

Janousek, Daniel

From: Martin, Anne C. - ACM [AMartin@linowes-law.com]
Sent: Tuesday, May 03, 2005 9:21 AM
To: Janousek, Daniel
Subject: Correspondence re: Bloom/MYB



Document.pdf

Please find attached an email copy of correspondence for this special exception, including TMP and plan with revised side yard setback. Thank you for your assistance with this matter. Please let us know if you need any additional information.

Anne

Anne C. Martin
Linowes & Blocher LLP
7200 Wisconsin Avenue Suite 800
Bethesda, MD 20814
301.961.5127
301.654.2801 (fax)
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LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

May 3, 2005

Todd D. Brown

301.961.5218

tbrown@linowes-law.com

Anne C. Martin

301.961.5127

amartin@linowes-law.com

Mr. Daniel Janousek
Community-Based Planning Division
The Maryland- National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Petition of Bloom Investments LLC
Special Exception and Parking Waiver, Case No. S-2638

Dear Mr. Janousek:

Please find enclosed a Special Exception Site Plan for the above-referenced application, which has been minimally revised as requested by M-NCPPC Staff to increase the sideyard setback on the east property line adjacent to the parking area by 3 feet to a 16 foot setback (twice the sideyard setback as required by Section 59-E-2.83 of the Montgomery County Code), to reconfigure the sidewalk and street tree planting on the property frontage, and to revise the proposed planting on the east side of property. We have also enclosed a Transportation Management Plan, which we anticipate will address the parking, transportation and communication concerns of the adjacent East Bethesda residential community. Lastly, we will address the items in the Statement of Operations that were requested to be listed as specific conditions of the special exception use on the Property:

1. The hours of operation will continue to be 10am to 9pm, Mondays through Fridays and 8am to 5pm on Saturdays and Sundays.
2. The number of employees will be 30 maximum, with a maximum of 10 employees on-site for classes and administrative matters.
3. The maximum number of students per MYB class will be 22 students for children's classes (under 18) and 40 students for adult classes. The maximum number of MYB classes per week is 49 children classes and 36 adult classes. The MYB class schedule will remain as noted in the Statement of Operations with the maximum number of classes per day as follows:

Maximum number of classes by day:

Received 5/3/05
a

Mr. Daniel Janousek
May 3, 2005
Page 2

Monday:	6 adult, 7 children
Tuesday:	7 adult; 7 children
Wednesday:	5 adult; 10 children
Thursday:	5 adult; 9 children
Friday:	6 adult; 8 children
Saturday	5 adult; 8 children
Sunday	2 adult; 0 children

4. The use of the MYB classrooms for outside performance arts users (such as Tai Chi, Karate instruction, arts meetings, auditions, salsa workshops, etc.) will only be held during the stated hours of operation when there is no MYB class scheduled. Class attendance during such activities will be limited to a maximum of 15 students on weekday (evenings) and 50 on weekends. (MYB currently has 13 classes for these outside users between September to May, with minimal activity in the summer).

We hope this answers any pending questions regarding the specific operational aspects of the use. As noted in our Statement of Operations, this location will provide a new home for the existing Maryland Youth Ballet, as it currently exists, and does not propose any increase in class sizes, the class schedules, or floor area for the Maryland Youth Ballet. (The existing and proposed space are similarly approximately 8,500 square feet.) Please do not hesitate to contact us if you need any additional information. Thank you for your attention and assistance with this matter.

Very truly yours,

LINOWES AND BLOCHER LLP

Todd D. Brown
Todd D. Brown

Anne C. Martin
Anne C. Martin

Enclosures

cc: Ms. Marilyn Clemens
Mr. Lewis Bloom
Ms. Patricia Moseley
Mr. Andy O'Hare
Martin Klauber, Esquire

Janousek, Daniel

From: O'Hare, Andy [aohare@cement.org]
Sent: Thursday, April 14, 2005 9:55 AM
To: Janousek, Daniel; Clemens, Marilyn
Subject: EBCA Views on Special Exception

Dan and Marilyn,

Attached please find a letter which reflects the views of the East Bethesda Citizens Association on the special exception proposal for a parcel on West Virginia Avenue. It is being forwarded to your attention to assist you as you prepare your staff report/recommendations on the matter.

Please call to address any questions.

Regards,
Andy O'Hare
President,
East Bethesda Citizens Association
(202) 408-9494



April 14, 2005

Dan Janousek
Marilyn Clemens
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Special Exception Proposal on West Virginia Avenue

Dear Mr. Janousek and Ms. Clemens,

I am writing to you on behalf of the East Bethesda Citizens Association (EBCA) regarding a special exception proposal filed recently with the Montgomery County Board of Appeals addressing a parcel on West Virginia Avenue in East Bethesda. The special exception has been requested by Bloom Investments, LLC for the purpose of using a house-like structure as a private educational institution. EBCA is concerned with various aspects of this proposal and appreciates the opportunity to share them with you and your colleagues as you prepare your staff report on the matter.

EBCA is one of the largest citizens associations in Montgomery County. The association was founded in the 1930's and represents over 1,200 households. The community is situated between Wisconsin and Connecticut Avenues, north of East West Highway and south of Jones Bridge Road.

