barn will be a combination of red and white. ...

"... the PEPCo easement area which borders the ... site to the north, ... has no plans to utilize the utility easement area other than for its current use for underground feeders to Georgia Avenue. PEPCo has no plans to abandon the easement nor to develop it with any other use. ... please find a copy of a letter of March 18, 1988 from me to PEPCo inquiring as to the PEPCo utility easement and a letter of March 30, 1988 from PEPCo responding to my inquiry."

The Board is in receipt of a memorandum from Mr. Denis Canavan, M-NCPPC, Development Review Division, dated June 14, 1988, which states, in part:

"The applicant, Olney Antique Village, has requested a modification to their antique shop ...

"The history of the antique shop dates from the Board of Appeals original approval in Case CBA-235 in 1954 when it approved an antique shop in the house, and later modified through cases CBA-336 and CBA-1336.

...

"The staff has reviewed the special exception history and the current plans. ...

"With regard to the proposed barn, the staff recommends approval of this accessory building with the following understanding: This accessory building will be reduced in size from 60' x 100' to one no larger than 65' x 80' and that it will only be used for the storage of antiques. It will not be used for the refinishing of antiques or the retail floor space for the sale of antiques.

"... the applicant has proffered to the staff that the proposed use of the barn is for storage only.

"Because this building is to be used for storage only and there does not appear to be any broad land use implications regarding its consideration as such, the staff recommends approval of the use ...

"...the applicant has shown an extensive landscape element which will be very attractive when planted on the property. With regard to the color scheme for the building, the staff suggests a combination of a white building with red trim. This will reduce the overall size of the building as viewed from the street and adjoining properties ..."

Mr. Chen's July 11, 1988, letter states, in part:

"My client received a copy of the technical staff report ... that report contains certain recommendations to the Board and the purpose of this letter is to respond to the technical staff report.

"The technical staff report recommends that my clients submit a full descriptive statement of the present operations of Olney Antique Village ... enclosed please find a copy of a statement of operation.  
...

"The staff also recommends approval of the subject special exception modification request with four conditions. ...

"My client has reviewed the aforesaid conditions and accepts them as recommended by the staff. ...enclosed herewith please find a revised site plan for the modification request depicting the subject property with the requested storage barn at the size (sixty-five feet by eighty feet) recommended by the technical staff. ..."

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

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that Case Nos. CBA-235, CBA-236 and CBA-1336 shall be and hereby are re-opened to receive the following exhibits, to be entered as exhibits in Case No. CBA-235: Mr. Chen's letter dated March 18, 1988, Exhibit No. 4; site plan, Exhibit No. 4(a); landscape plan, Exhibit No. 4(b); Mr. Chen's April 12, 1988, letter, Exhibit No. 5; copy of letter to PEPCo, Exhibit No. 5(a); PEPCo's response, Exhibit No. 5(b); M-NCPPC Memorandum from Denis Canavan, Exhibit No. 6; Mr. Chen's July 11, 1988 letter, Exhibit No. 7; statement of present operations, Exhibit No. 7(a); and revised site plan, Exhibit No. 7(b); and

BE IT FURTHER RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that petitioner may construct a sixty-five foot by eighty foot (65' x 80') storage barn in accordance with Exhibit No. 7(b), revised site plan, and Exhibit No. 4(b), landscape plan. Color of the barn shall be red and white; and

BE IT FURTHER RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that the storage barn shall be used for storage of antiques only. There shall be no retail sales conducted from the proposed storage barn; and

BE IT FURTHER RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that petitioner shall submit a revised site/landscape plan to M-NCPPC for review and approval, showing a reduced building size. Two copie sof the approved plan shall be submitted to the Board for its records.

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

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

Entered in the Minute Book of  
the County Board of Appeals for  
Montgomery County, Maryland,  
this 21st day of October, 1988.

  
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. ...

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 Nos. CBA-235, CBA-336 and CBA-1336

PETITIONS OF JACOB AND JEANETTE R. TRATEN

**RESOLUTION TO SUBSTITUTE SPECIAL EXCEPTION HOLDER**  
(Resolution adopted March 19, 1987)

The Board has received a letter dated March 6, 1987, from William J. Chen, Jr., Esquire, which states, in part:

"On behalf of Rogers and Baker, Inc., trading as Olney Antique Village, this letter is to request a modification of the above-referenced special exception pursuant to the provisions of Section 59-G-1.3(c) of the Montgomery County Zoning Ordinance. The special exception is for an 'Antique Shop.' The subject property contains approximately 2.25 acres, located at 16650 Georgia Avenue, Olney, Maryland, in the R-200 Zone.

"The modification requested is to transfer the special exception from the current holders of the special exception to Rogers and Baker, Inc. No other modification is sought other than the aforesaid transfer. The transfer will not involve any change in the use or operations of the special exception.

"...To assist the Board in consideration of this matter, enclosed please find a copy of the contract of sale which contemplates a transfer of this special exception, an updated list of abutting and confronting property owners. ...

"...After the transfer of the special exception it will be known as Olney Antique Village, a tradename for Rogers and Baker, Inc. ..."

Based on the foregoing information, the Board finds that the change of owners of the special exception with operation continued in the same manner, will not be cause for a change in the nature, character or intensity of the use as at present and will not change the effect on traffic or adversely affect the immediate area. Therefore, pursuant to Section 59-C-1.3(c) (1) of the Zoning Ordinance,

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that Case Nos. CBA-235, CBA-336 and CBA-1336, shall be re-opened to receive the exhibits, to be entered in Case No. CBA-235: Letter from William J. Chen, Jr., Exhibit No. 2; purchase contract, Exhibit No. 2(a) and updated list of adjoining/confronting property owners, Exhibit No. 2(b); and

Case Nos. CBA-235, CBA-336 and CBA-1336  
Petitions of Jacob and Jeanette R. Traten  
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BE IT FURTHER RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that the request to substitute Rogers and Baker, Inc., t/a Olney Antique Village, as the special exception holder in the above-referenced cases, shall be and hereby is granted.

