

BEFORE THE BOARD OF ZONING APPEALS
TOWN OF WASHINGTON GROVE

In the Matter of :
DIANA KUENTZ : Case No. 03-01
d/b/a TWICE IS NICE :
:

OPINION AND ORDER

Diana Kuentz, doing business as Twice Is Nice, applied for a special exception under Section 8.2B(b), of the Washington Grove Zoning Ordinance,¹ to operate a specialty retail store that sells merchandise of one class category (but not food for drink for human consumption).

The Board conducted a public hearing on July 19, 2003, at 10:00 a.m. in the Council Chambers of McCathran Hall.

After being sworn, the following individuals gave testimony: Diana Kuentz, Charles Challstrom, Thomas Appleby, and John McClellan, Chair, Washington Grove Planning Commission.

Based on the evidence admitted into the record at the public hearing, the Board makes the following findings of fact, and conclusions of law:

1. Diana Kuentz owns and operates a woman's boutique consignment shop known as "Twice is Nice." Twice is Nice has currently operated in Old Town Gaithersburg on Russell Avenue for approximately 11 years.
2. Twice is Nice offers for sale to consumers merchandise under consignment from individuals who previously owned the merchandise for personal or

¹ Section references are to Article VII of the Washington Grove Code of Ordinances.

household use. The merchandise is limited to adult women's apparel, jewelry, small antiques, and small items of household décor.

3. Twice is Nice will occupy a space in the local commercial zone of approximately 1,500 square feet and will be assigned 4 parking spaces in the parking lot at the commercial corner.

4. Twice is Nice generally has no more than 2 employees in the store at any one time.

5. Twice is Nice normally has no more than 5 customers in the store at one time.

6. All merchandise is delivered to the store by consignors in an automobile or personal van. Twice is Nice does not sell merchandise from commercial wholesalers.

7. Diana Kuentz indicated that all merchandise will be delivered and leave the store through the main entrance, which faces Washington Grove Lane. Thomas Appleby owns the residence located at 112 Chestnut Avenue, which faces the rear of the commercial corner across Hickory Road. Mr. Appleby supports granting a special exception only under the condition that merchandise will not enter or leave the store through the rear loading dock facing Hickory Road. The Board received into the record a letter written by Thomas and Sylvia Appleby opposing the use of the rear loading dock for the delivery of merchandise.

8. John McClellan, Chair of the Washington Grove Planning Commission, supports granting the special exception, but opposes using the rear loading dock for receiving or delivering merchandise.

9. Charles Challstrom supports granting the special exception to Twice is Nice; he indicated that he has been a long-time customer of Twice is Nice in Gaithersburg and that he has never seen more than 5 customers in the Gaithersburg store at any one time.

Based on these findings of fact, the Board concludes that:

1. Twice is Nice is a specialty retail store that sells merchandise (but not food for drink for human consumption), of one class category – i.e., a woman’s boutique consignment shop that is limited to the sale of adult women’s apparel, jewelry, small antiques, and small items of home décor.

2. The applicant has shown by clear and convincing evidence that Twice is Nice will not significantly burden the Town of Washington Grove with increased noise, litter, and pedestrian or vehicular traffic.

Accordingly, the Board grants applicant’s request for a special exception to operate a woman’s boutique consignment shop that is limited to the sale of adult women’s apparel, jewelry, small antiques, and small items of home décor in the local commercial zone subject to the following condition: All merchandise must be delivered to and leave the store through the main entrance facing Washington Grove Lane. The rear door and loading dock must not be used for the operation of the store.



Marc Hansen, Chair
Board of Zoning Appeals

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BEFORE THE BOARD OF ZONING APPEALS
TOWN OF WASHINGTON GROVE
Minutes

The Board of Zoning Appeals met on July 19, 2003, at 10:00 a.m. in the Council Chambers of McCathran Hall to conduct a public hearing on the special exception request of Diana Kuentz doing business as Twice is Nice. Ms. Kuentz requested a special exception under Section 8.2B of the Washington Grove Zoning Ordinance for a specialty retail store.

Christine Dibble, Ralph Hurst, and Marc Hansen sat as the Board. By consent, Marc Hansen acted as Chair of the Board.

After conducting a public hearing on the special exception application of Diana Kuentz, the Board adopted by unanimous vote a resolution granting the special exception subject to a certain condition for the reasons set out in the attached Opinion and Order.

Respectfully submitted,

Marc Hansen

Marc Hansen, Chair
Board of Zoning Appeals

Dated: 8/9/03