The community has recently focused considerable attention towards creating a vision for development along its western boundary, which includes the parcel on West Virginia Avenue. The vision stipulates a preference for preserving the residential character of the corridor between Wisconsin Avenue and Tilbury Streets. EBCA is therefore considering the merits of the special exception proposal through this "lens."

Bloom Investments is seeking the exception to host the Maryland Youth Ballet, a private ballet school. The school is currently housed in a building near the Bethesda Metro which is slated for re-development.

EBCA's concerns—iterated below—relate primarily to the nature, scope and size of the ballet's class schedule and the impact it will have on traffic coming to and through East Bethesda. We believe the studies done to date underestimate considerably the number of potential trips to and from the ballet and, consequently, the amount of additional traffic which will be experienced by

nearby residents and the community at large.

The traffic analyses need to be redone to accurately reflect the anticipated class schedule for the ballet and the other educational classes which have been proposed for the site. Otherwise, it is virtually impossible for EBCA, Park and Planning and the Hearing Examiner to assess the project's likely impact and to formulate a definitive perspective on the merits of the special exception proposal.

The specific EBCA concerns are as follows:

1. The Maryland Youth Ballet (MYB) class schedule is not clearly presented in the project proposal. The information contained in the proposal reflects classes held at the current location. Of particular interest is the number and frequency of classes for adults. The proposed structure is much larger and, therefore, one would expect that MYB would utilize this space to have more classes and classes with more students.
2. Plans for subleasing the space for other classes (yoga, pilates, aerobics, etc.) not managed directly by MYB is not clearly presented in the project proposal. EBCA is concerned that such could result in classes during the morning hours, which is not the case under the current schedule.
3. Plans for student pick-up/drop off. The project proposal suggests the use of public parking lot 44, though EBCA doubts parents will park and walk their children across the street. One would expect, instead, that parents would stop on West Virginia Avenue in front of the building, let the students off, and then proceed.
4. The traffic study does not address traffic coming through East Bethesda to get to the West Virginia location. It addresses only traffic in the immediate vicinity of the location. For example, a student coming to the building via westbound East-West Highway would likely cut through the neighborhood in order to avoid the congested intersection of Wisconsin Avenue, East-West Highway and Old Georgetown Road. Likewise, if there is traffic on Wisconsin Avenue—which is very common—students would likely divert into the neighborhood and use Tilbury Street, which parallels Wisconsin Avenue.
5. The traffic counts in the traffic study do not conform to the class schedule
6. The traffic counts in the traffic study do not conform to the class schedule and underestimates the number of trips.
7. The study does not reflect trips related to the adult classes.
8. The study does not reflect the trips associated with the non-ballet (“subleased”) classes (mentioned above).

9. The firm commitment of MYB to the West Virginia location is not clear. There is only a letter of intent.
10. The proposed project is adjacent to a single family home and classes are anticipated to run 7 days a week. It is not clear what type of accommodations will be made to minimize impacts (traffic, noise and nuisance) on the single family residences.
11. Potential for MYB class participants to park on residential streets of East Bethesda, whether during or outside of those times addressed by East Bethesda permit parking stickers.

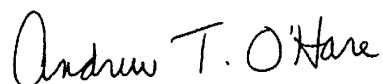
While EBCA has not formally taken a position on the special exception proposal, the association has considered a preliminary list of items the community believes could mitigate the most significant impacts on the community if they were required to be implemented by Bloom Investments. The suggestions include the following:

1. Bloom Investments and all subsequent owners of the property shall be barred from converting the zoning for the subject property to CT (Commercial Transition) from R-60, if the special exception is granted. The developer will have already received a considerable density bonus (additional square footage) by virtue of being able to use R-60 versus CT construction guidelines for the structure.
2. MYB shall confine all economic and instructional activity strictly to 4705 West Virginia Avenue. No instructional activity by MYB or any potential alternative tenants or subtenants may take place on any adjoining or nearby properties.
3. In an effort to prevent excessive population density on the premises, Bloom Investments and MYB shall not be allowed to lease or sublet space, respectively and inclusively, within the structure at 4705 West Virginia Avenue except for use between the hours of 1:30 p.m. to 3:30 p.m., Monday through Friday
4. Parking by all patrons of the facility shall be limited strictly to the site, and public parking lots 44 and 25.
5. Bloom Investments shall install the "Bethesda Streetscape" (sidewalks and lanterns) on both sides of West Virginia Avenue, from Wisconsin through the proposed project and on the opposite side of the street inclusive of the public parking lot.
6. MYB shall be held to the class schedule and anticipated pupil populations put forth in the special exception proposal (dated February 18, 2005).

7. Bloom Investments shall install some type of vegetative or other screen between 4705 West Virginia Avenue and the adjacent single family residence.
8. Only the four on site parking spaces requested in its special exception proposal (February 18, 2005, pg. 3) shall be allowed to be constructed onsite. This may help maintain open space in front of the oversized building, encourage use of public transportation and carpooling, facilitate the full utilization of the County parking lots, and deter illegal parking.
9. Likewise, the MYB or any tenants or successor owners or tenants shall not be issued residential parking permits for the East Bethesda area, as it is not in fact a residence and for the reasons mentioned in #8 above.