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

The foregoing Resolution was proposed by Thomas S. Israel, Chairman, and concurred in by Joseph E. O'Brien, Jr., Howard Jenkins, Jr. and Max H. Novinsky. The Board members aforementioned constitute the current members of the Board.

Entered in the Minute Book of  
the County Board of Appeals for  
Montgomery County, Maryland,  
this 25<sup>th</sup> day of March, 1987.

  
Irene H. Gurman  
Clerk to the Board

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Case No. 235

PETITION OF JACOB AND JEANNETTE R. TRATEN

(Hearing held September 16, 1954; case decided September 22, 1954)

OPINION OF THE BOARD

This petition requests permission under provisions of Section 176-28c of the Zoning Ordinance (Chap. 176, Mont. Co. Code, 1950, as amended) to use as an antique shop a building already erected on a 2.2-acre tract, known as part of "Bradford's Rest", on the west side of Georgia Avenue Extended, immediately to the south of Martin's Dairy, in Oakdale, Montgomery County, Maryland.

There was no opposition to the petition, or any objection to be considered, and there is no occasion here to recite the facts in detail. The property and the surrounding neighborhood have been viewed by all Members of the Board.

The evidence shows and we find, as required by the applicable sections of the Ordinance, that the proposed use will not affect adversely the General Plan for the physical development of the District or 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 this property is zoned R-A, that it will be used for an antique shop, and that the petitioners, owners of this property, do not intend to have any outdoor display of articles for sale.

The special exception for the proposed use, by these petitioners, in the manner proposed, 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. Milton A. Smith, Vice Chairman, and was concurred in by Mr. William A. Quinlan, 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 22nd day of September, 1954.

Edweta B. Barber  
Clerk



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

FAX

DATE: 11-14-05

TO:

Name: NORMAN KNOPF

Company: \_\_\_\_\_

Phone: 301-545-6100 Fax: 301-545-6103

FROM:

Name: Susan Scalo-Dembry

Phone: 240-777-6255 Fax: 240-777-6262

SUBJ:

Olney Antique Village

PAGE(S): (including cover sheet)

MESSAGE:

Sorry for delay.

If there is a problem with this transmission, please call 240-777-6200. Thank you.





DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
*County Executive*

Robert C. Hubbard  
*Director*

November 12, 2005

Norman Knopf, Esq.  
Knopf & Brown  
401 East Jefferson Street, Suite 206  
Rockville, Maryland 20850

Dear Mr. Knopf:

Please find enclosed the Non-conforming Certificate for Olney Antique Village.

You should now ask that the Board of Appeals officially revoke the special exception on the basis that we have found the use to be non-conforming and not in need of a special exception.

I apologize for the delay in getting this information to you.

Sincerely,

Susan Scala-Demby  
Permitting Services Manager

enclosure



LAW OFFICES OF

**KNOPF & BROWN**

401 EAST JEFFERSON STREET  
SUITE 206  
ROCKVILLE, MARYLAND 20850  
(301) 545-6100

FAX: (301) 545-6103

E-MAIL KNOPF@KNOPF-BROWN.COM

WRITER'S DIRECT DIAL

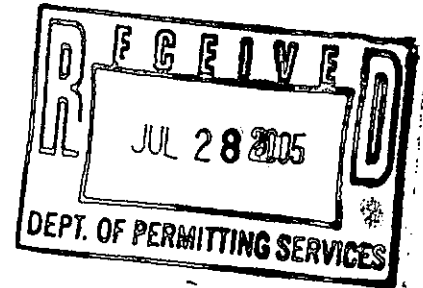
(301) 545-6104

NORMAN G. KNOPF

July 29, 2005

**HAND DELIVERY**

Susan Scala-Demby, Permitting Services Manager  
Department of Permitting Services  
255 Rockville Pike  
2<sup>nd</sup> Floor  
Rockville, MD 20850



*Scala # 238733  
NIC*

RE: **Olney Antique Village  
Application for Non-Conforming Use**

Dear Susan Scala-Demby:

Enclosed please find a completed Application for Non-Conforming Use for Olney Antique Village, 16650 Georgia Avenue, Olney.

As you will note, attached to the Application and made a part thereof, are three documents:

**Attachment No 1** – Your letter of March 17, 2005 agreeing that changes in the special exception law governing antique shops have converted the use into a non-conforming one.

**Attachment No. 2** – Supplemental information regarding use, when the use began and list of building improvements.

**Attachment No. 3** – A survey by Snider & Associates, surveyors, showing boundaries of the property, location and dimensions of all buildings.

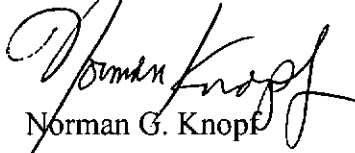
Your above referenced letter of March 17, 2005 requested the submission of this Application. If you find the Application complete, I understand the Department will issue a Non-Conforming Use Certificate. Please call me if you have any questions or if additional information is needed.

As soon as we receive the Certificate of Non-Conforming Use, I will file the appropriate documents with the Board of Appeals to have the property removed from the special exception classification.

Department of Permitting Services  
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I thank you for your attention to this matter.

Sincerely yours,



Norman G. Knopf