

**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.**

**NOTICE PUBLIC HEARING ON OBJECTION
TO MINOR AMENDMENT**

On November 24, 2020, the Hearing Examiner approved the above application for 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). The approved conditional use permitted a 12,090 square-foot addition for a child day care center with up to 180 children and 60 staff.

On February 9, 2022, the Applicant requested a minor amendment to the application to eliminate the proposed addition due to increased construction costs. Exhibit 87. After referring the amendment to Staff of the Planning Department, the Hearing Examiner administratively approved the minor amendment on June 23, 2022. On July 5, 2022, the Office of Zoning and Administrative Hearings (OZAH) received an objection to the administrative approval.

Once an objection is received, the Zoning Ordinance requires the Hearing Examiner to suspend her administrative approval and hold a public hearing on whether the amendment proposed is “major” or “minor”. A major amendment is one that “substantially changes the nature, character, or intensity of the conditional use or its effect on the immediate neighborhood.” A minor amendment is one that “does not change the nature, character, or intensity of the conditional use to an extent that substantial adverse effects on the surrounding neighborhood could reasonably be expected, when considered in combination with the underlying conditional use.” *Zoning Ordinance*, §7.3.1.K. If after public hearing, the Hearing Examiner determines the proposed amendment is minor, the amendment remains approved. If the Hearing Examiner determines it is a “major” amendment, the amendment must follow the same procedures as a new conditional use. *Id.*

Please take notice that a public hearing is scheduled on the objection filed in this case on Thursday, August 25, 2022, at 9:30 a.m. **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 via the link “Public Hearing Remote Access and Exhibits” on OZAH’s website at least two days before the public hearing. Proposed exhibits MUST be submitted to OZAH no later than 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.

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.

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. 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 18th day of July 2022, to:

Patricia A. Harris, Esq, Applicant's Attorney
Elizabeth Rogers, Esq. Applicant's Attorney
Stephanie Dickel, Planning Department
Cliff Royalty, Esquire
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