Thank you for considering the views of EBCA on the special exception proposal. I may be reached at (202) 408-9494 to discuss the community's concerns or preliminary project mitigation suggestions.

Sincerely,



Andrew T. O'Hare
President

Janousek, Daniel

From: Martin, Anne C. - ACM [AMartin@linowes-law.com]
Sent: Friday, April 08, 2005 4:51 PM
To: Janousek, Daniel
Subject: Bloom- Maryland Youth Ballet



Document.pdf

Dan:

For your records, I've attached copies of the other letters of support we've received here. We owe you the follow-up items, including TMP, which we'll try to get to you early next week.

Anne

Anne C. Martin
Linowes & Blocher LLP
7200 Wisconsin Avenue Suite 800
Bethesda, MD 20814
301.961.5127
301.654.2801 (fax)
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Janousek, Daniel

From: kwebb@rand.org
Sent: Monday, April 11, 2005 1:08 PM
To: Janousek, Daniel
Subject: FW: Re Maryland Youth Ballet, Special Exception Case No. S-2638

Sir,

I am aware that this proposed construction has generated some questions and concerns from my neighbors in the East Bethesda Citizens Association. I just wanted to share our views and those of my mother since we both believe the Ballet would be a good addition to our commercial buffer zone.

Thank you --

Kathi Webb, Tim Webb and Anna Watkins

----- Forwarded Message

From: "Martin, Anne C. - ACM" <AMartin@linowes-law.com>
Date: Fri, 8 Apr 2005 16:18:19 -0400
To: <kwebb@rand.org>
Cc: <bloombuilders@hotmail.com>, "Brown, Todd D. - TDB" <tbrown@linowes-law.com>, <daniel.janousek@mncppc-mc.org>
Subject: FW: Re Maryland Youth Ballet, Special Exception Case No. S-2638

Dear Mrs. Webb:

Thank you so much for your support of the special exception application for the Maryland Youth Ballet for the property at 4705 West Virginia Avenue in Bethesda. I would just ask that you please forward your email letter directly to Mr. Daniel Janousek at the Maryland-National Capital Park & Planning Commission (daniel.janousek@mncppc-mc.org, also at 301.495.4564), who I have also copied on this email for convenience. He is the zoning analyst that will be preparing the report and recommendation to the Planning Board and Board of Appeals on the application, so it is important that he get your correspondence (directly) supporting the Maryland Youth Ballet at this location, especially since you live in the East Bethesda community.

Thank you again for your support and taking time to send the email. Please do not hesitate to call me or Mr. Bloom if you have any further questions.

Anne

Anne C. Martin
Linowes & Blocher LLP

7200 Wisconsin Avenue Suite 800
Bethesda, MD 20814
301.961.5127
301.654.2801 (fax)
<http://www.linowes-law.com>
amartin@linowes-law.com

-----Original Message-----

From: kwebb@rand.org [mailto:kwebb@rand.org]

Sent: Monday, January 05, 1970 7:10 PM

To: bloombuilders@hotmail.com

Cc: Kathi Webb

Subject: Re Maryland Youth Ballet

Mr. Bloom,

I am writing to support your project for the Maryland Youth Ballet in our neighborhood on West Virginia Avenue. I can think of many worse things that could be built in the space you plan to use and right now it is not particularly attractive as a parking lot. The ballet school would be an unobtrusive neighbor and might offer us space for activities or entertainment upon occasion.

We have no objections to the planned construction project.

Thank you,

Kathi & Tim Webb
7903 Sleaford Place
Bethesda, MD 20814

Anna Watkins
7902 Lynnbrook Drive
Bethesda, MD 20814

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5 Hitching Post Court
North Bethesda, MD 20852-4424
March 6, 2005

Allison Ishihara Fultz, Esq.
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850

Case Number S-2638

Dear Ms. Fultz:

We are North Bethesda residents and the parents of a student at the Maryland Youth Ballet (MYB) in downtown Bethesda. We are writing to express our support for a special zoning exception to allow MYB to occupy dance studio space in the building east of Wisconsin Avenue. We know nothing about zoning regulations, but we cannot imagine a better use for any building in Bethesda than MYB.

Our daughter, Maya, has been dancing at MYB after school since kindergarten, and is now in 5th grade and enrolled in MYB's "Prep for Pointe" class. We consider ourselves to be conscientious parents, the type that pay close attention to our children's school, friends, use of computers and television, exercise, health, reading habits, and grooming. Like many parents, we try to teach our children to be cooperative with and considerate of others, and to strive to do their best at all times.

Maya's participation in dance at MYB has been a wonderful experience in every way, and particularly wonderful given all that we are trying to teach our daughter. MYB teaches excellent values such as individual responsibility, respect for teachers, punctuality, proper hygiene and grooming, creativity, and effort. Along with family, school and worship, MYB has been a noteworthy force for good in our daughter's education.

