

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
<http://www.montgomerycountymd.gov/boa/>
(240) 777-6600

Case Nos. CU 19-03

PETITION OF 1784 CAPITAL HOLDINGS, LLC

OPINION OF THE BOARD

(Worksession Date: October 30, 2019)
(Effective Date of Resolution: November 13, 2019)

Case No. CU 19-03 is an application for a conditional use pursuant to Section 59-3.6.8.D.2.b of the Zoning Ordinance, to allow the construction and use of a 141,433 square foot building, 75 feet in height, devoted mostly to a self-storage facility. The proposed use would be located at 10619 Connecticut Avenue, on the southeast corner of the intersection of Connecticut Avenue (MD 185) and Plyers Mill Road, in Kensington, Maryland, in the CRT-2.5, C-2.0, R-2.0, H-75 Zone. On October 8, 2019, the Hearing Examiner for Montgomery County issued a Report and Decision denying the proposed conditional use.

The Board of Appeals received a timely request for oral argument on the Report and Decision from Erin E. Girard, Esquire, on behalf of her client, 1784 Capital Holdings, LLC. In addition, the Board of Appeals received opposition to the request for oral argument from Michele Rosenfeld, Esquire, on behalf of the Town of Kensington, from Deborah Chalfie, and from Julia O'Malley, President of the Kensington Historical Society, all of whom asked that they be allowed to participate in oral argument if it were granted.

The subject property consists of 1.06 acres and is identified as Part of Lot 2, Lauraner Knowles Estate, located at 10619 Connecticut Avenue, Kensington, Maryland, in the CRT-2.5, C-2.0, R-2.0, H-75 Commercial Residential Town Zone.

Decision of the Board:

Oral argument **DENIED**.
Conditional Use Case No. CU 19-03 **DENIED**.

Per Section 59-7.3.1.F.1.c of the Zoning Ordinance, a written request for oral argument constitutes an appeal and transfers jurisdiction over the conditional use application from the Hearing Examiner to the Board of Appeals. Per Section 59-7.3.2.A of the Zoning Ordinance, the authority to decide variance applications rests with the Board. The Board considered the Hearing Examiner's October 8, 2019, Report and Decision at its October 30, 2019, Worksession, along with the request for, and opposition to, oral argument. Ms. Girard, Ms. Rosenfeld, and Ms. Chalfie appeared at the Worksession, as did Kensington Mayor Tracey Furman and Kensington Town Council Member Conor Crimmins. Ms. Girard stated that her client is seeking oral argument regarding compliance of the proposed conditional use with the Kensington Sector Plan. Ms. Rosenfeld stated that the Town of Kensington opposes this request; she asked the Board to sustain the Hearing Examiner's Report and Decision. Ms. Chalfie indicated that her letter requesting oral argument spoke for itself.

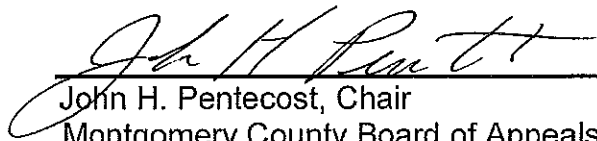
The Board members discussed the Hearing Examiner's Report and Decision, each member individually stating support for its affirmation, with members expressing their belief that the Hearing Examiner had considered and analyzed all of the evidence presented, and had given appropriate consideration to the views of those persons that had worked on the Kensington Sector Plan. The Board finds that the Hearing Examiner's Report and Decision is thorough and contains clear and detailed reasons for denial of the conditional use. Accordingly, the Board finds that no further argument is necessary for it to be able to render a decision on this application. The Board adopts the Hearing Examiner's October 8, 2019, Report and Decision, and denies the proposed conditional use for the reasons set forth therein.

On a motion by John H. Pentecost, Chair, seconded by Mary Gonzales, with Bruce Goldensohn, Vice Chair, Katherine Freeman, and Jon W. Cook in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request for oral argument is **denied**; and

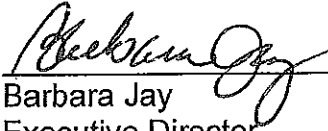
On a motion by John H. Pentecost, Chair, seconded by Katherine Freeman, with Bruce Goldensohn, Vice Chair, Jon W. Cook, and Mary Gonzales in agreement:

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above, denying the conditional use for the reasons set forth in the Hearing Examiner's October 8, 2019, Report and Decision, is adopted as the Resolution required by law as its decision in Case No. CU 19-03.



John H. Pentecost, Chair
Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 13th day of November, 2019.



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 into 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.

