

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
<http://www.montgomerycountymd.gov/ozah/index.html>
Phone: (240) 777-6660; Fax (240) 777-6665**

CONDITIONAL USE CASE NO. CU 19-04 and VARIANCE CASE NO. A-6575

APPLICATION OF FM GROUP, INC. d/b/a FRANCISCO LANDSCAPING

NOTICE OF RESCHEDULED HEARING DATE

Please take notice that **the public hearing** previously scheduled in this consolidated case for Friday, January 18, 2019, by the Office of Zoning and Administrative Hearings for Montgomery County, Maryland (OZAH), **will not be held on that date.** The OZAH hearing is being postponed indefinitely because on January 10, 2019, the Montgomery County Planning Board deferred action on this matter and therefore will not be issuing a recommendation to the Hearing Examiner, as required by Zoning Ordinance §59.7.3.1.D.2.b., prior to the previously scheduled hearing date.

The above-captioned application (CU 19-04) is for a Conditional Use, pursuant to Section 59.3.5.5 of the Zoning Ordinance, to permit a Landscape Contractor. It is consolidated with an application for a Variance (A-6575), referred to OZAH for a hearing by a Resolution from the Board of Appeals, effective September 27, 2018.

The subject property is located at 15400 Holly Grove Road, Silver Spring, MD, in the RE-2C Zone, It is identified as Parcel P066, Snowden's Manor Subdivision (Tax Account Number 05-00278344).

The entire file may be reviewed in the Office of Zoning and Administrative Hearings, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m., prior to the date of the hearing.

Persons or associations that are (1) represented by counsel, (2) intending to appear in organized opposition, **or** (3) intending to introduce expert evidence or testimony must file a pre-hearing statement containing the information required by Rules 3.4 and 3.5 of OZAH's Rules of Procedure (Rules). Filings must include an electronic copy of the statement and all attachments. These Rules may be found on OZAH's website at <http://www.montgomerycountymd.gov/ozah/>. The Applicant must submit its pre-hearing statement at least 30 days before the public hearing. Persons in opposition that are required to file a pre-hearing statement must do so no less than 20 days before the public hearing.

In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

Continued

In addition to all other requirements, any party submitting documentary evidence for the record must file electronic copies of their submissions. Amended electronic copies must also be submitted of any amended documents. Electronic copies must be submitted on external storage media, including Compact Discs or DVDs, in Microsoft WORD format for text documents, and in PDF format for plans, photos and other non-text documents.

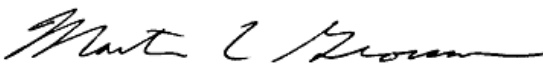
Nothing in this notice is intended to limit the rights of individual members of the public to testify during the hearing or to submit pertinent written materials at any time while the record remains open for that purpose. You may submit a signed letter to OZAH, which will be considered by the Hearing Examiner as part of the record but doing so will not automatically make you a party of record. Applicants and members of the public who testify at an OZAH hearing, whether for or against the application, are automatically considered parties of record. A person or organization that does not wish to appear at the OZAH hearing but wishes to be a party of record may request that status in a signed letter to OZAH. *See* OZAH Rule 3.1.

If you need services to participate in a public hearing, please contact this Office no later than seven (7) days in advance of the public hearing by calling 240-777-6660 (TTY 240-777-7914) or emailing us at ozah@montgomerycountymd.gov. OZAH cannot guarantee that an interpreter can be made available if notified of the request less than seven (7) days in advance of the public hearing. This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

Notices forwarded this 14th day of January 2019 to:

FM Group Inc. d/b/a Francisco Landscaping, Applicant
Sean Hughes, Esquire, Applicant's counsel
Elba C. Argueta, Property owner
Patricia A. Thomas, Neighbor in Opposition
Charles Frederick, Esquire, Associate County Attorney
Diane Schwartz-Jones, Director, Department of Permitting Services
Greg Nichols, Manager, SPES at DPS
Elsabett Tesfaye, Planning Department
Alexandre Espinosa, Director, Finance Department
Abutting and Confronting Property Owners
(or a condominium's council of unit owners or renters, if applicable)
Civic, Renters' and Homeowners' Associations within a half mile of the site
Any Municipality within a half mile of the site

Office of Zoning and Administrative Hearings

by: 
Martin L. Grossman, Director
Hearing Examiner