This year in particular has been remarkable. Maya's early years at MYB were in the little children's class (with Mrs. Cox), where they learned very basic skills such as responding to teacher prompts, organizing into lines or circles, and imitating teachers. As the years went by, more challenging skills were taught. This year, in the "Prep for Pointe" class, one can see for the first time the transformation of little girls into dancers. The children are memorizing complicated combinations, performing them to the left and to the right (very confusing!), and being conscious of placement of arms, head, knees, and so forth. These young dancers are not just following the moves of an instructor, they are thinking for themselves.

It is an emotional experience for a parent to see this transformation, and then as the class ends, to see the children line up and approach the teacher to bow/curtsy and thank the teacher for the class. This demonstration of beauty, respect and gratitude is not something one sees every day in our school system or in many homes.

As a decision-maker on a zoning matter, you may or may not consider the merit of a property use that teaches values such as effort, gratitude, humility, and cooperation. We hope you do.

Sincerely,

Annette and Marc Lieber

DIANE SLAVIN
1904 Brightleaf Court
Silver Spring, MD 20902
301 441 2849

March 7, 2005

VIA U.S. MAIL

Allison Ishihara Fultz, Esquire
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850

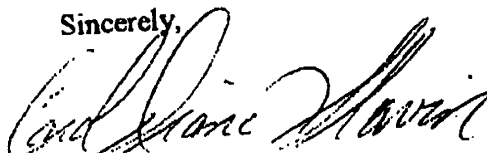
Re: Maryland Youth Ballet, Case Number S-2638

Dear Ms. Fultz:

I am writing in support of the Maryland Youth Ballet ("MYB") being granted a special exception in the above referenced case. I am a student at MYB and consider the classes I take to be life enhancing and MYB an extremely valuable asset to the community.

Thank you for your consideration.

Sincerely,



Diane Slavin

CDS

cc: Maryland Youth Ballet

March 19, 2005

Allison Ishihara Fultz, Esq.
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, Maryland 20850

Dear Ms Fultz;

How exciting is the possibility of making the new home of Maryland Youth Ballet in a building in East Bethesda, not far from where we are now. Life takes on new brightness with that prospect.

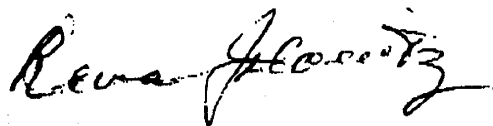
In 1965 my husband, our two children and I moved to Bethesda. A different Bethesda then in many ways, it had its own funkiness, charm and, of course, location, although it was considered "further out" geographically then than it is today. Ever since, I have participated actively in the life of this area—very much in the schools our children attended, Burning Tree, Pyle and Whitman, where I served as Vice President of the PTSA. I have collected for all sorts of causes in the neighborhood, sat on committees, and for 20 worked as a judge at the polls on election day. In 1974 I became a Realtor—still am—in the Washington/Maryland areas. We all know what has happened here in real estate; Bethesda is no exception.

We speak here about another exception—a special exception. So too, The Maryland Youth Ballet School is EXCEPTIONAL. Since its inception, this school continues to be a bulwark of the community, more so than many other enterprises that have come and gone. I am not taking away one bit from the other terrific institutions and establishments—in art, dance, music, commerce, business, medicine, etc. in Bethesda. We appreciate and are proud of them all. Maryland Youth Ballet is something else. It cuts across all lines, all ages, all endeavors, all professions. Our daughter took class here; I still do—just about every day. Do you realize how many people MYB attracts? Think of all the business the young students and adults generate all over Bethesda. Its beat is Bethesda's heart and soul! Check and see how many who dance now, or have graced dance companies all over the country—and abroad, come from MYB—right here in Bethesda!

The good people who work and run this school certainly do not do so to get rich. The rewards are not measured monetarily for the tremendous energy, care, responsibility and effort they expend. And we all share in the joys, successes and triumphs. The sense of joy and well-being, to say nothing of the good health that we derive from MYB have far-reaching effects. I kid you not! I know that for me, a day without class is a day without sunshine. We need that sunshine. I know that there are concerns in the overall exception picture. I sincerely hope that they can be worked out. For the vitality, health and well-being of Bethesda and beyond, the Maryland Youth Ballet must continue strong, vibrant and HERE!

Thank you so much for your attention to Case Number S—2638.

Sincerely,



Ilsa K. Bush
4353 Warren St., NW
Washington, DC 20016
ilsabush@aol.com

March 20, 2005

Allison Ishihara Fultz, Esq.
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850

Case Number S-2638

Dear Ms. Fultz:

I strongly urge the Montgomery County Board of Appeals to grant the Special Zoning Exception that would allow the Maryland Youth Ballet (MYB) to occupy the subject property in East Bethesda.

The Maryland Youth Ballet is not simply a vital local asset meeting the needs of many dancers of all ages in this area. It is a world class institution contributing fine dancers to companies all over this country and bringing honor to the region with the quality of its artistic product. I have studied and/or taught ballet for about 50 years in many places around the United States. Comparing the many schools I have been in, MYB ranks as one of the best in the performance standards it sets and the breadth of its offerings.

