



Scott C. Wallace
301.517.4813
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August 11, 2020

Mr. Jud Ashman, Mayor,
and Members of the Gaithersburg City Council
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2038

Re: DeVol Funeral Home – 10 and 14 East Deer Park Drive (the “Property”) –
Concept Plan SP-8415-2020 (the “Concept Plan”)

Dear Mayor Ashman and Council Members:

This office represents DeVol Enterprises, Inc., the owner of the DeVol Funeral Home (“DeVol”) and applicant for the referenced Concept Plan application. The Concept Plan seeks approval to convert an existing house on the Property into a funeral home with viewing parlors and accessory cremation services and to add parking spaces on the Property (the “Project”). At the August 3rd Public Hearing on the Concept Plan, the Council voted to hold the record open until September 2, 2020 with a policy discussion scheduled for September 21, 2020. The purpose of this letter is to request an extension of the closing of the public record on the Concept Plan to September 16, 2020, and the policy discussion to be held on October 5, 2020. These dates have been coordinated with City staff.

This extension is requested in order to allow DeVol to hold a virtual community meeting on a date in early September that will be determined shortly. DeVol and the Project’s consultants will present the Project and answer any questions from the participants. We hope this meeting will help to address any questions or concerns the community has regarding the Project.

Thank you for your consideration of this request. Please do not hesitate to contact me if you have any questions.

Very truly yours,


Scott C. Wallace

cc: Mr. Greg Mann
Ms. Jasmine Forbes
Mr. Robert DeVol

Jasmine Forbes

From: Frank Johnson
Sent: Wednesday, August 12, 2020 2:24 PM
To: Jasmine Forbes
Subject: RE: DeVol Funeral Home

Jasmine: Yes, I would agree. As I had earlier advised, the CD Zone allows funeral homes, and as you note, the Sec. 24-1 definition includes “any building” which includes one or more parlor rooms for “temporary resting places for dead human bodies” and “space and facilities for the preparation of such bodies for burial or other final disposition . . .” Since “final disposition” isn’t otherwise limited, and after all it is clear it means other options besides burial, I can see no other way conclude that doesn’t include cremation.

Thus I had concluded that as long as the crematorium use was included as part of a building which also had one or more parlor rooms as temporary resting places (which they did indicate at the August 3 public hearing would be the case), the definition of “funeral home” would allow it. The restriction would be that a stand-alone crematorium as a single use in a building (with no parlors for temporary resting places) would not be permitted, as the definition only such preparation uses “for burial or other final disposition” where they are “also included” in buildings which have one or more parlors.

I think that is what you are looking for but if anything else let me know!

Thanks
Frank



Frank M. Johnson, Deputy City Attorney | Office of the City Attorney
City of Gaithersburg | 31 S. Summit Avenue | Gaithersburg, MD 20877
P (240) 805.1086 | F (301) 948.6149

From: Jasmine Forbes <Jasmine.Forbes@gaitersburgmd.gov>
Sent: Wednesday, August 12, 2020 12:35 PM
To: Frank Johnson <Frank.Johnson@gaitersburgmd.gov>
Subject: DeVol Funeral Home

Good Afternoon Frank,

As Staff prepares the Final Staff Analysis for the DeVol Funeral Home, I would like to include a legal perspective on the crematorium use for the DeVol funeral home in the record. One of the main concerns that was brought up during the August 3rd public hearing was the crematorium use and whether it is allowed in the CD zone. In the City Code, crematoriums are not referenced, but in the funeral home definition it mentions that “Any building in which one or more parlors or rooms are maintained for the temporary resting place of dead human bodies pending final disposition thereof. Such building may also include the following: Space and facilities for the preparation of such bodies for burial or other final disposition; a chapel for the purpose of conducting religious or memorial services or ceremonies (and in which no emergency ambulance service is provided); rooms or space for administrative offices for conducting the business of the home; rooms or space for the housing of equipment, including motor vehicles; living quarters for not more than one family unit who are employees or owners of such funeral home or children of such employees or owners. Emergency ambulance service shall not be provided from the building.” Since the definition includes other final disposition, Staff is of the opinion that a crematorium use that is associated with a funeral home is permitted. Based off

this definition, would a crematorium that is associated with a funeral home is permitted? Is Staff interpreting this correctly? Do you know of any Maryland court cases related to crematory uses? Thank you.



Jasmine Forbes, Planner I
Planning and Code Administration

City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD, 20877

Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov

Jasmine.Forbes@gaitersburgmd.gov

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, August 17, 2020 4:58 PM
To: 'junkychy123@gmail.com'
Subject: RE: Crematorium in East Deer Park

Good Afternoon,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration.

Regards,
Jasmine Forbes

Jasmine Forbes, Planner I
Planning and Code Administration

City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD, 20877
Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov
Jasmine.Forbes@gaithersburgmd.gov

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

From: junkychy123@gmail.com <junkychy123@gmail.com>
Sent: Monday, August 17, 2020 3:10 PM
To: Planning External Mailing <Planning@gaithersburgmd.gov>
Subject: Crematorium in East Deer Park

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

My name is Ashton Smith and I'm a resident at Gaithersburg and i live in the east deer park area where the funeral home wants to build a crematorium in a residential area where a bunch of houses are. I know my neighborhood and theres a lot of old people that would probably have issues with these toxic stuff in the air. And I know people that have asthma and I'm just asking if you can move it somewhere else where theres not other people around. We don't want our city smelling like dead people.

Sincerely, Ashton

Sent from my iPhone

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, August 17, 2020 7:31 PM
To: 'Irma A. Villatoro'
Subject: RE: HELP STOP THE CREMATORIUM

Good Evening,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration.

Regards,
Jasmine Forbes



Jasmine Forbes, Planner I
Planning and Code Administration

City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD, 20877
Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov
Jasmine.Forbes@gaithersburgmd.gov

From: Irma A. Villatoro <ita5ggv41@gmail.com>
Sent: Monday, August 17, 2020 6:44 PM
To: Planning External Mailing <Planning@gaithersburgmd.gov>
Subject: HELP STOP THE CREMATORIUM

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NO WAY ALL THE EAST GAITHERSBURG NEIGHBORHOOD WILL EVER ALOUD SUCH A
DESPICABLE INHUMAN ACTION JUST FOR THE SAKE OF MONEY. THE GOVERNMENT SHOULD
PROHIBIT SUCH ACTIONS.

The Villatoro Family
206 East Deer Park Dr.
Gaithersburg, MD. 20877

ita5ggv41@gmail.com

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, August 17, 2020 7:38 PM
To: 'Maria Runge'
Subject: RE: DEVOL Crematorium

Good Evening,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration.

Regards,
Jasmine Forbes



Jasmine Forbes, Planner I
Planning and Code Administration

City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD, 20877
Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov
Jasmine.Forbes@gaitthersburgmd.gov

From: Maria Runge <mrunge2013@gmail.com>
Sent: Monday, August 17, 2020 7:29 PM
To: Planning External Mailing <Planning@gaitthersburgmd.gov>; Jud Ashman <Jud.Ashman@gaitthersburgmd.gov>
Subject: DEVOL Crematorium

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As an immediate resident, I am against the rezoning and approval of the Devol Crematorium at 14 E. Deer Park.

Maria Runge
12 Hutton Street
Gaithersburg, MD