

**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 23-02 / LMA H-147

APPLICATION OF WHITE OAK STORAGE, LLC

**NOTICE OF PUBLIC HEARING, MOTION TO AMEND, AND WAIVER TO
MINIMUM NUMBER OF REQUIRED PARKING SPACES**

Public Hearing Notice

Please take notice that Office of Zoning and Administrative Hearings for Montgomery County, Maryland (OZAH), will hold a public hearing on **Friday, January 13, 2023 at 9:30 a.m.**, or as soon thereafter as this matter can be heard, on an application for conditional use to permit a *self-storage facility* under Section 59-3.6.8.D of the Zoning Ordinance.

The subject property is located at 11105 New Hampshire Avenue, Silver Spring, Maryland 20904 (Tax Account Number 05-000276584) and is currently in the CR-2.5, C-1.5, R-1.5, H-200' zone. LMA H-147 proposes changing the zoning to CRTF-2.25, C-2.25, R-1.5, H-200'.

PLEASE NOTE: 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 via the link "Public Hearing Remote Access and Exhibits" 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.

OZAH is now operating remotely to the extent possible. You may review the application online at <https://montgomeryplanning.org/development> under the application number CU202302. 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 Sara Behanna at (240) 777-6661 or sara.behanna@montgomerycountymd.gov.

Persons or associations that are (1) represented by counsel, (2) intending to appear in organized

**Exhibit 24
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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 County is not open on the date due, 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.

Notice of Motion to Amend

On Tuesday, December 6, 2022, the Applicant's attorney, Elizabeth C. Rogers, Esq., filed a request to amend the application, after the MNCPPC's Staff ("Planning Staff" or "Staff") review of the Conditional Use Application.

In support of changes suggested by the Staff, the Applicant submitted the following documents:

1. Letter to OZAH summarizing the modifications to the original plans including the addition of gross floor area and certain modifications to the building and site design;
2. Amended Plans in response to Park and Planning Staff comments; and

3. Revised Land Use Report.

A motion to amend an application requests permission only to revise portions of the application. Granting the motion merely allows the Applicant to make the requested changes to the application, but does not, in any way, approve the application itself. The Hearing Examiner will take the motion to amend the application under consideration for a period of ten days from the date of this notice, until **December 23, 2022**. Interested parties who object to the motion must do so, in writing, no later than **December 23, 2022**. If no objection is received by that time, the motion will be considered granted. Additional notification regarding the amendment will be provided only if an objection is received.

Notice of Request for Waiver to Required Number of Parking Spaces

Please be advised that the Applicant is requesting a waiver of the requirement in Zoning Ordinance §59. 6.2.4.B, that the proposed use provide 25 parking spaces. The Applicant seeks to provide 12 parking spaces, which is 13 fewer than called for in the cited provision.

The Applicant believes that this departure from the normal parking requirements is necessary due to site constraints, in order to meet the County's urban design objectives to improve the street view and enhance the pedestrian environment, and will not adversely affect the neighborhood because the Applicant will also provide five (5) additional loading parking spaces for a total of 17 spaces available on site and in Applicant's experience at other locations, the proposed parking will provide more than adequate parking onsite.

If the conditional use in this case is granted, the Office of Zoning and Administrative Hearings (OZAH) has authority under Section 59.6.2.10 to waive any parking requirements that are not necessary to ensure that adequate parking is provided in a safe and efficient manner at this site.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Notices forwarded this 13th day of December, 2022 to:

Noah Mehrkam, Applicant
Elizabeth C Rogers, Esq, Applicant's Attorney
Matthew Folden, MNCPPC
Parker Smith, MNCPPC
Clifford Royalty, Esquire, Office of the County Attorney
Department of Permitting Services Greg Nichols, Manager, SPES at DPS
Michael Coveyou, 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 and Any Municipality within a half mile
of the site.

Office of Zoning and Administrative Hearing

A handwritten signature in blue ink, appearing to read 'KB', with a long horizontal flourish extending to the right.

Kathleen Byrne
Hearing Examiner