It also seems to make good economic sense to keep MYB in the Bethesda area. Seven days a week there is a steady stream of students attending classes. These students and their parents shop in the stores, attend the movies, and eat in the restaurants that are located near the studio. I attend several classes a week and, although I live in DC, I find it convenient to do my shopping in Bethesda on my way to and from class.

I hope the Board will realize how important it is to have a ballet school of the caliber of MYB in Bethesda and take the steps necessary to keep it here.

Sincerely,



Ilsa Bush

e/ MYB

March 29, 2005

Allison Fultz
Montgomery County Board of Appeals
100 Maryland Ave. Room 217
Rockville, Md. 20850

Case Number: S-2638

Dear Ms. Fultz:

Thank you for the opportunity to write to you regarding Maryland Youth Ballet. I will try and be brief and direct as I am certain you have received numerous letters.

I don't know if you have actually been there, but it really is a magical place. I am an adult student of ballet, and it changes my life—daily. From the moment I walk in the door to the moment I leave, I feel the comfort of new and old friends, laughter and lots and lots of learning.

I am an Executive that travels for work, and coming to class is something that I not only value from a health perspective—it is an artistic outlet that allows me to function with my "other career." When I miss class, I feel I've missed something that I really value and appreciate. We always joke that work gets in the way of our dancing—and it really is true. Although not a professional dancer, as many of us are not, we still take class daily with the same seriousness that you might find at any other professional dance school. We all really love it, and are committed to it.

We are also blessed to have THE most WONDERFUL staff you could ever imagine. Everyone from our teachers to all support people who work so hard running the school so that we can all enjoy class work tirelessly at making the machine function. I am so grateful to all of them for what they give and do for all of us!

If you want to see the impact that MYB has on the children, just come over on a typical Saturday morning. You will hear the sound of piano's playing for classes and children screaming and laughing with joy.

I live in Chevy Chase, and am beyond lucky to have the studio in Bethesda. Since I travel so much, I actually pack my ballet shoes and leotards in my bag and literally come to class from the airport. I would not be as lucky, nor would I be able to make class nearly as much if it weren't located in the heart of Bethesda.

We are all hoping that we'll have a new home, in Bethesda that will continue to be easily accessible by car and by Metro. Our classes and our school mean so much to

us; again, if one were to come and see a class, I think you'd see what I mean. MYB is such an important part of our lives; I think most of us would be truly depressed without it! We love our teachers, the musicians, everyone who runs the school from an administrative level—we even love when it's time to pay our dues!

Thank you for your support with our efforts to remain a dance school in Bethesda—we all really need this—and by the way, I'd like to also say that it is the most welcoming place! So if anyone is thinking of trying out one of the many adult or children's classes, please don't hesitate. I guarantee the experience will be awesome, and they will be met with the same warmth and have the same gratifying experience that we are lucky enough to have everyday.

Thank you for your time and assistance.

Sincerely,

Nancy Kirisch
Nancy Kirisch

P.S. Because there are so many great classes offered at night, Bethesda is great b/c we all feel really safe there too!

Thanks!

5 Hitching Post Court
North Bethesda, MD 20852-4424
March 6, 2005

Allison Ishihara Fultz, Esq.
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850

Case Number S-2638

Dear Ms. Fultz:

We are North Bethesda residents and the parents of a student at the Maryland Youth Ballet (MYB) in downtown Bethesda. We are writing to express our support for a special zoning exception to allow MYB to occupy dance studio space in the building east of Wisconsin Avenue. We know nothing about zoning regulations, but we cannot imagine a better use for any building in Bethesda than MYB.

Our daughter, Maya, has been dancing at MYB after school since kindergarten, and is now in 5th grade and enrolled in MYB's "Prep for Pointe" class. We consider ourselves to be conscientious parents, the type that pay close attention to our children's school, friends, use of computers and television, exercise, health, reading habits, and grooming. Like many parents, we try to teach our children to be cooperative with and considerate of others, and to strive to do their best at all times.

Maya's participation in dance at MYB has been a wonderful experience in every way, and particularly wonderful given all that we are trying to teach our daughter. MYB teaches excellent values such as individual responsibility, respect for teachers, punctuality, proper hygiene and grooming, creativity, and effort. Along with family, school and worship, MYB has been a noteworthy force for good in our daughter's education.

This year in particular has been remarkable. Maya's early years at MYB were in the little children's class (with Mrs. Cox), where they learned very basic skills such as responding to teacher prompts, organizing into lines or circles, and imitating teachers. As the years went by, more challenging skills were taught. This year, in the "Prep for Pointe" class, one can see for the first time the transformation of little girls into dancers. The children are memorizing complicated combinations, performing them to the left and to the right (very confusing!), and being conscious of placement of arms, head, knees, and so forth. These young dancers are not just following the moves of an instructor, they are thinking for themselves.

It is an emotional experience for a parent to see this transformation, and then as the class ends, to see the children line up and approach the teacher to bow/curtsy and thank the teacher for the class. This demonstration of beauty, respect and gratitude is not something one sees every day in our school system or in many homes.

As a decision-maker on a zoning matter, you may or may not consider the merit of a property use that teaches values such as effort, gratitude, humility, and cooperation. We hope you do.

