

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
for**

**MONTGOMERY COUNTY  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850**

**<https://www.montgomerycountymd.gov/ozah/index.html>**

**Phone: (240) 777-6660; Fax (240) 777-6665**

**CASE NO. CU 20-08**

**APPLICATION OF MARTHA B. GUDELSKY CHILD  
DEVELOPMENT CENTER, INC.**

**ORDER GRANTING POSTPONEMENT OF PUBLIC HEARING,  
NOTICE OF RESCHEDULED HEARING DATE, AND  
NOTICE OF PARKING WAIVER**

On September 9, 2020, the Office of Zoning and Administrative Hearings (OZAH) received a request from Patricia Harris, Esq., attorney for the Applicant, to postpone the public hearing in the above case currently scheduled on Monday, October 5, 2020.

The application seeks a conditional use to operate a *Day Care Center* (over 30 persons) under Section 59-3.4.4.F of the Zoning Ordinance. The subject property is located at 8901 and 8907 Colesville Road, Silver Spring, Maryland 20910 (Tax Acct. Nos. 13-00971462 and 13-00972821).

**Order Granting Postponement Request**

The Applicant requested a postponement of the public hearing because the Planning Department had to postpone the Planning Board's meeting on the application through no fault of the Applicant's. The delay in the Planning Board's meeting, however, could delay making exhibits available on OZAH's website in advance of the public hearing.

As the postponement request was not caused by the Applicant and the postponement will improve the public's access to the most current exhibits in the case, the Hearing Examiner hereby grants the Applicant's postponement request.

**Notice of Rescheduled Public Hearing**

**PLEASE TAKE NOTICE** that the public hearing in this case is hereby **rescheduled to Monday, October 12, 2020 at 9:30 a.m.** or as soon thereafter as the matter may be heard.

**Due to the COVID-19 pandemic, this hearing will be held remotely via Microsoft Teams. You do not need to sign up in advance to testify or view the hearing. You do not need a subscription to Microsoft Teams to join the hearing. Instructions to access the public hearing**

**may be found under the link “Public Hearing Remote Access and Exhibits” and the Hearing Calendar on OZAH’s website at least two days before the public hearing.**

**All exhibits filed in the case will be available to view and download from the same link on OZAH’s website at least two days before the public hearing. Exhibits are removed the day after the public hearing so that staff can prepare for the next hearing. If you wish to download any of the exhibits, you should do so no later than 5:00 p.m. of the day of the public hearing.**

#### Notice of Parking Waiver

The Applicant requests a waiver of four (4) parking spaces from the minimum 93 parking spaces otherwise required for the site under Section 59.6.2.4.B of the Zoning Ordinance. Standards for review of the waiver request are included in Sections 59.6.2.10 and 59.6.2.1 of the Montgomery County Zoning Ordinance.

*OZAH is now operating remotely to the extent possible.* You may review the application online at <https://montgomeryplanning.org/development> under the application number CU202008. If you wish to review the full file (all submission in the case) before it is published on the website or have other questions, please contact Nana Johnson at (240) 777-6663 or [nana.johnson@montgomerycountymd.gov](mailto:nana.johnson@montgomerycountymd.gov).

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 OZAH’s Amended Land Use Rules of Procedure. These Rules may be found on OZAH’s website listed above. 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. Deadlines for submissions are close of business (5:00 p.m.) on the date due. If the date due falls on a day that the County is not open, the deadline is 5:00 p.m. on the next business day.

Any party submitting documentary evidence for the record must file electronic copies of their submissions by email. Paper copies must also be sent by U.S. mail, postmarked the day of the email. This includes all amended filings.

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).

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](mailto: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.

Order and Notices forwarded this 15th day of September 2020, to:

Patricia A. Harris, Esq, Applicant's Attorney  
Elizabeth Rogers, Esq. Applicant's Attorney  
Stephanie Dickel, MNCPPC  
Charles Frederick, Esquire, Associate County Attorney  
Department of Permitting Services Greg Nichols, Manager, SPES at DPS  
Michael Coveyou, Director, Finance Department  
Washington Suburban Sanitary Commission Montgomery County Public Schools  
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 and Any Municipality within a half mile  
of the site.

Office of Zoning and Administrative Hearings



by: \_\_\_\_\_  
Lynn Robeson Hannan  
Hearing Examiner