Sincerely,

Annette and Marc Lieber

Susan Schwelling
1716 Leighton Wood Lane
Silver Spring, MD 20910
March 9, 2005

Allison Ishihara Fultz
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850

Dear Ms. Fultz:

I am writing to request a speedy hearing and positive decision regarding the special zoning exemption (Case Number S-2638) needed for the Maryland Youth Ballet (MYB) to build a new facility just off Wisconsin Avenue in East Bethesda. MYB has been part of my life for 25 years.

My daughter, who trained at MYB initially because it was located in a convenient neighborhood location when we lived in Chevy Chase, went on to become a professional dancer as have many of the school's alumni. MYB has received critical acclaim, many "Metro DC Dance Awards" nominations and awards, and is known around the country as one of the nation's leading ballet schools. I have myself been an adult dance student (one of 500) for almost 20 years and because of my presence in Bethesda almost every day I patronize many local businesses and restaurants.

I am also Board President of Bowen McCauley Dance (BMD) whose Artistic Director, Lucy Bowen McCauley, is a MYB faculty member. BMD, who in a recent Washington Post review was called "(with the exception of the Washington Ballet) the area's premier dance company," rehearses at MYB, bringing into Bethesda, and providing employment for, many of the area's finest dancers.

A recent February performance, "Dance Bethesda," sponsored by the Bethesda Arts and Entertainment District at the Round House Theater, featured dancers from both MYB and BMD. The enthusiastic response from the sell-out audience (many people were turned away at the door) is testament to the artistic quality of both these groups and the importance of making good dance available to the Bethesda community. As downtown Bethesda strives to become an "arts destination" it is imperative to keep such highly esteemed cultural institutions as MYB and BMD in downtown Bethesda.

In closing, I want to assure the residents of East Bethesda that MYB will be a good neighbor and an asset to their community. Cars dropping off students will enter and leave the school from Wisconsin Avenue. The planned location is metro accessible, there is ample public parking in the area and neighborhood streets will not be affected.

Thank you for your attention to this matter.

Sincerely,

Susan Schwelling

BowenMcCauleyDance

Lucy Bowen McCauley
Artistic Director & Choreographer

Ted Guthrie
Executive Director

2016 Woodstock Street
Arlington, VA 22207
703-524-4641

dance@bmdc.org
www.bmdc.org

- Board of Directors*
- Debra Castellino
 - Sex Bickmore
 - Jill Bixler
 - Anne Cavalluzzi
 - Debra Edenbaum
 - Anne Gudis
 - Eve Lilley
 - Joan McCarthy
 - Ann McCauley
 - Benjamin McGregor

- Advisory Board*
- Henry Alterman
 - Dianne Brace
 - Mary Day
 - Terresa Fonseca
 - Will Green
 - Elvi Moore
 - Michael Stiglitz
 - Douglas Wheeler

March 15, 2005

Allison Ishihara Fultz, Esq.
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850

Dear Ms. Fultz;


I am writing to request an expedited hearing with a positive outcome on zoning exception S-2638. The Maryland Youth Ballet (MYB), which has been located at Woodmont Corner in Bethesda since 1979, will be losing its four studios next January when the Woodmont Corner site is to be torn down and redeveloped. We must move quickly to establish a new facility in Bethesda so that there is no break in instruction for hundreds of students or loss of wages for all of MYB's outstanding teachers.

I have been on the faculty at MYB for over fifteen years. I teach teenagers and adults and also take class myself at this wonderful school. I, as well as many others, have made lasting friendships at MYB. The school is an artistic community that makes an important contribution to the cultural and social life of Bethesda.

Bowen McCauley Dance (BMD), a company I founded, has made its home at the Maryland Youth Ballet for all of its nine years. As Artistic Director, I must stress the need for rehearsal space for artistic endeavors as well as a space for classes and instruction.

Without MYB I would lose my main source of income and a place for my Company to rehearse. The reputation of the school should speak for itself...shaping young dancers for top careers in the dance world and educating adults in ballet, stretch, and pilates...and insure the continuation of this prominent and nationally known Bethesda institution.

I appreciate whatever you and your staff can do to help MYB get the necessary zoning at our planned new Bethesda site so we can begin construction in a timely manner. Thank you for your attention to this matter.

Sincerely,

Lucy Bowen McCauley,
Artistic Director



THE *Washington* BALLET

March 6, 2005

Allison Ishihara Fultz, Esq.
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, Maryland 20650

Dear Ms. Fultz,

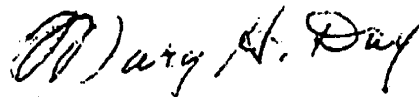
This letter is written to express my support for the Maryland Youth Ballet which has a special exception application S-2638 filed with the Montgomery County Board of Appeals.

I am the Founder of The Washington School of Ballet, which has been located at 3515 Wisconsin Avenue, N.W., Washington, DC since 1948. At the outset, The Washington School of Ballet was given approval for a zoning ordinance exception and The Washington Ballet has always been a cultural asset for the city of Washington.

The Maryland Youth Ballet has proven itself to be a similar asset for the State of Maryland and of Montgomery County, and therefore should be allowed to continue operating their very successful school in Bethesda where they have been since 1979.

Thank you for your consideration.

Sincerely yours,



Mary H. Day
Founder/Director (retired)

CHRIS VAN HOLLEN
8TH DISTRICT, MARYLAND

COMMITTEE ON
EDUCATION AND THE WORKFORCE

COMMITTEE ON GOVERNMENT REFORM

**Congress of the United States
House of Representatives**

Washington, DC 20515
March 7, 2005

1419 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5341

DISTRICT OFFICE:
51 MONROE STREET, #507
ROCKVILLE, MD 20850
(301) 424-3601

2408 ROCK ISLAND AVENUE
MOUNT PLAIN, MD 20712
(301) 827-6223

www.house.gov/vanhollen

Allison Ishihara Fultz, Esq.
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850

Re: Special exception application S-2638

Dear Ms. Ishihara Fultz:

I am writing to express my support for the special exception application for the property at 4705 West Virginia Avenue in Bethesda. I urge you to approve this application promptly, so that the private educational institution moving to that location, the School of the Maryland Youth Ballet, can relocate its programs before its current location is demolished.

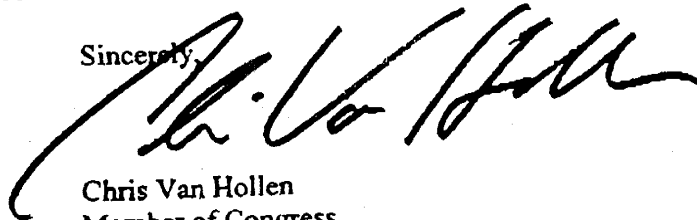
Maryland Youth Ballet has been located in Bethesda since the early 1970's. The school has been a center for the arts and dance community in that area. In addition to having 500 children as students and over 1000 adult students who come from all over the region to take classes there, the school also provides rehearsal space for both emerging and established regional dance companies.

Former students of Maryland Youth Ballet have performed in many major national companies, including the American Ballet Theatre. In addition to providing the highest quality dance training, however, the school also provides dance classes for children with disabilities. Enabling the school to remain in Bethesda is important not only for the students and their parents, but for the community at large, which benefits from the foot traffic the school generates. Many Bethesda businesses benefit from having dancers and their parents shopping in the area.

The Woodmont Corner building, the present home of Maryland Youth Ballet, is scheduled to be demolished in early 2006. Accordingly, it is critical that the exception be given both an expedited hearing and a favorable outcome. It would be terribly unfortunate for Bethesda, and for Montgomery County generally, to lose a world-class arts school and a longstanding member of the community.

Thank you for considering my comments.

Sincerely,



Chris Van Hollen
Member of Congress

Allison Ishihara Fultz, Esq.
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850

To Whom It May Concern:

I am writing this letter to ask that you please consider granting the special exception application of case number S-2638 in your office of appeals. I am an alumni of the Maryland Youth Ballet and am currently a member of the San Francisco Ballet. Studying at MYB was an essential part of my schooling and I am very grateful to the school, the wonderful teachers, and the city of Bethesda. I am very proud to have studied there and would like to do as much as possible to ensure the success of their move and the pursuance of their mission, to train dancers and continue to educate the community of Bethesda. Thank you for considering the special exception.

Garen Price Scribner
San Francisco Ballet

(415) 531-4697
497 Fulton St.
San Francisco, CA
94102

March 23, 2005

Allison Ishihara Fultz, Esq.
Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850

Re: Special Exemption Application S-2638

Dear Ms. Fultz:

I am writing to express my support for the special exemption application recently filed with the Montgomery County Board of Appeals by the Maryland Youth Ballet ("MYB").

As an alumna of MYB, and a resident of Bethesda from 1973-1991 (where my parents still live), I can think of no institution more vital to the Bethesda community than MYB. The professional caliber of MYB's classes draws children and adult students from across Bethesda as well as from surrounding areas and even other states. The presence of these students adds energy and life to the downtown area both on weekdays and weekends, as well as bringing big business to a variety of local vendors. In addition, MYB's community-oriented classes and productions enhance the cultural life of Montgomery County for residents and visitors alike.

Furthermore, and perhaps most important, MYB provides invaluable educational enrichment to the young people of Bethesda and beyond. In an era when public schools struggle to maintain funding for arts education, MYB supplements and augments the public school curriculum—at no cost to taxpayers! The value of such education is immeasurable. For example, the invaluable training I received over 15 years at MYB enabled me to pursue a career in arts administration at Boston Ballet as well as informed and inspired my graduate work in arts education. While a law school student, I moonlighted as a teacher at a local ballet school in Chicago, passing along much of what I learned at MYB while also paying my rent. Now, as a corporate attorney, I rely daily on the discipline, focus and respect for perfection I learned as a student at MYB. The lessons, as well as the friendships, I gained from MYB remain with me today and in fact it is usually the first place I head to reconnect when I return home to Bethesda for a visit.

I urge you to grant MYB's application for a zoning ordinance so that it may continue to occupy its rightful place in the heart and soul of Bethesda, and encourage you to contact me at 617-290-7893 if you have any questions or would like to discuss this letter.

Sincerely,



Susanna P. Witt

cc: Patricia C. Moseley

BOARD OF APPEALS
for
MONTGOMERY COUNTY
(240) 777-6600
(www.montgomerycountymd.gov/mc/council/board.html)

Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
(240) 777-6660/fax (240) 777-6665

www.montgomerycountymd.gov/council/hearing.html

CASE NO. S-2638

PETITION OF BLOOM INVESTMENTS, LLC

NOTICE OF HEARING

Please take notice that a public hearing will be held by the Office of Zoning and Administrative Hearings for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, Second Floor Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland, **on Friday, the 27th day of May, 2005, at 9:30 a.m.** or as soon thereafter as this matter can heard, on the application for the special exception pursuant to Section 59-G-2.19 (Private Educational Institution) of the Zoning Ordinance to permit: **1) The operation of a non-profit dance instruction institution; 2) Parking for a maximum of four vehicles on the premises. Additional employee parking, as well as parking for students and other visitors will be accommodated within the public parking garage across the street. 3) Eighteen young adult students and forty adult students in the various classes; 4) Hours of operation: 10 am to 9 pm, Monday to Friday and 8 am to 5 pm on Saturday and Sunday; 5) Thirty employees both full and part-time, with approximately ten employees onsite at any given day for classes and administrative matters; 6) Use of these premises for other performances arts users for a reasonable fee. Such use would be accommodated during the hours of operation of weekday evenings and or in the daytime on weekends. Class attendance in these activities would be limited to fifteen students on weekdays and fifty on weekends.**

The subject property is Lot 26, Block 5, West Chevy Chase Heights Subdivision, located at 4705 West Virginia Avenue, Bethesda, Maryland 20814, in the R-60 Zone (Tax Account Number 0703457071).

Notices forwarded this 21st day of March, 2005, to:

Bloom Investments, LLC
Lewis Bloom, Owner
Anne Martin, Esquire
Malcolm Spicer, Jr., Esquire, Assistant County Attorney
Robert Hubbard, Director, Department of Permitting Services
Martin Klauber, Esquire, People's Counsel

**BOARD OF APPEALS
For
MONTGOMERY COUNTY**

REGARDING SPECIAL EXCEPTION AND VARIANCE CASES

A copy of the applicant's complete submission has been referred to the Montgomery County Planning Board for review and recommendation. For further information about the hearing, which may be scheduled in special exception cases, please call (301) 495-4610.

The file containing the applicant's submission for a special exception or a variance may be examined and copied in the Board's office **prior to the day of the hearing, from 8:30 a.m. to 4:00 p.m., Monday through Friday.** The office is located in the Stella B. Werner Council Office Building, at 100 Maryland Avenue, Room 217, Rockville.

The Montgomery County Zoning Ordinance is available for reference in the reference section of Montgomery County Libraries, the Office of the Montgomery County Board of Appeals, the Department of Permitting Services and the Montgomery County Planning Board.

For information about purchasing a copy of the Montgomery County Zoning Ordinance, contact the Office of the County Attorney at 101 Monroe Street, Third Floor, Rockville at (240) 777-6700.

Groups and organizations, whether or not they are represented by counsel, and/or citizens represented by counsel, who wish to testify at the hearing, must file two (2) copies of their statements at least ten (10) days before the scheduled hearing date. Their statement must indicate what they expect to prove, the names of witnesses, the estimated time for presentation of their case, and other such materials as may be required. The statement must be accompanied by copies of documentary evidence and resumes and summaries of testimony of expert witnesses. An individual may testify on his or her on behalf without prior notice either in favor of, or in opposition to, the special exception or variance. (No prior filing of an opposition statement is required in cases heard on less than thirty (30) days notice.) See the Board's Rules of Procedures, available at the Office of the Board of Appeals, or request a copy of the Board's brochure.

LINOWES
AND | **BLOCHER LLP**
ATTORNEYS AT LAW

March 14, 2005

Todd D. Brown
301.961.5218
tbrown@linowes-law.com

By Overnight Delivery

Allison Ishihara Fultz, Esq., Chair
and Members of the Montgomery County
Board of Appeals
100 Maryland Avenue, Room 217
Rockville, Maryland 20850

Re: Case No. S-2638 – Petition of Bloom Investments LLC

Dear Ms. Fultz and Members of the Board:

The purpose of this letter is to thank the Board for providing us with an opportunity to discuss a potential expedited hearing with Planning Commission staff for purposes of accommodating the Maryland Youth Ballet schedule as discussed at the Board's March 9, 2005 worksession. Unfortunately, it does not appear that Planning Board review and recommendation could occur early enough to justify rescheduling the hearing set for May 27, 2005 before the Montgomery County Hearing Examiner. We therefore withdraw our request for an expedited hearing.

Thank you again for your consideration in attempting to facilitate our request.

Very truly yours,

LINOWES AND BLOCHER LLP



Todd D. Brown

cc: Mr. Lewis Bloom
Martin Klauber, Esq.
Mr. Daniel Janousek ✓
Mr. Andrew O'Hare

#409071 v1